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COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS FOR 2011

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

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NOTE: Under Committee Rules, Mr. Obey, as Chairman of the Full Committee, and Mr. Lewis, as Ranking Minority Member of the Full Committee, are authorized to sit as Members of all Subcommittees.

JOHN BLAZEY, DIXON BUTLER, ADRIENNE SIMONSON, DIANA SIMPSON, DAREK NEWBY, and BRAD DANIELS, *Subcommittee Staff*

PART 8

STATEMENTS OF MEMBERS OF CONGRESS AND OTHER INTERESTED INDIVIDUALS AND ORGANIZATIONS

Printed for the use of the Committee on Appropriations

PART 8—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS FOR 2011

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COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS FOR 2011

TESTIMONY OF MEMBERS OF CONGRESS AND OTHER INTERESTED INDIVIDUALS AND ORGANIZATIONS

WEDNESDAY, APRIL 14, 2010.

Mr. MOLLOHAN. The hearing will come to order.

Today we have outside witnesses. It is a great opportunity for the Congress to learn about what folks who are stakeholders or just have an interest in the jurisdictions of our bill feel about the issues that are dealt with through appropriations. And I value this hearing very much.

Unfortunately, today I am not going to be able to spend the whole day. I always do that, but there are just other things that I have to do. But we value your testimony, appreciate it very much, and consider this a very important part of our hearing process.

Sometimes you think folks think that in the hearing process, everybody has their mind made up to begin with but that is really not true. And that is absolutely true with regard to outside witnesses, so we value your testimony.

Our first witness this morning, we will hear testimony from Bill Acker. Mr. Acker is the Director of Broadcasting and Technology, West Virginia Public Radio.

We very much appreciate your appearance here today, Mr. Acker. We will stick to a five minute rule on the Committee. We invite you to submit your written testimony and then you can summarize or proceed as you will for that period of time.

Mr. ACKER. Okay.

Mr. MOLLOHAN. Mr. Acker.

WEDNESDAY, APRIL 14, 2010.

ASSOCIATION OF PUBLIC TELEVISION STATIONS

WITNESS

BILL ACKER, DIRECTOR OF BROADCASTING AND TECHNOLOGY, WEST VIRGINIA PUBLIC BROADCASTING, ASSOCIATION OF PUBLIC TELEVISION STATIONS

Testimony of Bill Acker, Director of Broadcasting and Technology
West Virginia Public Broadcasting
On behalf of the Association of Public Television Stations (APTS)
Before the House Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies

Chairman Mollohan, Ranking Member Wolf, my name is Bill Acker and I am the Director of Broadcasting and Technology for West Virginia Public Broadcasting. Today, I am testifying on behalf of the Association of Public Television Stations and the 361 public television stations across the country. I appreciate the opportunity to testify before you today on the critical importance of the Public Telecommunications Facilities Program (PTFP) to the nation's local public broadcasters. **This year, public broadcasters respectfully request that your Subcommittee provide $44 million for PTFP within the National Telecommunications and Information Administration.**

More than 40 years after its inception, public television stations continue to serve as the treasured cultural institutions envisioned by their founders, reaching America's local communities with unsurpassed programming and services. Furthermore, the power of digital technology has enabled stations to greatly expand their delivery platforms to reach Americans where they are increasingly consuming media—online and on-demand—in addition to on-air.

None of this, however, would be possible if not for the assistance that PTFP provides local stations. For some four decades, PTFP has served as the critical infrastructure program that helped build a public broadcasting system of radio and television stations, which reaches more than 95 percent of America's population. PTFP actually predates the creation of the Public Broadcasting Act. Its funding is what allowed communities to build stations beginning in the 1960s. For the last 40 years, PTFP has continued to bring first-time service to many communities while maintaining this incredible system that has educated generations of Americans.

In recent years there has been criticism that the program is no longer needed now that the digital transition is complete. This view reflects a fundamental misunderstanding of PTFP. As part of its overall mission to provide stations with resources for upgrades and improvements, in recent years, ***some*** PTFP funds have gone to help stations meet the mandated digital conversion needs. However, in the same time period, PTFP has also been critical to addressing stations' non-digital conversion needs such as emergency equipment replacement, providing first-time service to communities and assistance for regular equipment upgrades and maintenance.

Thus, the program remains as important now as it has for the last 40 years. If PTFP were eliminated, stations would have nowhere to turn when equipment needed to be replaced or upgraded. In fact, today's digital equipment will age faster than analog equipment. Some stations that went digital 10 years ago are already looking to PTFP for replacement equipment assistance. Indeed, a number of stations are reporting a digital equipment depreciation rate that is 30% faster than they experienced with analog equipment.

The Administration's budget submission also contends that public broadcasting infrastructure costs could be absorbed by the Corporation for Public Broadcasting (CPB) line-item or the CPB Digital Program. What that argument fails to realize is that those accounts are not set up to handle needs-based infrastructure funding which varies from year to year. The CPB Digital program was established to address very specific digital equipment and content needs of local stations—not ongoing maintenance and infrastructure investments which are addressed by PTFP. And, unlike PTFP, which is a highly competitive grant program, the general CPB appropriation gives out money in the same proportional amount each year to stations in the form of Community Service Grants (CSGs) as established by the CPB formula. Furthermore, by statute, stations' CSGs are to be used by stations for "purposes related primarily to the production or acquisition of programming." With that in mind from FY 2006-2008, public broadcasting stations have directly received over $844 million in CSGs from the CPB appropriation. However, the programming costs for the system reached nearly $3.9 billion. In other words, stations had more than 4.5 times the need for programming funds as what was provided to them through the CPB appropriation.

During the same time period, stations received over $45 million from the CPB Digital program and over $54 million from PTFP— for a total of nearly $99 million federally invested in public broadcasting infrastructure. However, in that same time period, stations spent nearly $524 million in equipment and infrastructure—reflecting the fact that both programs together have only been able to help stations address roughly 19% of their capital needs. Therefore, the statement that funding exists elsewhere to fund critical infrastructure projects is simply not valid and is further negated by the statutory constraints on the CPB appropriation and the different missions of the CPB Digital program and PTFP.

Moreover, the Department of Commerce has vast experience administering this program and the staff at NTIA has carried out the competitive grant process and distribution with efficiency and great success. An underlying question that the Subcommittee should ask is: "Why uproot this effective, highly successful program when it is working so well?"

One of PTFP's key roles is that it also serves as the only dedicated source of federal funding for our stations in the event of an emergency—for instance the loss of a transmitter or other critical equipment due to natural or man-made disasters like floods, hurricane and wildfires. These disasters threaten the ability of public broadcasters to stay on the air to deliver needed services and information to their local communities especially during time of great need. Without PTFP funds, many of these communities would be vulnerable to the compounded effect of losing their local news, including emergency evacuation information, offered by their local public television stations in addition to the effects of disaster.

Following hurricanes Katrina and Rita, several stations in the Gulf region were awarded PTFP emergency grants to allow them to get back on the air and serve their communities. PTFP was critical in restoring the transmission capabilities of our stations in New York, whose transmitters were located atop the World Trade Center and were destroyed following the tragic events of September 11, 2001.

Additionally, PTFP provides the only federal source of start-up funding for stations looking to enter unserved and underserved communities. These stations often bring service to Native American reservations, rural communities and minority communities. Last year alone, nearly a quarter of the PTFP grants went to communities looking to provide first-time service. This effort first brought public radio service to over 400,000 Americans and provided additional service to almost two million more.

Moreover, the Federal Communications Commission (FCC) opened a filing window in 2007 for non-commercial educational radio stations, the first such frequency filing opportunity in more than seven years. Several hundred applications from public radio stations were filed for new frequencies to improve or provide first-time service for communities across America. Each of these new frequencies, once approved by the FCC, will require a build-out, adding to the vitally-important matching grant financing provided by PTFP.

Because of PTFP, nearly every U.S. household has access to the most trusted and highest quality educational, cultural and public affairs programming offered by their local public television and radio stations—regardless of where those households are located. PTFP has made it possible for public television and radio stations to bring their services to the most remote corners of this country including areas that have no access to cable or other broadcasters. PTFP makes it possible for people that cannot afford to pay for cable or satellite to have continued access to quality programming that educates their families, enlightens their lives and allows them to explore the world. PTFP also gives the necessary support for stations to provide the millions of people who are hearing and visually impaired with radio and television captioned services and reading programs.

PTFP has been drastically under-funded in the past several years. Since suffering an 18% cut in FY 2002 and FY 2003, compounded by an additional 50% cut in FY 2004, and subsequent cuts in the following years, PTFP has been unable to keep pace with the essential infrastructure needs of public broadcasting. These cuts have directly resulted in a growing backlog of needed projects, with applications to the program outnumbering grants more than 2 to 1 in the last several years. Last year alone, NTIA received nearly $50 million in applications for PTFP, but the agency only had $20 million available for awards. Funding at $44 million for FY 2011 would restore the program to pre-2004 levels. Like all infrastructure projects, the costs and risks of failed service rise exponentially each year that vital projects are left unfunded.

On average, stations leverage PTFP funding to locally raise an additional 50 percent of infrastructure and maintenance costs—resulting in a very successful public-private partnership committed to protecting one of this nation's most valued resources.

PTFP funding is about more than towers and antennas. Ultimately, it is the means that ensures that all Americans have access to the highest quality local, educational, and cultural programming and services that are delivered to communities nationwide by America's public broadcasters. As some of the last locally owned and operated media outlets in the country, PTFP is a critical resource for stations as they seek to share with their communities the breadth and depth of public broadcasting services from early childhood literacy, workforce training, public affairs, cultural programming, health education and emergency services.

For example, in 2008, my station—West Virginia Public Broadcasting—received a PTFP grant that was used to fund the purchase of sound equipment to replicate in digital the high-quality program *Mountain Stage*. This grant also allowed *Mountain Stage* to be aired on television in addition to its traditional radio broadcast, bringing this showcase of music and culture to a new audience. In Pennsylvania, PTFP grants were used in 2007 and 2008 to bring first-time public radio service to more than 50,000 Pennsylvanians in the Philadelphia area and beyond. In Virginia over the last three years, PTFP funds have provided first-time radio service, boosted public radio services to reach nearly 200,000 new listeners, and funded a study in establishing a network for long-distance learning and the ability to target low-income and underserved communities.

Finally, in this economy it is important to note that PTFP creates jobs and promotes economic growth by providing funds for major construction projects throughout the country. Just as we recognize the importance of other infrastructure improvements to reducing future costs and generating jobs, the same is true for PTFP.

We believe Congress should renew its commitment to PTFP to ensure public broadcasting will continue to thrive, and we ask that your subcommittee approve this request of $44 million in FY 2011 for PTFP.

Thank you for the opportunity to appear before you today. We appreciate the support that this committee has long provided public television and we look forward to continuing to work with you to ensure that all Americans have access to the highest level of educational, cultural and public affairs programming.

Mr. ACKER. Congressman Mollohan, Congressman Wolf, I appreciate very much the opportunity to testify today about the importance of the Public Telecommunications and Facility Program or PTFP.

This year, public broadcasters respectfully request that the Subcommittee provide $44 million for PTFP. For more than four decades, PTFP has served as the critical infrastructure program that helped build and maintain the public broadcasting system, television, and radio.

In recent years, there has been criticism that the program is no longer needed because the digital transition is complete. I remind you that is only a transmission digital transition.

The view reflects a fundamental misunderstanding of PTFP. In recent years, yes, some funds from PTFP have gone to help stations meet the mandated digital conversion. However, PTFP has remained critical to addressing other station needs such as emergency equipment replacement, such as providing first-time service to communities, and assistance for regular equipment upgrades and maintenance.

If PTFP were eliminated, stations would have nowhere to turn for the equipment needed to be replaced or upgraded. In fact, today's digital equipment will age much, much faster than analog equipment. Some stations that went digital ten years ago are already looking to PTFP for replacement and upgrade of equipment. Just think of having a ten-year-old computer. That is basically where many of the stations stand right now.

The Administration's budget submission also contends that public broadcasting infrastructure costs could be absorbed by the Corporation for Public Broadcasting line item or CPB Digital Fund. What that argument fails to realize is that those accounts cannot handle needs-based infrastructure funding that varies from year to year, station to station, market to market.

In addition to providing stations with a competitive public/private matching grant program to upgrade and replace station equipment, PTFP also serves several other significant roles. One of PTFP's key roles is that it is the only dedicated source of federal funding for our stations in the event of an emergency.

For example, I have read grants for emergencies for a microwave failure in Montana and got the Montana system back in distribution to all their translators within a seven-day period. PTFP is the only place you can do that.

Additionally, PTFP provides the only federal source for startup funding for stations who are looking to serve unserved or underserved communities.

In my time in West Virginia Public Broadcasting, PTFP has provided over $3 million in grants to support the infrastructure of public television and public radio in West Virginia, such things as cameras, editors both for radio and for television, distribution equipment, recording equipment, I just finished a PTFP for recording equipment for Mountain Stage in order to do on-the-road digital broadcasts and hopefully digital television, studio lighting, and, of course, a major commitment to the digital transition.

Current grant requests that I have in front of PTFP are primarily for radio service to unserved markets in the state. Bluefield

is an example. St. Mary's is an example. We are trying to provide some additional broadcasts for radio in that St. Mary's area.

PTFP has been drastically underfunded for the past several years. Last year, NTIA received nearly $50 million in applications, but the agency only had $20 million available for awards.

Like all infrastructure projects, the costs and risks of failed service and failed investment in that infrastructure rise exponentially each year that the vital projects are left unfunded and unmaintained. This is especially critical right now during these economic periods.

PTFP funding is about more than just towers and transmitters and antennas. Ultimately it is the means that ensures all Americans have access to the highest quality local education and cultural programming and services that are delivered to communities nationwide by America's public television broadcasters and radio broadcasters.

As some of the last locally owned and operated media outlets in the country, PTFP is a critical resource, a vital resource for stations as they seek to share with their communities the breadth and depth of public broadcasting services.

I want to thank you for the opportunity to appear before you today. We appreciate the support this Committee has given, has long provided public television and radio stations, and we look forward to continuing to work with you to ensure that all Americans have access to the highest quality of educational programming. It is vital that PTFP continue for the infrastructure of public broadcasting.

Mr. MOLLOHAN. What is the matter with the Executive Branch that it does not understand the difference between public broadcasting account and labor H and PTFP in our jurisdiction?

Mr. ACKER. I am sorry?

Mr. MOLLOHAN. What is wrong with the Administration after Administration, the Executive Branch, that they keep zeroing out PTFP?

Mr. ACKER. I think they basically misunderstand what PTFP's primary function is and how, for example——

Mr. MOLLOHAN. Well, no, no. I am sorry to interrupt you.

Mr. ACKER. Okay.

Mr. MOLLOHAN. Why don't you talk to them, make a convincing case? It really is helpful for this Subcommittee. When the Administration requests that and when they put a big zero in that account, we have to make that up in our allocation which is really hard to do. It is going to be very hard this year.

Mr. ACKER. Believe me, we will be doing more and more of that.

Mr. MOLLOHAN. Who would you be talking to in the Administration; do you know?

Mr. ACKER. Well, we——

Mr. MOLLOHAN. Well, you can figure it out.

Mr. ACKER. Yeah.

Mr. MOLLOHAN. That is okay. The point is it would be really helpful if they came forward with something. I think these accounts were up to $45 million at one point.

Mr. ACKER. Yeah. And that is what we are looking for next year. And I have read PTFP grants for years and I can tell you there

are always more requests, but typically about 65 percent of them are unfunded——

Mr. MOLLOHAN. Yeah.

Mr. ACKER [continuing]. As far as a number of requests.

Mr. MOLLOHAN. Yeah. Did I hear you say there were $50 million of requests?

Mr. ACKER. In requests last year and only $20 million funded.

Mr. MOLLOHAN. Okay. Well, thank you very much, Mr. Acker.

Mr. ACKER. Thank you.

Mr. MOLLOHAN. We appreciate your testimony here today.

Next the Committee would like to welcome Scott Smith. Mr. Smith is Ohio County Prosecuting Attorney. He is testifying on behalf of the Fight Crime: Invest in Kids.

Scott, welcome to the hearing today.

WEDNESDAY, APRIL 14, 2010.

FIGHT CRIME: INVEST IN KIDS

WITNESS

SCOTT SMITH, PROSECUTING ATTORNEY, OHIO COUNTY, WV, FIGHT CRIME: INVEST IN KIDS

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5,000 Police Chiefs, Sheriffs, Prosecutors, other Law Enforcement Leaders, and Violence Survivors Preventing Crime and Violence

U.S. House of Representatives

Committee on Appropriations

Subcommittee on Commerce, Justice, Science, and Related Agencies

Written Testimony of:

Scott Smith
Prosecuting Attorney; Ohio County, WV

On Behalf of:
FIGHT CRIME: INVEST IN KIDS

Hearing on FY 2011
April 14, 2010

1212 New York Ave. NW, Ste 300 • Washington, DC 20005 • (202) 776-0027 • Fax (202) 776-0110 • www.fightcrime.org

Mr. Chairman and Members of the Subcommittee on Commerce, Justice, Science, and Related Agencies:

Thank you for the opportunity to testify before you today. My name is Scott Smith and I am the Prosecuting Attorney for Ohio County, West Virginia. I am also a member of Fight Crime: Invest in Kids, a national anti-crime organization of over 5,000 police chiefs, sheriffs, prosecutors, attorneys general, other law enforcement leaders, and victims of violence who have come together to take a hard-nosed look at the research about what really works to keep kids from becoming criminals.

As a prosecutor, I know that there is no substitute for tough law enforcement when it comes to keeping our communities safe. Across the country, law enforcement is busy arresting and prosecuting juvenile offenders, and the most dangerous of these youth are being locked up. The good news is that 60 percent of juveniles coming before a court for their first offense will not return to juvenile court again. Research tells us, however, that punishment alone is not always enough: among second-time offenders age 14 or younger, 77 percent will come back for a third court appearance.

Such high rates of recidivism are troubling; our country needs to do more to help at-risk youth. Fortunately, our experiences—and research—show that making targeted investments in kids can help by intervening effectively to prevent recidivism or by keeping them away from crime in the first place. Title II and Title V of the Juvenile Justice and Delinquency Prevention Act, the Juvenile Accountability Block Grant (JABG), Juvenile Mentoring programs, and funding under the Second Chance Act provide needed support for such evidence-based prevention and intervention strategies to reduce crime.

Keeping Kids Away From Crime

Funding made available under Title V Local Delinquency Prevention Grants is the only federal funding source dedicated solely to the prevention of youth crime and violence. Communities can use these grants to fund a wide range of prevention programs including after-school activities, mentoring, tutoring, as well as initiatives to prevent school drop-outs, substance abuse, and gang activity. These grants are competitive, and require localities to match at least 50 percent of the grant funds with cash or in-kind contributions. To participate in the program, localities must engage in collaborative, comprehensive planning of needed community-based delinquency prevention efforts.

As mentioned before, Title V grants can fund after-school programs that help at-risk youth avoid criminal activity in the first place. The hours of 3:00pm – 6:00pm have been called the "prime time for juvenile crime," and with good reason: currently, 14 million children lack proper adult supervision after school. These are the hours when juvenile crime soars and children are most likely to become victims of crime, be in a car accident, smoke tobacco, drink alcohol, or use drugs. Programs such as Boys & Girls Clubs connect children to caring adults and constructive activities during these critical hours. These investments have been shown by research to be effective in reducing delinquent behavior. Specifically, a comparison study found that housing projects without Boys & Girls Clubs had 50 percent more vandalism and scored 37 percent worse on drug activity than those served by the programs.

Like after-school programs, high-quality Juvenile Mentoring programs have been shown to help at-risk youth avoid criminal activity in the first place. For example, a study of Big Brothers Big Sisters found that young people who were randomly assigned to a Big Brother or Big Sister mentor were about half as likely to begin illegal drug use and nearly one-third less likely to hit someone compared to those who were assigned to a waiting list.

Effective Interventions to Reduce Recidivism

JJDPA Title II State Formula Grants and the Juvenile Accountability Block Grant (JABG) can fund several proven crime-reducing therapeutic interventions for kids who have already gotten into trouble. One such intervention is Multisystemic Therapy (MST). MST targets kids who are serious juvenile offenders by addressing the multiple factors related to delinquency in their peer, school, neighborhood, and family environments. One study of MST found juvenile offenders who had not received MST were 62 percent more likely to have been arrested for an offense, and more than twice as likely to be arrested for a violent offense. MST also saved the public an average of $5 for every $1 invested. Another intervention, Functional Family Therapy (FFT), works to engage and motivate youth and their families to change behaviors that often lead to criminal activity. In one evaluation, youth whose families received FFT were found to be half as likely to be re-arrested as those whose families did not. Further, FFT was found to save the public $50,000 per youth treated.

The new proposed Byrne Criminal Justice Innovation Program can help fund place-based innovative, evidence-based approaches that help troubled youth stay on track. For example, a combination of intensive police supervision, expedited sanctions for repeated violence, community pressure, and expedited access to jobs, drug treatment, or other services—a carrot-and-stick approach—has shown in a number of cities that it can cut homicides by violent offenders in high crime neighborhoods. One study comparing two Chicago neighborhoods—one employing the carrot-and-stick approach and one that did not—found that in the carrot-and-stick area there was a 37 percent drop in quarterly homicide rates, while the decline in the other neighborhood during the same period was only 18 percent.

Effective Reentry Approaches to Reduce Recidivism

Each year, approximately 100,000 juveniles leave correctional facilities nationwide. Juveniles released from confinement still have their likely 'prime crime years' ahead of them, and unsuccessful transitions back into communities result in an alarmingly high recidivism rate of 55-75 percent for juvenile offenders. Effective reentry programs help reduce recidivism rates by providing support and resources to guide ex-offenders through a successful transition back to community life. One effective, research-based program with a strong reentry component is Multidimensional Treatment Foster Care (MTFC). MTFC provides services to youth and their families during and after a youth's out-of-home placement, ongoing supervision by a program case manager, and frequent contact and coordination of services with the youth's parole/probation officer, teachers, work supervisors, and other involved adults. In studies, MTFC has been shown to cut juvenile recidivism in half and saves the public an average of $89,000 for every juvenile treated.

The bipartisan Second Chance Act can support effective reentry efforts, including programs like MTFC. The Second Chance Act authorizes assistance to states and localities to develop and implement strategic plans for comprehensive efforts to enable ex-offenders to successfully reenter their communities such as: family reunification, job training, education, housing, and substance abuse and mental health services.

Overwhelming Unmet Needs

Unfortunately, the evidence-based prevention and intervention programs for young people – which we know to be effective in reducing crime – remain woefully underfunded. For example, Title II State Formula Grants, Title V Local Delinquency Prevention grants, and JABG have yet to recover from funding cuts in the years since FY 2002. Currently, there are approximately 400,000 juvenile offenders

on probation and 150,000 eligible for out-of-home placement. Unfortunately, only about 35,000 of them receive MST, MTFC, and FFT. Juvenile Mentoring funds, while increased since FY 2002, fall far short of meeting the needs of at-risk and troubled youth.

I urge you to restore funding for Title II State Formula Grants to $89 million, Title V Local Delinquency Prevention Grants to $95 million, and Juvenile Accountability Block Grants to $250 million, levels appropriated by Congress in 2002, before the cuts of subsequent years. I urge you to fund the new proposed Byrne Criminal Justice Innovation Program at $40 million.

I also urge you to fully fund programs authorized by the Second Chance Act, including funding for the Adult and Juvenile Offender State and Local Reentry Demonstration Projects at the authorized amount of $55 million.

Finally, I urge you to maintain at least the FY 2010 funding level of $100 million for Juvenile Mentoring this year.

Youth-Focused Violence Prevention and Intervention Research

In addition to increased funding for programs funded under JJDPA, JABG, and the Second Chance Act, I urge you to set aside at least 30 percent of NIJ research funding for rigorous scientific evaluation of youth-focused violence prevention and intervention approaches. This set-aside should fund randomized control trials and rigorous comparison group studies of youth-focused violence prevention and intervention approaches, with a specific focus on community-based approaches that serve the most at-risk populations.

A set-aside for NIJ-funded research that focuses on what works with youth is needed for four reasons. First, 18 to 21-year-olds account for a greater percentage of crime than any other four-year age group. Therefore, we should increase research investments to identify programs that really work to help keep at-risk kids on the right track and to reduce recidivism among juvenile offenders before they hit the "prime crime years" of 18-21. Second, brain development research shows that adolescence is a crucial period in the development of one's reasoning and judgment. We need to better understand which interventions with troubled adolescents can best enable them to develop the reasoning and skills that will turn them away from criminal activity. Third, we also know from the research that there are programs and approaches that are effective with adults but not as effective with juveniles (e.g., drug courts), and vice versa; therefore, any research that does not specifically focus on youth can not be presumed to be applicable to youth. Finally, there are many promising, but currently untested, approaches to youth and gang crime prevention and intervention. Increased federal attention on youth-focused violence prevention and intervention research would help us learn even more than we know now about how to effectively reduce juvenile crime.

Law enforcement leaders' commitment to putting dangerous criminals in jail must be matched by a commitment from Congress to fund investments in kids that help prevent them from becoming criminals. On behalf of my fellow law enforcement leaders around the country who, like me, are members of FIGHT CRIME: INVEST IN KIDS, I urge you to work with us increase our nation's investments in these proven crime-prevention strategies that improve outcomes for kids, and save lives and taxpayer dollars.

Thank you again for this opportunity to present this testimony.

Mr. SCOTT SMITH. Thank you. Good morning. And thank you for the opportunity to testify before you today.

My name is Scott Smith. I am the Prosecuting Attorney in Ohio County, West Virginia. However, I am also a member of Fight Crime: Invest in Kids which is a national organization of more than 5,000 law enforcement leaders who have come together to take a hard-nosed look at the research about what really works to keep kids from becoming criminals.

The organization, Fight Crime: Invest in Kids, takes no federal, state, or local money and does not run any of the programs we advocate for. I know from my experience as a prosecutor and from research that targeted investments in kids can help prevent crime and reduce recidivism.

Title 2 and Title 5 of the Juvenile Justice and Delinquency Prevention Act, the Juvenile Accountability Block Grant, and Juvenile Mentoring programs and funding under the Second Chance Act provide needed support for evidence-based prevention and intervention strategies. Our goal is to keep kids away from crime.

Title 5 Local Delinquency Prevention grants are the only federal funding source dedicated solely to the prevention of youth crime and violence. Title 5 grants can help fund after-school programs that help at-risk youth avoid criminal activity in the first place.

Fourteen million children lack proper adult supervision between 3:00 and 6:00 p.m. which is the prime time for juvenile crime. Programs such as Boys and Girls Clubs connect children with two caring adults and constructive activities during these hours. We know these programs work because studies have found that without Boys and Girls Clubs, 50 percent more vandalism and 27 percent more drug activity occurs during those hours in communities not served by those programs. Like after-school programs, high-quality juvenile mentoring programs also help at-risk youth.

There are effective interventions to reduce recidivism among juveniles. JJDPA Title 2 and JABG can fund crime reducing therapeutic interventions for kids who have already gotten into trouble. And the new proposed Byrne Criminal Justice Innovation Program can help fund place-based, evidence-based approaches to help troubled youth stay on track.

A carrot and stick approach combined with intense police supervision and expedited sanctions for repeated violence with access to jobs, drug treatment, and other services has shown in cities that it can cut homicides by violent offenders in high crime neighborhoods.

There are also effective reentry approaches to reduce recidivism. The Second Chance Act supports reentry programs that help reduce recidivism rates among those that are reentering the communities by providing support and resources to guide juvenile ex-offenders.

One of those programs is the Multidimensional Treatment Foster Care Program which has cut juvenile recidivism in half and saves the public an average of $89,000 per youth.

Many of these needs have gone unmet. Unfortunately, these programs have remained underfunded in the past. JJDPA Title 2 and Title 5 and JABG have yet to recover from many of the funding cuts from 2002.

So I am here today to urge you to restore funding to the 2002 levels for such programs as Title 5 Local Delinquency Prevention grants, Juvenile Accountability Block grants, and restore them to levels appropriated by Congress in 2002.

I also urge you to fund the new Byrne Criminal Justice Innovation Program at $40 million and to fully fund programs authorized by the Second Chance Act, including funding for the Adult, Juvenile Offender State and Local Reentry Demonstration projects at the authorized amount of $55 million.

In addition to increased funding for these programs, I urge you to set aside funding in NIJ for more research to find other programs that may help youth. This increase will help identify programs that really work to keep at-risk kids out of trouble. It will also help us to better understand which interventions with troubled adolescents can best enable them to develop skills that will keep them away from criminal activity.

The funding will also help differentiate between programs that are effective for adults and those that are effective for kids and identify promising but currently untested approaches to youth crime prevention and intervention.

In conclusion, once again, I thank you for letting me testify today. And on behalf of my fellow law enforcement leaders, I urge you to increase our nation's investment in these proven crime prevention strategies and improve outcomes for kids and save lives and taxpayer dollars.

Mr. MOLLOHAN. Scott, thank you for your appearance here today. It is not the first time.

And thank you for your commitment not only to enforcing the laws in Ohio County and in West Virginia generally but also in looking at the other side and being interested in the prevention side and the intervention side, particularly with regard to our youth. You do a great job. And welcome to the hearing and say hello to a great family too.

Mr. SCOTT SMITH. All right. Thank you.

Mr. MOLLOHAN. Thanks for your testimony here. Thank you. Thanks, Scott.

Next the Committee would like to welcome Dr. Mridul Gautam. Dr. Gautam is testifying on behalf of the Coalition of EPSCoR/IDeA States.

Dr. Gautam, welcome to the hearing today.

Mr. GAUTAM. Thank you.

Mr. MOLLOHAN. Thank you.

WEDNESDAY, APRIL 14, 2010.

COALITION OF EPSCoR/IDeA STATES

WITNESS

MRIDUL GAUTAM, INTERIM ASSOCIATE VICE-PRESIDENT FOR RESEARCH AND ECONOMIC DEVELOPMENT, WEST VIRGINIA UNIVERSITY, COALITION OF EPSCoR/IDeA STATES

Testimony of Mridul Gautam, PhD
Robert C. Byrd Professor of Mechanical & Aerospace Engineering
Interim Associate Vice President for Research and Economic Development
West Virginia University
Submitted to the House Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies
April 14, 2010

Mr. Chairman and Members of the Subcommittee, my name is Mridul Gautam and I am the Interim Associate Vice President for Research and Economic Development at West Virginia University. I also am the Robert C. Byrd Professor of Mechanical & Aerospace Engineering at West Virginia University. Thank you for the opportunity to testify today regarding the National Science Foundation's (NSF) and the National Aeronautics and Space Administration's (NASA) Experimental Program to Stimulate Competitive Research (EPSCoR). For Fiscal Year 2011, we respectfully request $170.0 million for the NSF EPSCoR and $25.0 million for the NASA EPSCoR programs.

EPSCoR is the mechanism at NSF and NASA for addressing the geographic imbalance in research funding and for creating a truly national research community in all states. Although EPSCoR states have 20% of the population, and about 25% of its doctoral research universities, they only receive about 10% of the allocations for research.

To be eligible for the NSF EPSCoR program, a state must fall below three-fourths of one percent (0.75%) of NSF funding calculated on a three-year basis. Individual states currently range from about 0.10 percent to 0.73 percent of NSF funding on an annual basis. Today, there are 27 states and 2 jurisdictions participating in EPSCoR. To give some perspective, in FY 2000, there were 18 states and Puerto Rico identified as EPSCoR states.

EPSCoR is an essential mechanism for ensuring that all states participate in NSF and NASA research activities and in building a national research community and scientific workforce. Such a community and workforce are essential to our nation's competitiveness and to the economies of the individual states.

What does EPSCoR do for our states? It helps us develop the research infrastructure (both human and physical) that allows us to better educate our students, to address research issues of particular importance to our states and to become more competitive for research grants and opportunities both within NSF and across the federal government. Our states are making great strides in submitting and winning more research awards from federal and private sources, securing major engineering and material sciences awards, and attracting new faculty and students who are drawn by the quality of life in our states and by the quality of research and education offerings.

EPSCoR jurisdictions prepare a major portion of the nation's future "high tech" workforce by educating thousands of scientists and engineers each year. These scientists and engineers go on to work for many of our nation's high tech firms, including Boeing and Northrop Grumman. And, several of them have ended up as Directors or Deputy Directors of the NSF. We have many

Truman and Goldwater Scholars, are among the major energy-producing states, and are in the forefront of ocean and coastal research, fossil energy research, climate change and many other areas that are considered vital to our nation's future.

We are very grateful for the support the Subcommittee has given EPSCoR over the past years. However, we believe that we must again seek your help in order to cover the additional states that have been added to the EPSCoR program, to continue progress in the states that participate and to integrate our states more fully into NSF research activities, particularly as they relate to centers development.

NSF has a statutory function "to strengthen research and education in science and engineering throughout the United States and to avoid undue concentration of such research and education." It has sought to accomplish this goal and develop infrastructure through the EPSCoR mechanisms (a) that directly support research infrastructure development and scientific workforce preparation and (b) that promote greater participation by the EPSCoR community in regular NSF research programs. We believe that both these approaches need to be strengthened and expanded. The budget should be strengthened not only to accommodate new states, but also to expand efforts in currently eligible states and to promote more integration into such NSF programs as IGERTS, MRSECs, ERCs, S&Ts, and new initiatives. The $170.0 million the EPSCoR states are seeking this year will help cover the costs associated with the inclusion of ten additional states in the program since 2000 (two states became eligible in 2009), expanded research infrastructure development and additional EPSCoR co-funding with other NSF programs. In FY 2000, there were 19 EPSCoR jurisdictions and the NSF Research and Related Activities (RAA) budget was approximately $3 billion. Co-funding was about $25 million. In FY 2011, there are 29 EPSCoR jurisdictions, the NSF RRA budget is approximately $6 billion and the co-funding projection is only $41 million. This is particularly troublesome at a time when there should be increasing opportunities throughout NSF. Finally, there are a number of NSF mechanisms, such as EAGER awards, that could benefit the EPSCoR states.

Let me talk about West Virginia. West Virginia is one of the five original EPSCoR states, and has benefited greatly from its participation in this important program.

Investment in West Virginia by NSF EPSCoR has yielded success in several ways. Research Infrastructure Improvement (RII) grants have brought strong, young faculty and modern equipment to our campuses. These have led to increased competitiveness with more than a doubling of competitive federal awards from 2005 to today.

The RIIs also have catalyzed investment from the state of West Virginia. Since 2004, $80M has been invested in our science and technology enterprise through the state's Research Challenge Fund, Eminent Scholars Fund and the Research Trust Fund. These funds and West Virginia EPSCoR are managed by the Division of Science Research at the Higher Education Policy Commission and are strategically invested in scientists and engineers and their research.

For example, Research Challenge Grants support the creation of research centers and foster economic development and workforce advancement and have resulted in a substantial return on investment. The first six scientific research projects funded through this grant program have

leveraged external funding of more than $20 million and have resulted in five startup companies with five-year projected revenues of $124 million. Two of the startup companies—Protea Biosciences LLC in Morgantown and Vandalia Research Inc. in Huntington—estimate they will be hiring 295 additional employees in the next five years. In addition, two university research centers with industry partners were formed and one production facility is under development.

In the most recent round of Research Challenge Grants, two young astrophysicists at West Virginia University are building an exemplary program and have a number of important discoveries that have been published in *Science* and *Nature*. Another project that is focusing on protection of our nation's infrastructure has been featured on National Geographic television. Two faculty members at Marshall University who were hired by the 2001 RII are the leaders of another of these grants and created the Cell Development and Differentiation Center at Marshall. One of these faculty members recently discovered that acetaminophen may help prevent age-associated muscle loss and other conditions, and his work has been covered by a number of news outlets.

The Eminent Scholars Fund and Research Trust Fund have allowed West Virginia University and Marshall University to hire successful scientists with strong competitive funding histories. These endowed professors provide leadership to advance research and development at our research universities. Even in these challenging economic times, the state match for private donations has proven to be an effective tool for university fundraising. The $10M Eminent Scholars Fund has been totally matched by West Virginia University and Marshall University. To date, approximately $7M has been donated and matched by another $7M from the Research Trust Fund.

The successes fueled by federal and state support help policymakers justify a continued investment in research. None of this significant progress in our state would have been possible without the initial support received through NSF's EPSCoR program. Without question, the Track 1 RII grants were the catalyst for these recent commitments to improving our state's research capacity and, ultimately, ensuring a brighter future for all West Virginians.

For NASA EPSCoR in FY 2011, we are requesting an appropriation of $25.0 million.
As in the case of EPSCoR at NSF, NASA EPSCoR is designed to develop the capacity of those states that traditionally have had limited amounts of NASA R&D funding. The program helps our states become more competitive in research areas associated with the NASA centers and enterprises. This laudable goal is accomplished through two primary funding mechanisms: Research Infrastructure Development Awards (RID), and Research Implementation Awards (Implementation).

Implementation grants, which are competitively awarded research grants, provide up to $750,000 spread over a 3-year period (i.e., $250,000 per year). If an award is made, the entire $750,000 is obligated in the first year. Thus, the amount of funding available in any single year determines the number of research awards that can be made. At the same time, a certain number of awards will expire each year, ending their three-year timeframe. States have between 1 and 4 awards, depending upon the competition. Most states believe they could manage between 2 and 5 awards.

RID funding provides $125,000 to each participating state to develop programs, reach out to faculty and students and initiate collaborations with NASA centers and facilities.

In order to retain the current award levels and provide the $125,000, NASA EPSCoR needs at least $25 million. To grow the number of implementation (research awards) additional funding would be required.

NASA EPSCoR is engaged in significant research throughout the states, research that is resulting in enhanced research capacity and contributing to the NASA mission. The projects are having an impact on technological developments in this country. A few examples include: (1) Real-time Wireless Shape Monitoring of Deployable Space Structures in Maine; (2) The Nevada Astrophysics project and the Exploring Planetary Surfaces: Earth, Moon, Mars project; and (3) The Neutron Detectors for Detecting Illicit Nuclear Material project, and the Safeguards Against Reverse Engineering of Nation's Critical Technologies project in Louisiana.

Additionally, in the 3-year period (2007-09), support from NASA West Virginia EPSCoR has resulted in eight (8) new successful grants outside NASA, worth more than $800,000. At least 27 researchers from various universities and colleges in West Virginia have received competitive grants from NASA West Virginia EPSCoR. They have supported 33 college students resulting in 16 new collaborative efforts with other entities (federal, state, private industry), and 41 peer-reviewed publications and presentations at technical conferences.

West Virginia research supported by NASA EPSCoR has resulted in three approved patents and six that are pending. Two of the accepted patents are: (1) Drs. Huebsch and Cairns (West Virginia University):"Stimulus Responsive Nanoparticles" and " Dynamic Roughness Using Stimulus Responsive Nanoparticles"; (2) Dr. J. Valluri (Marshall University): "Microgravity Enhanced Stem Cell Selection"; and (3) Research Seed Grants and a Joint University-Industry Research grant enabled Dr. Hongwei Yu of Marshall University to co-found Progenesis Technologies, LLC.

Our nation needs all our research capabilities and all our talent. We are competing with countries with three and four times our population, several with young populations seeking new heights in science and technical careers. Every one of our states, our students and our citizens has important contributions to make to the nation's competitiveness. EPSCoR enables eligible states to advance in vital science and research areas.

I want to thank you for the opportunity to address the Subcommittee today.

Thank you.

Mr. GAUTAM. Mr. Chairman, members of the Subcommittee, my name is Mridul Gautam and I am the Interim Associate Vice-President for Research and Economic Development and a Robert C. Byrd Professor of Mechanical Aerospace Engineering at West Virginia University.

Thank you for the opportunity to testify regarding NSF and NASA EPSCoR.

For fiscal year 2011, we respectfully request $170 million for the NSF EPSCoR and $25 million for the NASA EPSCoR programs.

EPSCoR is the mechanism at NSF and NASA that intends to address the geographic imbalance in research funding and for creating a truly national research community in all states.

Although EPSCoR states have 20 percent of the population and about 25 percent of its doctoral research universities, they only receive about 10 percent of the allocation for research. Today there are 27 states and two jurisdictions participating in EPSCoR.

EPSCoR research activities build a national research community and a scientific workforce which are essential to our nation's competitiveness and to the economies of the individual states.

EPSCoR jurisdictions prepare a major portion of the nation's future high-tech workforce by educating thousands of engineers and scientists each year. We have many Truman and Goldwater scholars. We are among the major energy producing states and are in the forefront of ocean and coastal research, fossil energy research, climate change, and many other areas that are considered vital to our nation's future.

We are grateful for the support the Subcommittee has given EPSCoR over the past years. However, we believe that we must again seek your help to strengthen the budget.

The $170 million that we are requesting will help cover the costs associated with inclusion of ten additional states to the EPSCoR Program without jeopardizing the wonderful work underway in the original EPSCoR states, expanded research infrastructure and development and additional EPSCoR co-funding with other NSF programs.

In West Virginia, the Research Infrastructure Initiation also known as the RII grants have brought strong young faculty and modern equipment to our campuses and increase competitiveness. There has been a doubling of competitive federal awards since 2005.

Since 2004, $30 million has been invested in West Virginia's science and technology infrastructure. The research projects funded through the Research Challenge Fund have resulted in five startup companies with five-year projected revenues of $124 million. Two of the startup companies estimate that they will hire 295 additional employees in the next five years. In addition, two university research centers with industry partners were formed at WVU.

Additionally, two faculty members at Marshall University who were hired by the 2001 RII Grant created the Cell Development Differentiation Center at Marshall. One of these faculty members recently discovered that acetaminophen may help age-associated muscle loss and other conditions. Without question, NSF EPSCoR's Track One RII grants were the catalyst for these recent commit-

ments to improving West Virginia's research capacity and ultimately ensuring a brighter future for all West Virginians.

The NASA Program helps our states, all states become more competitive in research areas associated with the NASA centers and enterprises. This is accomplished through two primary funding mechanisms, the research infrastructure development awards and the research implementation awards.

In order to retain the current award levels in each participating state, NASA EPSCoR needs at least $25 million. To grow the number of research awards, additional funding would be required.

NASA projects are having an impact on technological development in the country. A few examples include the Nevada Astrophysics Project and the Neutron Detectors for Detecting Illicit Nuclear Materials Project in Louisiana.

Additionally, West Virginia NASA EPSCoR has resulted in three approved patents and six of them are pending. Our nation needs all our research capabilities and all our talent. EPSCoR enables eligible states to advance in vital science and research areas.

I thank you for your support.

Mr. MOLLOHAN. Dr. Gautam, thank you for your appearance here today and your excellent testimony.

I also want to thank you for being among those and at the very front rank among those in West Virginia who are bringing research capability and, therefore, innovation to the state. And you are doing nothing less than redefining the economy, diversifying the economy in ways that lay a great foundation for our future.

And I want to thank you for your excellent academic work and also as it impacts the lives of all West Virginians. Thank you for your testimony here today.

Mr. GAUTAM. Thank you, sir. Thank you.

Mr. MOLLOHAN. Thank you.

Next the Committee would like to welcome Mr. Billy Frank, Jr. Mr. Frank will testify on behalf of the Northwest Indian Fisheries Commission.

Mr. Frank, welcome to the hearing today. Thank you for appearing.

WEDNESDAY, APRIL 14, 2010.

NORTHWEST INDIAN FISHERIES COMMISSION

WITNESS

BILLY FRANK, JR., CHAIRMAN, NORTHWEST INDIAN FISHERIES COMMISSION

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ORAL TESTIMONY BEFORE THE
HOUSE COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES
APPROPRIATIONS SUBCOMMITTEE
ON THE FY-2011 BUDGET FOR THE DEPARTMENT OF COMMERCE
BY BILLY FRANK, JR., CHAIRMAN
THE NORTHWEST INDIAN FISHERIES COMMISSION
February 11, 2010

Thank you for the opportunity to appear before this Committee and provide oral testimony on the Department of Commerce FY-2011 appropriations. My name is Billy Frank, and I am the Chairman of the Northwest Indian Fisheries Commission (NWIFC). The NWIFC is made up of the twenty tribes party to the *United States vs. Washington*, and is here to support funding for NOAA-Fisheries and the National Ocean Service (NOS) budgets. We are pleased that the budgets of these two services have been given the serious attention they deserve by the Administration.

In particular, we appreciate a number of the new National Ocean Policy intiatives that support key federal, state and tribal partnerships. The soon to be created National Ocean Council and the Governance Advisory Committee are examples of this new ocean focus.. This Governance Advisory Committee structure allows for two, at-large tribal representatives. Among what we ask below, we urge the Subcommittee to support the formation, composition, and logistics of the National Ocean Council and the Governance Advisory Committee.

SUMMARY OF FY-2011 APPROPRIATIONS REQUEST

NWIFC Specific Funding Requests:

- **$110 Million for the Pacific Coastal Salmon Recovery Fund (NOAA/National Fisheries Service)**
- **$3.96 million for the Ocean Ecosystem Initiative ($1.1 million to NOAA/National Ocean Service and $2.86 million to NOAA/National Fisheries Service)**
- **$11.1 million for Pacific Salmon Treaty Chinook Annex (NOAA/National Fisheries Service)**

Justification of Requests:

$110 Million for the Pacific Coastal Salmon Recovery Fund

The Pacific Coastal Salmon Recovery Fund (PCSRF) is a multi-state, multi-tribe program established by Congress in FY-2000 with a primary goal to help recover wild salmon throughout the Pacific Northwest and Alaska. The PCSRF seeks to aid the conservation, restoration and sustainability of Pacific salmon and their habitats by financially supporting and leveraging local and regional efforts. Recognizing the need for flexibility among tribes and the states to respond to salmon recovery priorities in their watersheds, Congress earmarked the funds for salmon habitat restoration, salmon stock enhancement, salmon research, and implementation of the 1999

Pacific Salmon Treaty Agreement, as well as related agreements. PCSRF is making a significant contribution to the recovery of wild salmon throughout the region.

The tribes' overall goal in the PCSRF program is to restore wild salmon populations. The key tribal objective for use of these funds is to restore and protect important habitat that promotes the recovery of ESA listed Puget Sound Chinook, Hood Canal Summer chum, Puget Sound steelhead, Lake Ozette sockeye, and other salmon populations in the Puget Sound and Washington Coast that are essential for western Washington tribes to exercise their treaty-reserved fishing rights consistent with *U.S. vs. Washington* and *Hoh vs. Baldrige*. These funds will also support policy and technical capacities within tribal resource management departments to plan, implement, and monitor recovery activities.

It is for these reasons that the tribes strongly support the budget justification included on page 220 of DOC budget appendix, which reads, in part, *"for necessary expenses associated with the restoration of Pacific salmon populations,...provided that of the funds the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and Federally-recognized tribes of the Columbia River and Pacific Coast (including Alaska) for projects necessary for conservation of salmon and steelhead populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce.*

Since the program's inception our member tribes have used PCSRF monies for a wide variety of fish habitat improvement projects, including the removal of fish passage barriers, the opening of stream access, the restoration and protection of instream and estuarine habitat. Equally important, the tribes have used these funds to support the scientific salmon recovery approach that makes this program so unique and important. Related to this scientific approach has been the tribal leadership and effort that developed and has been implementing the ESA-listed Puget Sound Chinook Recovery Plan recently approved by NOAA.

Unfortunately, the PCSRF monies have decreased over the past few years from the original amount of $110 million that was appropriated in FY-2002. Restoration of these monies in FY-2011 to the $110 million level will support the original intent of Congress and enable the federal government to fill its obligations to salmon recovery and the tribes.

$ 3.96 million for Tribal Ocean Ecosystem Initiative from the National Ocean Service

The Hoh River Tribe, Makah Tribe, Quileute Tribe, and the Quinault Indian Nation have deep connections to the marine resources off the coast of Washington. They have pioneered cooperative partnerships with the state of Washington and the federal government in an effort to advance the management practices in the coastal waters. However, to be an effective partnership, the Tribes and their partners need additional funding. These requests are as follows:

Intergovernmental Policy Council (IPC) $1.10 million

The four tribes, the state of Washington and NOAA National Ocean Service, through the Marine Sanctuary Program, have formed the Intergovernmental Policy Council (IPC),

which is intended to strengthen management partnerships through coordination and focus of work efforts. Through this partnership, the entities hope to maximize resource protection and management, while respecting existing jurisdictional and management authorities. While the IPC has received some funding from the Marine Sanctuary Program, the current funding does not provide for full participation in activities that will build the partnerships necessary to coordinate management and research activities within the Olympic Coast National Marine Sanctuary.

For the IPC to continue to expand its capacity for program operations through technical staff participation and development of collaborative research efforts, a long-term program funding source is needed. The Regional Ocean Partnership Grants program with the National Ocean Service, Coastal Management account would be an ideal program to support the IPC effort. The parties need $1.10 million in FY-2011 to support their efforts to transition into an ocean ecosystem-based management system. A forum and coordinating body such as the IPC will need the capacity to collect and organize information that will propel discussions and recommendations into decisions and actions.

Ocean Ecosystem Based Management/Ocean Monitoring and Research Initiative
$2.86 million

The Hoh River Tribe, Makah Tribe, Quileute Tribe, Quinault Indian Nation and the state hope to conduct a five-year ocean monitoring and research initiative to support and transition into an ecosystem-based management of rockfish. This tribal-state effort would be in collaboration with the NOAA-National Marine Fisheries Service who would coordinate the efforts with all the tribal, state and other federal partners. The proposal would augment the existing NOAA trawl survey data with additional state and tribal survey data from areas currently not sampled on the continental shelf and slope. It would also expand the existing groundfish port sampling program for the region. Both of these data sources are essential to evaluate stock status and abundance. A comprehensive assessment of the coastal habitats and their associated assemblages will provide knowledge and distribution of the benthnic habitat types and associated species found in the region. Plankton surveys will be conducted to assess the link between climate and oceanography and the biological proceses of the Olympic Coast region within the California Current Large Marine Ecosystem.

Effective management of the ocean ecosystem and its associated resources requires the development of baseline information against which changes can be measured. This initiative will expand on and complement existing physical and biological databases to enhance ecosystem-based management capabilities. In turn, this will support ongoing efforts by the state and tribes to become more actively engaged in the management of offshore fishery resources.

Effective conservation actions for rockfish and other groundfish species will depend on accurate knowledge and distribution of sea-floor habitat types and species found within the region. The establishment of this finer-scale biological database is an essential step toward improving the region's forecasting capability of stock status and abundance.

The economic value associated with effective marine resource protection is huge. Not only are marine areas crucial for our natural resources and those that use them; they are bridges of commerce between nations and continents. Healthy oceans are essential if we value stable climates that will sustain our economies and our lives. Tribes must be partners in the efforts to research, clean up and restore the environs necessary to deal with identified problems.

$ 11.1 Million for the Pacific Salmon Treaty Chinook Annex

Adult salmon returning to most western Washington streams migrate through both U.S, and Canadian waters and are harvested by fisherman from both countries. For years, there were no restrictions on the interception of returning salmon by fishermen of neighboring countries.

In 1985, after two decades of discussions, the Pacific Salmon Treaty (PST) was created through the cooperative efforts of the tribes, state governments, U.S. and Canadian governments, and sport and commercial fishing interests. The Pacific Salmon Commission (PSC) was created by the United States and Canada to implement the treaty, which was updated in 1999, and most recently in 2008.

The most recent update of the treaty gave additional protection to weak runs of Chinook salmon retuning to Puget Sound rivers. The update provides compensation to Alaskan fishermen for lost fishing opportunities, while also funding habitat restoration in the Puget Sound region.

The PSC establishes fishery regimes, develops management recommendations, assesses each country's performance and compliance with the treaty, and is the countries' forum to reach agreement on mutual fisheries issues. As co-managers of the fishery resources in western Washington, the tribes participation in implementing the PST is critical to achieve the goals of the treaty to protect, share and restore salmon resources. In addition to serving on the policy level at PSC, tribal representatives participate on the many committees and work groups that provide technical support to implement the treaty.

We support the FY 2011 NOAA Fisheries budget which includes $11.1 to implement the 2008 Pacific Salmon Treaty Chinook Annex. Specifically, the funds would be used for Coded-Wire-Tag (CWT) Program Improvement ($1.5 million), Puget Sound Critical Stocks Augmentation ($2.1 million), and Alaska Fishery Adjustment Mitigation ($7.5 million).

BACKGROUND

When our tribal ancestors signed treaties, ceding millions of acres of land to the United States government, they reserved fishing, hunting and gathering rights in all traditional areas. These constitutionally-protected treaties, the federal trust responsibility and extensive case law, including the U.S. vs. Washington decision (1974), all consistently support the role of tribes as natural resource managers, both on and off reservation. In Washington State, these provisions have developed into a successful co-management process between the federal, state and tribal governments. These arrangements have helped us deal with many problems, but still require

additional support to meet the many new challenges like air and water pollution, climate change, and energy development.

We are facing many environmental and natural resource management challenges in the Pacific Northwest, caused by human population expansion and urban sprawl, increased pollution problems ranging from storm water runoff to de-oxygenated or "dead" areas in the Hood Canal, parts of Puget Sound and in the Pacific Ocean. The pathway to the future is clear to us. The federal, state and tribal governments must strengthen our common bond and move forward, together, with the determination and vigor it will take to preserve our heritage. Together, we must focus on the needs of our children, with an eye on the lessons of the past.

OUR MESSAGE

We generally support the Administration's FY-2011 budget with the changes noted above. The tribes strive to implement their co-management authority and responsibility through cooperative and collaborative relationships with the state and local communities. We constantly seek ways to restore and manage these precious natural resources in a manner that can be supported by all who live in this area. The work the tribes do benefits all the citizens of the state of Washington, the region and the nation. But the increasing challenges I have described and the growing demand for our participation in natural resource/environmental management requires increased investments of time, energy and funding. Restoring and protecting these natural resources is essential to the economy and the quality of life that is so valued by those who live in the Northwest.

We are sensitive to the budget challenges that Congress faces. Still, we urge you to increase the allocation and appropriations for priority ecosystem management initiatives. The need for an ecosystem-based management approach for Washington's marine waters have come into sharp focus in recent years with major studies by the U.S. Commission on Ocean Policy and the Pew Charitable Trust. For the sake of sustainable health, economies and the natural heritage of this resource, it is critically important for Congress and the federal government to do even more to coordinate their efforts with state and tribal governments.

As frequently attributed to Chief Seattle (Sealth), tribes believe all things are connected. That is why we believe only through a holistic ecosystem management approach can we find success in achieving a healthy environment and robust natural resources.

CONCLUSION

Clearly, western Washington tribes are leaders in the protecting and sustaining our natural resources. The tribes possess the legal authority, technical and policy expertise, and effective programs to the challenges that face our region and nation.

The tribes are strategically located in each of the major watersheds, and no other group of people is more knowledgeable about the natural resources than the tribes. No one else so deeply depends on the resource for their cultural, spiritual and economic survival. Tribes seize every opportunity to coordinate with other governments, and non-governmental entities, to avoid duplication,

maximize positive impacts, and emphasize the application of ecosystem management. We continue to participate in resource recovery and habitat restoration on an equal level with the state of Washington and the federal government because we understand the great value of such cooperation.

We ask that Congress help us in our efforts to protect and restore our great natural heritage and support our funding requests. Thank you.

Mr. FRANK. Good morning, Mr. Mollohan and Mr. Wolf. I am back again.

Mr. MOLLOHAN. We are pleased to have you back again.

Mr. FRANK. Thank you.

Mr. MOLLOHAN. You always do a great job.

Mr. FRANK. I am Bill Frank. I am Chairman of the Northwest Indian Fish Commission in the State of Washington. And I am here to support NOAA, Commerce, and all of our fishery programs out there in the Northwest who are seeking funding to address several fisheries management initiatives that are critically important to the Northwest tribes.

These fishery resources that are protected by treaties with the United States are the basics of the culture and economics and their very existence as tribes. These fisheries are in trouble as continued population growth and the habitat destruction that accompanies this growth are making it increasingly important that recovery efforts are adequately funded.

We requested the Pacific Coastal Salmon Recovery Fund be funded at the fiscal year 2002 level of $110 million. This fund is critically important to the states and the tribes to allow them to pursue the recovery of Pacific salmon throughout the Northwest and Alaska by financially supporting and leveraging local and regional efforts.

Since its inception of 2000, the Pacific salmon has made a significant contribution to salmon recovery to address the federal responsibility under the ESA to recover listed species and under the treaties with tribes to recover stocks that are critically important to meeting the tribes' treaties reserve fishing rights.

We have developed watershed-based recovery plans in collaboration with the communities that have been adopted by NOAA and those funds are now needed for implementation of these plans.

Number two, we are requesting funding to implement the ocean ecosystem initiative in partnership with the State of Washington and NOAA. This initiative has two elements. First, we are seeking $1.1 million through NOAA's National Ocean Service to support the participation by the tribes and the state and recently formed Intergovernmental Policy Council which is intended to strengthen management partnerships with the Olympic National Marine Sanctuary.

Through these partnerships, the participants hope to maximize resource protection and management while respecting existing jurisdictional authorities.

Second, we are seeking $2.7 million that would be used by the tribal state and NOAA partnership to begin a multi-year program to assess rockfish populations and to map sea floor habitats off the northern Washington Coast. This information is a critical first step towards the development of an ecosystem-based management plan for the region.

Third, to further this ocean planning initiative, we support the Regional Ocean Partnership Grants Program continued in the Administration's budget under the National Ocean Service Coastal Management Account. The budget request for $20 million could be used to move our planning proposals into action.

We also support the request by the U.S. Pacific Salmon Commission for $11.1 million needed for the implementation of the 2008 Pacific Salmon Treaty Chinook Annex to the treaty. You will hear more about that from David Bedford today.

We support the full funding of $60 million for the Mitchell Act hatcheries and the restoration of the $10 million for the reform projects for these hatcheries.

And the sixth and the last thing is we also want to extend our support for the request being made by Henry Cagey, the Chairman of Lummi Tribe, for their funding request for the economic fisheries disaster relief.

And so I want to thank you for the opportunity of making a presentation before you today.

Mr. MOLLOHAN. Mr. Frank, thank you very much for your presentation here today.

I know everyone who has the least bit of interest in all these topics not only appreciates but reveres your life-long activity in this area. And that gives your testimony considerable weight before this Subcommittee and we very much appreciate your appearance here today.

Mr. FRANK. Thank you.

Mr. MOLLOHAN. The Committee makes every effort to accommodate Members' busy schedules and we routinely take Members as they arrive. We are pleased to welcome Congressman Dean Heller.

Congressman Heller, welcome to the Committee.

WEDNESDAY, APRIL 14, 2010.

TESTIMONY OF MEMBERS OF CONGRESS

WITNESS

HON. DEAN HELLER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEVADA

Statement of Congressman Dean Heller
Appropriations Subcommittee on Commerce, Justice, and Science
April 14, 2010

Chairman Mollohan, Ranking Member Wolf, members of the Subcommittee,

Thank you for holding this hearing and providing the opportunity to highlight an issue very close to the heart of many of my constituents. I come before the Subcommittee to encourage full funding for the U.S. Department of Justice's DNA analysis and capacity enhancement program at the authorized level of $151 million.

A tragic death that took place in my district in 2008 raised my constituents' awareness of the need for greater investment in reducing DNA backlogs. As many of my colleagues may remember from national news reports, nineteen-year-old Brianna Denison was abducted, strangled to death, and left in a vacant field in southeast Reno. Based on DNA evidence, law enforcement determined that Brianna's murder was the work of a serial offender linked to other attacks in the Reno area.

Like a majority of states, Nevada has experienced a significant backlog in DNA processing. At the time of Brianna's murder, more than 3,000 samples were waiting to be processed in Nevada alone.

Local law enforcement in need of funds petitioned the Reno community for donations that would enable them to expedite processing of samples collected as part of Brianna's case and tackle the statewide backlog. Nevadans contributed nearly $300,000 to eliminate the backlog of DNA samples in our state. Thanks in part to Nevadans' efforts, Brianna's suspected killer is behind bars. This significant outpouring of support demonstrates the American people's commitment to fighting crime through DNA technology.

Nevada is not alone in facing a DNA backlog. The most recent data from the National Institute of Justice suggests a national backlog of 70,693 DNA samples as of January 1, 2008. By contrast, a study by the Bureau of Justice Statistics pointed to a nationwide backlog of 24,030 on January 1, 2005.

Law enforcement is collecting more DNA samples than ever, but many jurisdictions simply don't have the resources to process them. In an age where DNA technology has the potential to solve previously unsolvable crimes and quickly put violent offenders behind bars, there is no excuse for failing to equip law enforcement agencies with the tools and personnel they need to quickly process DNA.

The human face of this problem was highlighted by a *New York Times* late last year. To quote the November 14, 2009 editorial "Respect for Rape Victims,"

> In 18 percent of open, unsolved rape cases, forensic evidence had not been submitted to a crime lab. This is a huge insult to rape victims, who submit to a lengthy and intrusive process to have the DNA evidence harvested from their bodies. It is also an inexcusable loss for law enforcement and justice. Testing of a rape kit can identify an assailant, corroborate the victim's account of an assault, exonerate innocent defendants and help prevent a habitual offender from striking again. New York City's practice of testing every rape kit has paid off in a 70 percent arrest rate for rape that is three times the national average.

The editorial goes on to say, "some national problems are highly complex and defy workable, bipartisan solutions. Ending the rape kit backlog is not one of them."

I wholeheartedly agree, and have actively worked on a bipartisan basis to reduce the DNA backlog. For the last three years I have had the

honor of working with Congresswoman Maloney of New York on a variety of DNA initiatives, including our current legislation, the Justice for Survivors of Sexual Assault Act (H.R. 4114).

I joined Congresswoman Maloney in once again spearheading this bipartisan effort to encourage full funding of the U.S. Department of Justice's DNA analysis and capacity enhancement program in fiscal year 2011 at the authorized level of $151 million. Twenty-nine Members of Congress signed this letter, which we sent to this Subcommittee last month.

Few investments could be more important to effective law enforcement in the 21st century. The national DNA database has made matches or otherwise aided in more than 51,000 cases since its inception. Funding to reduce the backlog tells law enforcement that Congress supports their crime-fighting efforts with the best technology available, and shows the American people our commitment to taking violent criminals off our streets. Once again, I strongly encourage my colleagues to support full funding for the DNA analysis and capacity enhancement program for the upcoming fiscal year.

Mr. HELLER. Thank you.

Mr. MOLLOHAN. Your written statement, of course, will be made a part of the record. And summarize—we are working on a five-minute testimony——

Mr. HELLER. Okay. Okay.

Mr. MOLLOHAN [continuing]. Time frame here.

Mr. HELLER. And it will not take more than five minutes.

Mr. MOLLOHAN. And you probably do not want to take that long.

Mr. HELLER. Well, I appreciate the time and the efforts to hold this particular hearing, Ranking Member Wolf, for the opportunity to spend a few minutes with you.

What I am trying to do here and encourage is for Congress to fully fund the U.S. Department of Justice's DNA Analysis and Capacity Enhancement Program to the authorized level of $151 million.

We had a tragic experience in my congressional district back in 2008 that allowed the awareness, continued awareness of my constituents for the need of greater investment in reducing these DNA backlogs.

Some of you may or may not remember the national news report of a 19-year-old woman, college student at University of Nevada, Reno named Brianna Denison who was abducted, strangled to death, and left in a vacant field in southeast Reno. And, fortunately, law enforcement was able to use that DNA to determine who the abductor was and who the murderer was in this case and the fact that it was a serial offender. They were able to do that through DNA evidence.

But, unfortunately, like most states, the backlog in DNA evidence in Nevada was more than 3,000 samples, so the local law enforcement community petitioned and was able to raise enough money, roughly $300,000, so they could take that backlog and remove that. And thanks for that effort, that suspected killer now of Brianna Denison is now in jail.

So I think that the message in that is that clearly with law enforcement in the State of Nevada, there are extreme efforts to try to reduce this backlog and the results and the response from the community itself shows you that there is a real support from the American people to help and is committed to fighting these crimes through this DNA technology.

So that is my argument here today. I think it is critical that we make sure that we help these law enforcement officials through the latest and greatest technology and through this DNA technology so that I could urge Congress that we could be more effective in this 21st century by allowing these DNA matches and otherwise aid more than what has been 51,000 cases since its inception.

So, anyway, I think that we send a great message, a good message to our law enforcement community in supporting their crime fighting activities by fully funding the appropriate amount which is $151 million.

And I want to thank you for the time and effort, what you are doing here today, and allowing me to spend a few minutes with you.

Mr. MOLLOHAN. Thank you very much for your testimony. I am sure the Committee is very supportive of these programs to the extent our budget allows.

Mr. Wolf.

Mr. WOLF. No questions.

Mr. MOLLOHAN. Okay.

Mr. HELLER. Okay.

Mr. MOLLOHAN. Thank you for your testimony here today.

Mr. HELLER. Thank you very much.

Mr. MOLLOHAN. Thank you.

Next the Committee would like to welcome another colleague, Carolyn McCarthy.

Carolyn, welcome to the hearing.

WEDNESDAY, APRIL 14, 2010.

TESTIMONY OF MEMBERS OF CONGRESS

WITNESS

HON. CAROLYN McCARTHY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Testimony before the House Appropriations Commerce-Justice-Science Subcommittee
4/14/10

- Thank you Chairman Mollohan, Ranking Member Wolf, and Members of the Subcommittee.

- I appreciate the opportunity to testify before you today.

- I will be discussing the need for necessary funding in the Fiscal Year 2011 CJS Appropriations Bill under the Department of Justice to implement the NICS Improvement Amendments Act.

- As you well know, the legislation was signed into law on January 8, 2008, after having passed both the House and Senate unanimously.

- I am pleased to be requesting this funding with my colleagues Representatives Dingell and Castle.

- Funding for this effort is supported by the Brady Center, Mayors Against Illegal Guns, and the NRA, as indicated by the letters of support submitted to the Committee.

- NICS is a national database system that flags individuals precluded under current law from purchasing and possessing firearms, however it is seriously flawed.

- MILLIONS of criminal records are currently missing from the databases that make up NICS due to funding restrictions and technology issues at the state level.

- Many states have not automated individuals' records concerning mental illness, restraining orders, or misdemeanor convictions for domestic violence.

- Simply put, NICS must be updated on the state level so that it can properly function on the federal level.

- The breakdown in the system is underscored by the circumstances surrounding shootings that have taken place around the country.

- For example, at Our Lady of Peace Church in my district- in Lynbrook NY in 2002, at Virginia Tech in April of 2007, and more recently at First Baptist Church in Merryville Illinois in 2009.

- Sadly, these scenarios continue to happen every day and will continue to happen unless we ensure that NICS has the most up-to-date records to stop criminals, those adjudicated as mentally ill, and those under a restraining order from purchasing firearms.

- The NICS Improvement Amendments Act requires all states to provide NICS with the relevant records needed to conduct effective background checks.

- It is the state's responsibility to ensure this information is current and accurate.

- They must update their records to ensure violent criminals do not have access to firearms.

- And then, they must share the information with NICS.

- This law distributes grants to states to update their records and provide those records to NICS.

- Approximately NINE-HUNDRED AND SIXTEEN THOUSAND individuals were precluded from purchasing a firearm for failing a background check between November 30, 1998, when NICS began operating, and December 31, 2004.

- During this same period, nearly 49 MILLION Brady background checks were processed through NICS.

- By providing this funding, we will move one step closer to bringing the records of millions of barred individuals into NICS.

- This law imposes no new restrictions on gun owners and does not infringe on the 2nd Amendment rights of law-abiding citizens.

- It simply makes improvements to a program that saves lives.

- I respectfully request that you include $375 million in the Fiscal Year 2011 Budget Resolution under the Department of Justice in order to fully fund the NICS Improvement Amendments Act of 2007.

- I would also like to address the need for more resources for the Bureau of Alcohol, Tobacco and Firearms, or ATF, to be able to target gun traffickers and problematic gun dealers.

- I am pleased the President's budget includes more funding for the Southwest Border to deter cross-border trafficking to Mexico.

- However, we must also give ATF the tools it needs to do its job all around the country in dealing with gun trafficking and problematic gun dealers.

- Federal law currently allows ATF to conduct annual inspections of federally licensed dealers, but with the current lack of resources and funding, it would take the Bureau between 5 and 10 YEARS to properly inspect every licensed dealer in the country.

- This gap allows corrupt dealers to go for many years without being suspected or caught.

- To address this problem, I am requesting **$65 million in additional funding** for ATF to hire more personnel, in order to increase the average inspection rate of gun dealers to three years.

- Specifically, ATF would be given the funding to hire at least 125 Investigators and 250 Agents to form investigative teams, tasked with tracking down and prosecuting gun traffickers around the country.

- ATF is already required to inspect federal explosive dealers every three years.

- We should be able to do at least this much for federal firearms licensees.

- Thank you for your time and for considering my requests.

- I would be happy to answer any questions you may have.

Mrs. MCCARTHY. Thank you, Chairman Mollohan. Thank you, Mr. Wolf. Appreciate being here today again.

I am here to basically ask again for $375 million to improve the instant background check system. This goes back to 2002 when we actually passed a bill here in the House and then the Senate. The President Bush at that time signed it.

Basically what it does is we have an awful lot of people out there that fall through the slips of not having the background checks before they buy their guns and we saw that unfortunately in Virginia Tech and we saw that in a shooting in my own district. And it happens unfortunately too frequently.

What I am asking is also just as my colleague had talked about, our states do not have the money to update their computers. We have courts across this country that basically do not put the information in that it needs to know. As we know, a computer is only as good as the information that is in it.

You have been very helpful in the past and I appreciate that, but we still have a long way to go and I am hoping that you might be able to help us out. I know you have my full testimony, so I am not going to go through all of that.

The other thing that I am asking for is requesting $65 million in additional funding for ATF. ATF, we have been hiring more personnel, but, unfortunately, a lot of that personnel is not doing the job that they are needed to do, to basically look at the bad apples, the bad seeds of the gun stores that are selling guns illegally, not keeping track of their stock.

Right now they are supposed to be checking the stores once a year. With the manpower they have, it would take between five and ten years to be able to go through and inspect every licensed dealer in the country. This gap allows corrupt dealers to go many years without being suspected or even caught.

Again, the ATF would be given the funding to hire at least 125 investigators and 250 agents to form investigation teams tasked with tracking down and prosecuting gun traffickers around the country.

I am pleased to see that the President has put money in, especially with the problem that we are seeing along the Mexican borders. Those particular guns that are coming into this country unfortunately are making it to many of our states.

And so I think the ATF certainly deserves an increase to help them do their job, especially in this time of need, not only on what is going on in Mexico, but also looking at, you know, the terrorists that are coming into this country.

I am one of those that do believe that we have a problem with people sneaking into this country and we must do everything possible to make sure they do not get their hands on any kind of ammunition or any kind of guns. And I certainly hope that I might be able to get your support as you go through this process. And I will be more than happy to answer any questions.

Mr. MOLLOHAN. Carolyn, thank you very much for your testimony here today.

And we are putting a tremendous emphasis on trying a Southwest Border Initiative, trying to identify the sources and to prevent the kind of trafficking that is occurring that is supplying Mexico

with most of the guns it has. So we are very cognizant of it, partially because of testimony like yours here today. Appreciate that testimony and we look forward to being as responsive as we can.

Mrs. MCCARTHY. Thank you, Mr. Chairman. Appreciate it.

Mr. MOLLOHAN. Mr. Wolf.

Mr. WOLF. I have no questions.

Mr. MOLLOHAN. Okay. Thank you.

Thank you, Carolyn.

Mrs. MCCARTHY. Thank you.

Mr. MOLLOHAN. Next the Committee would like to welcome Mr. Elbridge Coochise. Mr. Coochise is testifying on behalf of the Independent Review Team.

Mr. Coochise, welcome to the hearing today. How are you doing?

Mr. COOCHISE. Pretty good.

Mr. MOLLOHAN. Good.

Mr. COOCHISE. Thank you, Mr. Chairman.

Mr. MOLLOHAN. Good.

WEDNESDAY, APRIL 14, 2010.

INDEPENDENT REVIEW TEAM

WITNESS

ELBRIDGE COOCHISE, CHIEF JUSTICE, RETIRED, INDEPENDENT REVIEW TEAM

INDEPENDENT REVIEW TEAM

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ORAL TESTIMONY OF ELBRIDGE COOCHISE, CHIEF JUSTICE, RETIRED
INDEPENDENT TRIBAL COURTS REVIEW TEAM
BEFORE THE HOUSE COMMERCE, JUSTICE, SCIENCE RELATED AGENCIES APPROPRIATIONS SUBCOMMITTEE FOR THE FISCAL YEAR 2011
DEPARTMENT OF JUSTICE – TRIBAL COURTS
February 11, 2010

Thank you for the opportunity to testify today and address the serious funding needs that have limited and continue to hinder the operations of Tribal judicial systems in Indian Country. I am the Leader of the Independent Tribal Court Review Team. **I am here today to request funding for Tribal Courts in the Department of Justice, Office of Justice Programs for the Tribal Courts Assistance Program. I support the 7% Office of Justice Programs' set-aside for new flexible Tribal grants in the President's FY 2011 proposed budget. Further, our Team looks forward to working with Tribes in identifying how these funds will best meet their local needs.**

Budget Priorities, Request and Recommendations

1. **+ $58.4 million authorized under the Indian Tribal Justice Act of 1993, P.L. 103-176, 25 USC 3601 and re-authorized in year 2000 P.L. 106-559 (no funds to date)**
2. **+Increase funding for Tribal Courts by 10%**
3. **Maintain the set-aside for Tribal Courts**

We Support an Increase in Funding for:

1. **Hiring and Training of Court Personnel** - Tribal Courts make do with underpaid staff, under-experienced staff and minimal training. (We have determined that hiring Tribal members limits the inclination of staff to move away; a poor excuse to underpay staff.)
2. **Salary Increases for Existing Judges and Court Personnel** – Salaries should be comparable to local and State Court personnel to keep pace with the non-Tribal judicial systems and be competitive to maintain existing personnel
3. **Tribal Courts Need State-of-the-Art Technology** - (software, computers, phone systems, tape recording machines.) Many Tribes cannot afford to purchase or upgrade existing court equipment unless they get a grant. This is accompanied by training expenses and licensing fees which do not last after the grant ends.
4. **Security Personnel and Security Systems to Protect Court Records and Privacy of Case Information** - Most Tribal Courts do not even have a full-time Bailiff, much less a State-of-the-Art security system to enable door locks and camera surveillance. This is a tragedy waiting to happen.
5. **Tribal Court Code Development** - Tribes cannot afford legal consultation. A small number of Tribes hire on-site staff attorneys. These staff attorneys generally become enmeshed in

economic development and Tribal Court code development does not take priority. Tribes make do with under-developed Codes. The Adam Walsh Act created a hardship for Tribes who were forced to develop codes, without funding, or have the state assume jurisdiction. (States have never properly overseen law enforcement in a Tribal jurisdiction.)

6. **Financial Code Development** - We have rarely seen Tribes with developed financial policies. The process of paying a bond, for example, varies greatly from Tribe to Tribe. The usual process of who collects it, where it is collected and how much is collected, is never consistent among Tribes.

For the past 4 years, the Independent Court Review Team has been traveling throughout Indian Country assessing how Tribal Courts are operating. During this time, we have completed some 52 court reviews. There is no one with more hands-on experience and knowledge regarding the current status of Tribal Courts than our Review Team.

We have come into contact with every imaginable type of Tribe; large and small, urban and rural, wealthy and poor. What we have NOT come into contact with is any Tribe whose Court system is operating with financial resources comparable to other local and State jurisdictions.

There are many positive aspects about Tribal Courts. It is clear that Tribal Courts and justice systems are vital and important to the communities where they are located. Tribes value and want to be proud of their Court systems. Tribes with even modest resources tend to allocate additional funding to Courts before other Tribal program costs. After decades of existence, many Tribal Courts, despite minimal funding, have achieved a level of experience and sophistication approaching, and in some cases surpassing, local non-Indian Courts.

Tribal Courts, through the Indian Child Welfare Act, have mostly stopped the wholesale removal of Indian children from their families. Indian and Non-Indian Courts have developed formal and informal agreements regarding jurisdiction. Tribal governments have recognized the benefit of having law-trained Judges, without doing away with Judges who have cultural/traditional experience. Tribal Court systems have Appellate Courts, jury trials, well-cared-for Courthouses (even the poorer Tribes), and Tribal Bar listings and fees. Perhaps most importantly, Tribes recognize the benefit of an independent judiciary and have taken steps to insulate Courts and Judges from political pressure. No longer in Indian country are Judges automatically fired for decisions against the legislature.

Our research indicates that Tribal Courts are at a critical stage in terms of need. Nationwide, there are 156 Tribes with Courts that receive Federal funding. These Tribes divide a mere $11.9 million in Federal funds. <u>It is the strong recommendation of the Independent Tribal Courts Review Team that the Federal Tribal Courts budget be substantially increased for FY 2011.</u>

Assessments have indicated that the Bureau of Indian Affairs only funds Tribal Courts at 26% of the funding needed to operate. The remainder is funded by the Tribes. Tribes who have economic development general subsidize their Tribal Courts. On the flip side, Tribes who cannot afford to assist in the financial operations of the Court are tasked with doing the best

they can with what they have even at the expense of decreasing or eliminating services elsewhere. This while operating at a disadvantage with already overstrained resources and underserved needs of the Tribal members. The assessment suggests that the smaller Courts are both the busiest and most underfunded.

We thank this Committee for additional funding in FY 2009. These funds were a Godsend to Tribes. Even minimal increases were put to good use. The additional funding in FY2010 will be a big asset once the funding trickles down to the Tribal Courts.

The grant funding in the Department of Justice is intended to be temporary, but instead it is used for permanent needs; such as funding a Drug Court Clerk who then is used as a Court Clerk with Drug Court duties. When the funding runs out, so does the permanent position. We have witnessed many failed Drug Courts, failed Court management software projects (due to training costs) and incomplete Code development projects. When the Justice funding runs out, so does the Project.

As a directive from the Office of Management and Budget, our Reviews specifically examined how Tribes were using Federal funding. In the last four fiscal years (FY 09) there was only one isolated incident of a 3% questionable expenditure of Federal funds. It is speculated that because of our limited resources, we compromise ones due process and invoke "speedy trials" violations to save Tribal Courts money. Everyone who is processed through the Tribal judicial system is afforded their Constitutional civil liberties and civil rights.

We do not wish to leave an entirely negative impression about Tribal Courts. Tribal Courts need an immediate, sustainable and increased level of funding. True. There are strong indications that the Courts will put such funding to good use.

There are Tribes like the Fort Belknap Tribe of Montana whose Chief Judge manages both offices and holds Court in an old dormitory that can't be used when it rains because water leaks into the building and the mold has consumed one wall. ***Their need exceeds 100%.***

And, there are Tribes like the isolated Havasupai, located in the bottom of the Grand Canyon. They can only afford a Judge one day a month. Their computers only work sporadically because of the fine layer of dust that appears to cover everything. They have a single, underpaid clerk, who remains dedicated to her job, even though her employment experience means she could make twice as much working out of the Canyon away from home. When she goes to pick up her children at school, the Court must close, because she is the only one there. The flooding of the Canyon has not helped. ***Their need exceeds 100%.***

Tribal Courts have other serious needs. Tribal Appellate Court Judges are mostly Attorneys who dedicate their services for modest fees that barely cover costs for copying and transcription fees. Tribal Courts offer Jury Trials. In many Courts, one sustained Jury Trial will deplete the available budget. The only place to minimize expenses is to fire staff. Many Tribal Courts have Defense Advocates. These advocates are generally law trained and do a good job protecting an

individual's rights (including assuring speedy trial limitations are not violated.) However, this is a large item in Court budgets and if the defense advocate, or Prosecutor, should leave, the replacement process is slow.

I am here today to tell Congress these things. We feel it is our duty to come here on behalf of Tribes to advocate for better funding. Tribes ask us to tell their stories. They open their files and records to us and say, "We have nothing to hide". Tell Congress we need better facilities, more law enforcement, more detention facilities, more legal advice, better codes... the list goes on and on. But, as we have indicated, it all involves more funding. This Congress and this new Administration can do something great. Put your money where your promises have been.

We support the requests and recommendations of the National Congress of American Indians.

On behalf of the Independent Tribal Court Review Team; Charles D. Robertson Jr., Honorable Philip D. Lujan, Ralph Gonzales, Myrna Rivera and myself, Thank you.

Mr. COOCHISE. I am Elbridge Coochise. I am the Team Leader of the Independent Tribal Court's Review Team. We have been——

Mr. MOLLOHAN. Coochise.

Mr. COOCHISE. Huh?

Mr. MOLLOHAN. Coochise, is that the way you pronounce it?

Mr. COOCHISE. Actually, the proper is Coochise, but I just go by Coochise. That is easiest for most people to say.

Mr. MOLLOHAN. Say it one more time.

Mr. COOCHISE. Coochise. Say it from here.

Mr. MOLLOHAN. Coochise.

Mr. COOCHISE. Yeah.

Mr. MOLLOHAN. Thank you. I fumbled here. Thank you.

Mr. COOCHISE. Thank you.

Mr. MOLLOHAN. And pardon me for mispronouncing your name.

Mr. COOCHISE. That is fine. I probably could not say yours right half the time either, so thank you very much.

Mr. MOLLOHAN. Say it. Let me hear you say it.

Mr. COOCHISE. Okay.

Mr. MOLLOHAN. No, no. Say my name.

Mr. COOCHISE. Huh?

Mr. MOLLOHAN. Say my name.

Mr. COOCHISE. Isn't it Mollohan?

Mr. MOLLOHAN. That is pretty good.

Mr. COOCHISE. Okay.

Mr. MOLLOHAN. Thank you.

Mr. COOCHISE. I am here representing the Independent Tribal Court's Review Team. We have been out on the road reviewing Tribal Courts, CFR, Code of Federal Regulations Court for four years now. We have 69 as of last week.

And part of the project is also to go back and help some of those courts that need assistance and to not only just help the court process along but to develop policy for the systems.

And I am here to request funding for the Tribal Courts. It is still on average that tribes get funding for their court systems at 26 percent of what is needed. So they are not fully funded and most of them either have part-time courts or if they have a few of them who have extra income, they can pay for their systems.

And we do, as our team recommends, support the President's 2011 proposed budget of seven percent, but because of the shortage, we request again that the Committee propose or appropriate the $58.4 million that was approved in the Tribal Justice Act, but, if not, at least increase the funding another ten percent from the past year.

And we do thank the Committee for the increase in funding and to maintain the set aside in the Department of Justice Justice Service Program. The request is to again support the hiring and training of court personnel.

And there is a new bill going through the Congress right now. And especially judges, if they are going to do the recommended sentencing, are going to be required to be attorneys. And a number of our judges are not law trained in Indian Country, mostly because of lack of funding to provide salaries which also goes to the Appellate Court.

A lot of our Appeals Court judges in the different Tribal Courts are paid $25.00 an hour even though they are attorneys, so they are actually doing pro bono work. And there is a limit to how much they can do and there are backlogs of appeals in a number of courts.

But the other thing is a lot of our courts are still in condemned buildings. We were just in the one in New Mexico last week and most of us got sick because of the asbestos and whatever was in there. And so they need funding to fix up their buildings or get new buildings.

And the other is the state of the art. Most of our work on corrective action has been support, trying to get their CMS data collection systems operating. Part of the problem is lack of funds because those systems run between $60 and $80 thousand a year. And then to license them to each person that uses is usually $5,000 to pay for a license. And so if you have three or four clerks, that is still a big chunk of the budget.

And the other is regarding security. Security in Tribal Courts is almost nil. In fact, a number of times, we went to a court and we were greeted by inmates when we went in the court. And they are walking through the halls with the judges and the court personnel because there is not enough staff. And so the security needs to be made and then development of codes and financial code systems.

And we certainly appreciate what the Committee has done last year and the funds that it appropriates are well used. But, again, because of the grant process, we have seen a number of Drug Courts that started and developed well and then after three years without further funding, they had to close the doors.

Mr. MOLLOHAN. Why aren't they receiving further funding?

Mr. COOCHISE. Because their grant processes are one year or three years.

Mr. MOLLOHAN. And so there is not a source of money to sustain them?

Mr. COOCHISE. No.

Mr. MOLLOHAN. And this is federal grant, competitive grant?

Mr. COOCHISE. Yeah, awarded at the Department of Justice. And most of the tribes that do the Drug Courts do not have enough to do that let alone the other regular court systems. And so once they start up, one tribe had seven different grants, not just from DoJ, but others, and they all seem to end on the same period. So they are in a world of hurt right now.

Mr. MOLLOHAN. Yeah. There needs to be some coordination, some real attention given to what kind of funding, sustainable, dependable funding stream Tribal Courts can rely upon and the whole tribal justice can rely upon. And that is an issue that is very much of interest to us, to me.

Mr. COOCHISE. At this point, there is really not any coordination because each tribe is or most tribes in Indian Country—there are 300 courts in Indian Country and most of them are small tribes. So they do not have the revenue of the economy. Only the few that have gaming maybe have enough to support their court systems.

Mr. MOLLOHAN. Uh-huh.

Mr. COOCHISE. But most of them are dependent on federal funding.

Mr. MOLLOHAN. What other Appropriation Committees do you get funding through, Interior?

Mr. COOCHISE. Interior.

Mr. MOLLOHAN. For tribal justice issues?

Mr. COOCHISE. Yeah. Interior——

Mr. MOLLOHAN. Is that where you get most of your funding for——

Mr. COOCHISE. Yeah. There was $11.9 million and then this year, $10 million. There was a $10 million increase. So it is up close to $22 million, which is the first time the courts have gotten additional funding. And those are contracts, so they are ongoing. They go up and down, but they are at least ongoing.

Mr. MOLLOHAN. Well, we are looking at this issue very seriously, recognizing the kind of budgets we have, but we do want to work with you on this.

Mr. COOCHISE. Okay. And we appreciate what you have done thus far, but, like I said, we hope that the Act that was adopted by the Congress can be funded so that our court systems can operate more fairly as far as services and process.

Mr. MOLLOHAN. There are just so many problems starting with the scarce resources, but then there are also all the jurisdictional issues that make it terribly difficult to deal with tribal justice issues effectively.

Mr. COOCHISE. Three hundred court systems and then even then, you have got 558 or so federally recognized tribes. So only half the tribes have their own court systems. The others are in 280 states where states have jurisdiction. So those are some of the jurisdictional issues and problems that we face.

Mr. MOLLOHAN. Well, we have an opportunity to sit down and talk about this more.

Mr. COOCHISE. Okay. We appreciate any input and assistance you can give.

Mr. MOLLOHAN. Okay.

Mr. COOCHISE. Thank you very much.

Mr. MOLLOHAN. Thank you for your testimony.

Next the Committee would like to welcome Mr. David Bean who will testify on behalf of the——

Mr. BEAN. Puyallup.

Mr. MOLLOHAN [continuing]. Puyallup Tribe of Washington. Thank you.

Mr. BEAN. That was a great job.

Mr. MOLLOHAN. Yeah. Thank you. Welcome to the Committee. We appreciate your coming and we look forward to your testimony. And your written testimony, of course, will be made a part of the record.

Mr. BEAN. Yes, sir.

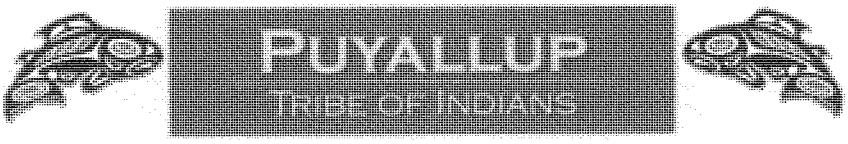
Mr. MOLLOHAN. Thank you.

WEDNESDAY, APRIL 14, 2010.

PUYALLUP TRIBE OF WASHINGTON

WITNESS

DAVID BEAN, PUYALLUP TRIBE OF WASHINGTON



TESTIMONY OF THE PUYALLUP TRIBE OF INDIANS BEFORE THE HOUSE SUBCOMMITTEE ON COMMERCE, JUSTICE, AND SCIENCE AND RELATED AGENCIES
FISCAL YEAR 2011

Mr. Chairman, my name is ***David Bean***, member of the Puyallup Tribal Council. We thank the Committee for past support of many tribal issues and in your interest today. We share our concerns and request assistance in reaching objectives of significance to the Congress, the Tribe, and to *32,000+ Indians (constituents)* in our Urban Service Area.

U.S. Department of Justice – Office of Tribal Justice – The Puyallup Tribe submits the following detailed written testimony to the House Subcommittee on the Commerce, Justice, and Science and Related Agencies F.Y. 2011 Appropriations. We look forward to working with the 111th Congress to insure that funding levels for programs necessary for the Puyallup Tribe to carry-out our *sovereign responsibility of self-determination and self-governance* for the *benefit of the 4,004 Puyallup tribal members and the members from approximately 355 federally recognized Tribes who utilize our services* are included in the F.Y. 2011 budget. The following provides a brief review of the Puyallup Tribe's priorities and special appropriation requests for FY 2011:

Summary: The Puyallup Tribe is requesting Committee support for a special appropriations funding for the completion of the Tribe's Justice Center which will provide components of policing, court, emergency preparedness and detention for the Puyallup Reservation in the State of Washington. This new Center, designed to U.S. Department of Justice and Interior standards, will benefit and enhance the criminal justice infrastructure for agencies (tribal/non-tribal) in the State's 6th and 9th Congressional Districts. The requirement for a safe and secure facility to meet current and future needs is essential to the Puyallup Tribal community and surrounding communities. The requested special appropriations will be used for the construction of Phase II and Phase II of the Tribe's Justice Center. This includes the 12,354 sf. Police Command Center (Ph. II) and a 16,878 sf. Judicial/Court Center (Ph. III). The Puyallup Tribe also is requesting funding increases for Tribal Courts, Community Oriented Policing Services, Tribal Youth Program, Meth Hot Spot Program and Violence Against Women Act programs.

Puyallup Nation Law Enforcement: The Puyallup Reservation is located in the urbanized Seattle-Tacoma area of the State of Washington. The 18,061 acre reservation encompasses most of the City of Tacoma, but the area is a "checkerboard" of tribal lands, Indian-owned fee land and non-Indian owned fee land. Our reservation land includes part of six different municipalities (Tacoma, Fife, Milton, Edgewood and Federal Way). The Puyallup Tribe also provides services for 4,004 tribal members and over 25,000 additional Native Americans from over 355 federally recognized Tribes and Alaskan Villages.

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The Puyallup Nation Law Enforcement Division currently has a Chief of Police, twenty-six (26) commissioned officers and two (20 reserve officers to cover 40 square miles of reservation in addition to the usual and accustomed areas. The officers are charged with the service and protection of the Puyallup Reservation seven days a week, twenty-four hours a day. Due to limited federal funding for law enforcement in Indian Country, only two (2) officers are funded with P.L. 93-838 funds. The remaining twenty-six (26) officers and nine (9) detention officer positions are funded by the Tribe. The total cost of justice services, including facilities operations and maintenance, exceed $5.7 million per year. As stated earlier, these costs are paid for with Tribal earned income.

The Tribe works closely with the state and local law enforcement authorities. We recognize that in this day and age, suck inter-jurisdictional cooperation is essential. We are fortunate to have a good working relationship with the state, county and city agencies. The Puyallup Tribe has had intergovernmental agreements with Pierce County and the City of Tacoma for many years. Puyallup Tribal Police officers are cross-deputized, so that arrests can be made under city or county jurisdictions, then offenders are turned over to the local authorities to be processed. The importance of the cross-deputization is highlighted by the impact of gangs on the Puyallup Reservation. Currently, there are twenty-eight (28) active gangs on the Reservation. Gang activities include drug trafficking, weapons sales and turf wars which result in drive-by shooting. Inter-State 5 runs through the Puyallup Reservation and is known as a drug corridor. With the continuing increase in population, increase in gang related activities on the Puyallup Reservation and the impact of the increase in manufacturing of meth amphetamines in the region, the services of the Puyallup Nation Law Enforcement Division are exceeding maximum levels. This is highlighted by the recent cooperative efforts of the local Prosecutor's Office, local Police Agencies, Washington State Department of Corrections and the F.B.I.'s South Sound Gang Task Force when 32 members of a notorious street gang were arrested and arraigned on charges ranging from car theft to attempted first-degree murder.

A major on-going area of concern for the Puyallup Tribe is the status of our ***Regional Detention Facility***. Due to damages from the February 2001 Nisqually earthquake, we have had to relocate the modular/temporary facilities. As a regional detention facility, the relocation to the modular facility not only impacts the Tribe's ability to house detainee's but also the *approximately 173 native inmates* that were incarcerated at the Puyallup Incarceration facility during the period of 2001-2002. Since the relocation to the modular facilities the Tribe's ability to effectively and safely incarcerate detainee's has been compromised due to the condition of the temporary detention facilities. These conditions have been verified by a recent inspection by the B.I.A. with a recommendation that no further funds be allocated due to the inability to bring the facility up to any standard.

In an effort to protect the safety and welfare of the native community the Puyallup Tribe has initiated the design and construction of a 46,697 sf. "Justice Center" to be located on the Puyallup Indian Reservation. The total construction cost of the Tribe's Justice Center

is estimated at $23.8 million. The Justice Center will provide necessary facilities for the delivery of judiciary services including a 17,465 sf. Corrections Facility (28 bed), a 12,354 sf. Law Enforcement Command Center and a 16,878 sf. Judicial/Tribal Court Center, which includes, Court rooms, Judges Chambers, Court Clerk, Prosecution, Probations and Public Defender. To accommodate the future needs of these service providers, a detailed Space Needs Analysis was developed for each provider. Based on this information, space adjacencies were developed in order to begin the development of preliminary massing and building concepts.

A preliminary phasing plan was developed in order to meet budgetary constraints. Phase I involves the initial construction of the Corrections Facility at a cost of $9 million. The Tribe was successful in securing F.Y. 2009 Department of Justice ARRA Correctional Facilities on Tribal Lands Program: Construction of Detention Facilities for Adult and Juvenile Offenders funding in the amount of $7,936,648. The additional $1.1 million necessary for completed of Phase I is being provided with Puyallup Tribal Revenues. The Tribe is cooperatively working with Department of Justice staff on implementation of this project. It is anticipated that all grant conditions will be satisfied within 60 days and that construction will commence early/mid-summer 2010. Phase II will involve the construction of the 12,354 sf. Law Enforcement Command Center at a cost of $6.1 million and Phase III will be the construction of the 16,878 sf. Judicial/Tribal Court Center at a cost of $8.7 million. *The total cost of the Tribe's Justice Center Phase II and II is estimated at $14.8 million.*

The planning and development of the new Justice Center will provide the Puyallup Tribal community and surrounding communities with the facilities required to carry out our responsibilities in overseeing and administering the Tribe's justice system. Moreover, effective regional cooperation and coordination with the contiguous jurisdictions will be enabled. This approach would match directly with the efforts of the Department of Justice and the Bureau of Indian Affairs to maintain open communication, cooperate in strategic program development which address tribal justice needs in a holistic basis rather than the existing compartmentalized method, and implementation of programs that compliment each Departments effort's and funding.

As stated earlier, the new Justice Center will benefit and enhance the criminal and justice infrastructure for agencies (tribal/non-tribal) in the State of Washington 6th and 9th Congressional Districts. Regional support for this project has been provided by City of Tacoma; Pierce County Executive Director and Pierce County Sheriff. Congressional support for the new Justice Center has also been secured with the Washington State Congressional delegation. We have met with Senator Patty Murray, Senator Maria Cantwell, Congressman Adam Smith and Congressman Norm Dicks and their staff and all offices were encouraged by the Tribe's on-going efforts and continued cooperation with local jurisdictions.

The Department of Justice program established to address detention facilities in Indian country has been historically underfunded and proposed for elimination in the Administrations F.Y. 2011 Budget. *It has been estimated in the Interior Department*

Shubnum Report entitled "Master Plan for Justice Services in Indian Country" that $8.4 billion is needed over the next ten (10) years to bring tribal and B.I.A. detention centers up to current standards and relieve overcrowding. In FY 2010, the enacted level for this program was $10 million. ***We respectfully request congressional support***

- ***Fund the Department of Justice – Detention Facilities Construction in Indian Country program for FY 2010 at a minimum of $30 Million for new construction. The FY 2010 enacted levels of funding for the construction of detention facilities in Indian Country is $10 million. The President's FY 2011 Budget proposes eliminating categorical funding for this Initiative in lieu of the 7% set-aside for all OJP grant programs. Until details of the 7% set-aside have been reviewed and meaningful consultation has been carried out with Tribe's, Congress should fund this program at a minimum of $30 million.***

- ***Support from the Subcommittee on the Tribes request for funding to design and construct Phase II – Law Enforcement Command Center and Phase III – Judicial/Tribal Court Center, of the Tribe's Justice Center, in the amount of $14.8 million.***

Tribal Court System: The Tribal Court system is an independent branch of the Puyallup Tribal Government having jurisdiction over 25,000+ within our Service Area. Jurisdiction extends throughout our 18,061 acre Reservation and our U&A Grounds for Hunting and Fishing. Operations of a Tribal Court system with jurisdiction over the 4,004+ Tribal Members and the 25,000+ Indian is extremely costly. Partial Court funding is provided via a P.L. 93-638 Contract; the funding level has varied little during the past eighteen (18) years covering only costs of supplies and expenses. In FY 2010, the costs for the thirteen (13) staff Tribal Court, including the; Chief Judge, Associate Judge, Court Administrator, Children's Court Counselor, Bailiffs, Data Clerk, Criminal/Welfare/Child Support Clerks and Clerical is budgeted at $887,471 and is funded with Puyallup Tribal Revenues. Current levels of federal support are grossly inadequate thereby effectively denying access to equal justice.

A frame work is in place for an adequate court system, however we lack sufficient funding due to competing demands/priorities we cannot provide funding to other departments-some of which attempt timely intervention strategies to lessen court involvement. We have provided supplementary support to the court system for the past eighteen (18) years. With the projected increase demand on the court system services, it is anticipated that this shortfall will increase over the next five (5) years. The President's FY 2011 Budget proposed to eliminate categorical funding for Department of Justice Indian Country Assistance Initiative, including the Tribal Courts Initiative. The Budget proposed a new 7% set-aside from all Office of Justice Programs grant programs for Tribes. While this proposes to provide approximately $139.5 million for tribal programs, it is unclear how this set-aside will, in practice, affecting funding for Tribal Court systems.

We seek Congressional support and endorsement in:

- ***Request Subcommittee support to fund the Office of Tribal Justice – Tribal Court System at no less than $25 million for FY2011 and instruct the Department of Justice to initiate meaningful consultation with Tribe's regarding the program development and allocation methodology of the proposed $139.5 million – 7% set-aside of all Office of Justice Program for Tribes.***

Community Oriented Policing Services (COPS): The FY 2010 enacted level for COPS for Indian Country is $40 million. Unfortunately, the President's Budget proposes decreasing this level by $15 million for FY 2011. This proposal would cut $15 million from the Tribal Resources Grant Program – the program through which Tribes are able to acquire equipment and resources – and, in exchange, direct $42 million of the $302 million increase for the COPS hiring grant program to be dedicated to the hiring of Tribal Law Enforcement Officers. We strongly support the increase of funds dedicated to the hiring of Tribal Law Enforcement Officers. Sufficient law enforcement forces in Indian Country is on of the most important elements to our ability to provide for public safety in our communities. Today, there are 1.3 law enforcement officers per 1,000 citizens in Indian Country, compared to 2.9 law enforcement officers per 1,000 citizens in non-Indian communities.

However, an increase in law enforcement officers must be met with an increase in equipment and other resources. Tribal law enforcement agencies are already suffering a shortage of proper equipment and support staffing. An increase in law enforcement officers without a corresponding increase in funding for equipment and support staffing would do little to address the public safety issues in Indian Country. We believe the proposed decrease of $15 million in the Tribal Resources Grant Program is an unwise trade-off that will undercut the effectiveness of tribal law enforcement. The enacted level in F.Y. 2009 for the COPS for Indian Country was $20 million. This program provides an essential service to the public safety and welfare in Indian Country and assists tribal efforts to increase the number of law enforcement officers. Today, there are 1.3 law enforcement officers per 1,000 citizens in Indian Country, compared to 2.9 law enforcement officers per 1,000 citizens in non-Indian communities.

The demand on law enforcement services will increase as tribal governments continue to enhance civil and criminal justice administration and as tribal governments play an integral role in securing America's borders, citizens and physical infrastructure. This demand is further impacted by the existing and growing "gang problem" within the boundaries of the Puyallup Reservation. These gangs are different than other reservations due to our urban setting (Puget Sound region of the State of Washington), five other city boundaries next to our exterior boundaries, six separate local jurisdictions and Interstate 5 traversing through the reservation. In an effort to combat these gang activities, the Puyallup Tribal Council created a Gang Task Force from the Tribal Police Department, representatives from various Tribal Services Divisions and community members. The Gang Task Force developed a gang policy that includes a four prong

approach to gang related activities. They are; enforcement; intelligence; education; and physical-mental health. These programs are currently being implemented or being designed for use with supplies and staff being provided by the Tribe. What is needed to move forward is funding in each pronged approach.

We seek Congressional support and endorsement:

- ***Request Subcommittee support to fund the Office of Tribal Justice – COPS Hiring of Tribal Law Enforcement Officers at $42 Million for FY 2011. Request Subcommittee support to fund the COPS Tribal Resources Grant Program at $40 million in FY 2011. The FY 2011 President's Budget proposes decreasing that level to $25 million.***

- ***Request Subcommittee support in funding the Tribal Youth Program at no less than $25 million for FY 2011. The Tribal Youth Program is funded at $25 million this year *FY 2010), but the President's Budget proposed eliminating categorical funding for this program in exchange for the 7% set-aside for Tribes in all OJP grant programs.***

- ***Request Subcommittee support in funding the "COPS Meth Hot Spots" Program to fund cleanup of meth labs at no less than the enacted level in F.Y. 2010 and request that the Subcommittee issue directive language to the Department of Justice to include this amount in their FY 2012 budget. Funding for this program is eliminated in the FY 2011.***

- ***Request Subcommittee support to fully fund programs authorized under Violence Against Women ACT (VAWA), including $1 million for the National Tribal Sex Offender and Order of Protection Registry and $1 million for the baseline study of violence against Indian women. The Study of violence against Indian women was unfunded in FY 2010. The FY 2011 President's Budget restores funding for the study at $1 million. The National Tribal Sex Offender Registry was funded at $1 million in FY 2010, and the FY 2011 Budget proposes continuing the funding for this Registry at the same level.***

Mr. BEAN. Chairman Mollohan, members of the Subcommittee, my name is David Bean. I am here today on behalf of my Chairman, Herman Dillon, Sr., who is at home under doctor's orders.

Mr. MOLLOHAN. Oh, we are sorry he could not make it today. Please extend our best wishes.

Mr. BEAN. Yes, sir. Thank you.

On behalf of the Puyallup Tribe Indians, I would like to thank you for the opportunity to meet with you to discuss the fiscal year 2011 budget for the U.S. Department of Justice and for the Subcommittee's continued support of critical tribal issues and programs.

And thank you for your past support. I raise my hands and give thanks to all the support you have given to these important issues. We look forward to working with you to ensure that adequate funding for important Department of Justice programs are included in the fiscal year 2011 budget.

The Puyallup Reservation is an urbanized tribe. We are located south of Seattle. Our reservation encompasses 18,000 acres. Within those boundaries are the cities of Tacoma, Fife, Milton, Edgewood, Federal Way. We provide services to over 4,000 members and over 25,000 federally recognized Native American and Alaska Natives.

We currently operate a law enforcement department that consists of one chief of police, 26 commissioned officers, two reserves, and nine detention officers.

In today's limited funding in Indian Country for law enforcement, only two of our positions are funded by the BIA. The remaining personnel in the facility's operation and maintenance are funded with tribally earned income in the amount of $5.7 million annually.

We presently have strong working relationships with local jurisdictions and for the past several years, we have had interagency local agreements with Pierce County Department Police and the Tacoma Police Departments.

This allows our officers to be cross-deputized and allows them to arrest, make arrests under the neighboring jurisdiction, and turn them over to the local jurisdiction. So it provides a good working relationship with the local law enforcement agencies.

Interstate 5 runs through our reservation and it is considered a major drug corridor. With this growing population, gang related activities, and the impact of manufacture of methamphetamines in the region, service of our law enforcement division are exceeding maximum response capacities.

While there are many Department of Justice programs that are in need of increased funding such as Tribal Courts, community-oriented policing services, tribal youth programs, and the Violence Against Women Act, we would like to talk to you today about our justice facility.

In an effort to protect the safety and welfare of our tribal community and surrounding communities, we have initiated design and construction of a 46,000 square foot Justice Center located within our reservation boundaries. The total construction cost is estimated to be around $23.8 million.

The Center will provide necessary facilities for the delivery of justice services, including a correction facility with 46 beds, a law

enforcement command center, and a judicial Tribal Court center. Phase one involves the construction of a 46-bed, 17,000-square-foot corrections facility at a cost of $9 million.

Our tribe was successful in securing fiscal year 2009 Department of Justice ARRA grant funding in the amount of $7.9 million.

While the construction of this facility happening currently, the tribe is ever mindful of the need to provide for the corresponding funding for the operation of the detention service at this facility. We are meeting with the Bureau of Indian Affairs now so that when we open in fiscal year 2012, we have the necessary resources to operate the facility.

We urge the Appropriation Committee to fully support the BIA funding levels that will ensure that these facilities, once built, can be used as Congress intended. We also urge you to direct the Department of Justice and the BIA to advise Congress as to the expected funding needs for fiscal year 2012 for the Puyallup facility as well as other facilities funded by ARRA grants.

While we greatly appreciate the Committee's support for detention facility construction, there is a desperate need for other broader public justice and safety facilities funding. Many tribal facilities including police departments and Tribal Court buildings are dilapidated and present hazards for our employees and the public who seek services at these facilities.

We urge the Committee to support expanded use of bricks and mortar dollars to include not just detention services but for broader programs including police departments and Tribal Courts.

At Puyallup alone, we are requesting a special appropriations for the construction of phase two and three of our Justice Center which will be our police department and Tribal Courts. The total cost of phases two and three are estimated at $14.8 million. The new Justice Center will provide Puyallup Tribe with facilities necessary to carry out our responsibilities in overseeing and administering the tribal justice system and will better enable effective regional cooperation and coordination with our sister jurisdictions.

This approach matches directly with the efforts of the Department of Justice and Bureau of Indian Affairs to maintain open communications, cooperate in strategic program development with the goal of addressing tribal justice needs on a holistic basis, rather than the existing compartmentalized method of implementation of programs, that complement each department's effort and funding. These types of efforts should be encouraged and supported throughout Indian Country.

And, again, I raise my hands and say thank you. Thank you for the opportunity to share our needs with you here today.

Mr. MOLLOHAN. Well, you are very welcome. And we look forward to reviewing your testimony more carefully.

Are you also going to testify on behalf of the National Congress of American Indians?

Mr. BEAN. No, sir.

Mr. MOLLOHAN. Oh, okay. I am sorry.

Okay. Thank you. Thank you, Mr. Bean.

Mr. BEAN. Thank you.

Mr. MOLLOHAN. Thank you very much. We look forward to following up and working with you.

Mr. Keel, thank you.

The Committee would next like to welcome Mr. Jefferson Keel to the hearing. He is present and will testify on behalf of the National Congress of American Indians. He is also the Lieutenant Governor of the Chickasaw Nation.

Mr. Keel, welcome to the hearing today.

WEDNESDAY, APRIL 14, 2010.

NATIONAL CONGRESS OF AMERICAN INDIANS

WITNESS

JEFFERSON KEEL, LIEUTENANT GOVERNOR, CHICKASAW NATION; PRESIDENT; NATIONAL CONGRESS OF AMERICAN INDIANS

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APRIL 9, 2010

On behalf of the National Congress of American Indians, thank you for the opportunity to provide our views on tribal programs in the FY 2011 Commerce, Justice, Science and Related Agencies Appropriations bill.

Public Safety and Justice

NCAI applauds the Administration's proposals for FY 2011 to continue to make investments in tribal public safety. Across the nation, tribal leaders have underscored the importance of public safety and justice in budget consultations over the years and emphasized the need for more resources. Today the inadequacy of public safety resources poses a direct threat to Native citizens and the future of Indian Country. NCAI is encouraged that the Administration continues to support increases for tribal programs at the Department of Justice.

Department of Justice

The Department of Justice (DOJ) requested a total of $448.8 million for public safety initiatives in tribal communities, $256 million of which will fund tribal grants. This is a substantial increase over the DOJ's FY 2010 funding levels for tribal specific programs.

The Department plans to award FY 2010 and subsequent years' appropriations to tribal governments under a consolidated grant solicitation and application process. This new approach is based on comments from tribal leaders that the Department received late last year during government-to-government consultation meetings. The intention of this new approach is to provide additional flexibility so that tribal governments may target federal resources according to tribal communities' law enforcement needs and priorities.

The Department proposes new bill language that would designate a 7% tribal set-aside from all discretionary Office of Justice Programs (OJP) programs (excluding the Public Safety Officers Benefits Program disability benefits and education assistance programs) for tribal criminal justice assistance. This 7% set-aside totals $139.5 million, although the details of how these funds will be administered are yet to be determined. To offset this new policy, the Department is proposing to eliminate bill language contained in prior years' Appropriations Acts that had specific funding amounts for traditional tribal justice programs – such as tribal prison construction, a tribal courts initiative, tribal alcohol and substance abuse reduction assistance, and tribal youth programs. We would like the Subcommittee to consider if core tribal justice programs require a base amount of resource, so that the FY 2011 appropriations bill or report should direct the Department to allocate final FY 2011 funding to the various Indian Country justice programs administered by the Office of Justice Programs at no less than the FY 2010 enacted levels.

The Administration requests a total of $67 million for tribes under the Community Oriented Policing Services (COPS) program to fund tribal law enforcement expenses. This total is made up of $25 million for tribal law enforcement and $42 million (7% of the program total) under the Universal Hiring Program for the hiring and training of new police officers.

An additional $47.9 million will be funneled through the Office of Violence Against Women (OVW) and aimed at addressing the high victimization rates of American Indian and Alaska Native victims of domestic violence, sexual assault, dating violence, and stalking on tribal lands. Within these OVW funds, the President requested that $500,000 be available for both a new Indian Country Sexual Assault Clearinghouse and for Regional Summits in Indian Country that would provide training on the prosecution of cases involving violence against Native women. The FY 2011 budget also increases the amount of money set aside for Analysis and Research on Violence Against Indian Women from $1 to $3 million.

In addition to $23.8 million requested for the Federal Bureau of Investigations for Indian Country activities in FY 2011, as noted above, the budget request also proposes $19 million for a reimbursable program through the Department of Interior to support 81 positions (including 45 agents) investigating violent crimes within Indian Country.

A new $1.2 million is requested for the redesign and development of data collection programs for Indian Country by the Criminal Justice Statistics Program within the Bureau of Justice Statistics, Office of Justice Programs, and the Community Relations Service (CRS) is slated to receive an increase of $176,000 in non-personnel funding to allow CRS to promote improved communication and partnership between law enforcement entities.

Finally, the Office of Tribal Justice has requested an extra $584,000 over FY 2010 funds to hire an additional three attorneys and one program analyst to assist in fulfilling the DOJ's responsibilities to Indian Country.

The funding increases included in the DOJ's budget request are necessary to strengthen the law enforcement infrastructure on Indian lands. NCAI supports the DOJ budget requests for FY 2011.

The details of the amount that will be available for DOJ detention facilities are not clear as this testimony goes to print. The Administration and Congress provided a remarkable amount, $225 million, under the American Recovery and Reinvestment Act (ARRA, Recovery Act) for DOJ facilities construction. The need for these resources in Indian Country, upwards of $8.4 billion, dwarfs the amount provided even in ARRA funding. The amount provided for this line item has fluctuated over the last few years, with an average of about $10 million provided each year. ***NCAI requests that the support provided for detention facilities is at least maintained at the FY 2010 level of $10 million in FY 2011. A sustained commitment in FY 2011 is necessary to address the urgent need for this element of public safety.***

Department of Commerce, Census Bureau

The 2010 Census is upon us and NCAI has been very active in promoting American Indian and Alaska Native participation in this decennial event to avoid the historic undercounts of Native people. In 2010 there will be no "long form" questionnaire to ask the detailed questions about education, employment, income, and other characteristics; this has been replaced by the American Community Survey (ACS).

For at least 35 years, the most detailed set of demographic data on the American Indian and Alaska Native (AI/AN) population, from the national to the individual reservation level, has been the comprehensive file of socio-economic information tabulated from the US Census of Population, taken once every ten years. Recording everything from the number of single parents with children living under the poverty line to how many adults have graduate educational degrees, the Census has been the only source of uniform data on the American Indian and Alaska Native population living in every part of the country. Historically this information has been collected through a special "long form" questionnaire distributed to a sample of the population -- generally every other household in most reservation areas -- as part of the decennial Census.

The information has been used by tribal leaders, planners, and grant writers to design programs and apply for funding. It has also been used by federal agencies to allocate money to tribes under various programs.

NCAI, tribal leaders, and planners have begun to use the available ACS one-year and three-year estimates and await the release of the five-year estimates in late 2010. NCAI and data users interested in the Native population need at least the same amount of data that was previously provided using the long-form, and it must be reliable, accurate, and timely.

The Census Bureau's policy is to publish annual ACS data only for areas with a total population of all races of 65,000 or more. The only federal reservation that falls into this category is the Navajo reservation. Data for areas with a total population of 20,000 or more (including those with 65,000 or more) is published as an aggregation of responses to the ACS questionnaire collected over the most recent three-year period. These are called three-year estimates.

Data for all areas, including those with populations of less than 20,000 is to be published based on responses collected over the most recent five-year period. Nearly all reservations fall into this five-year estimates category. Five year estimates will also appear annually, although the Census Bureau cautions about comparing successive five year or three year estimates that include data from overlapping years.

With the decennial Census long-form questionnaire gone and no data of equivalent quality available from ACS, tribal leaders, planners, and grant writers will lose the kind of information they have historically relied on to measure the well-being of many AI/AN areas. In addition, federal agencies which use the data on socio-economic characteristics for fund allocation will have to reassess their fund allocation systems.

The Administration has proposed a $44 million increase in FY 2011 for the American Community Survey program to increase the sample size to improve tract-level data accuracy; enhance field and telephone center data collection; conduct a 100 percent non-response follow-up operation in Remote Alaska and small American Indian, Alaska Native, and Native Hawaiian Homeland areas; and for additional review of three-year and five-year data. ***NCAI strongly supports this badly needed increase to the ACS program.***

Mr. KEEL. Thank you, Mr. Chairman, members. Thank you for allowing me this opportunity today to testify before you.

Across the nation, tribal leaders have underscored the importance of public safety in budget consultations over the years and emphasize the need for more resources.

Today the inadequacy of public safety resources poses a direct threat to native citizens and the future of Indian Country.

The National Congress of American Indians is encouraged that the Administration continues to support the increases for tribal programs at the Department of Justice.

The Department of Justice requested a total of $448.8 million for public safety initiatives in tribal communities, $256 million of which will fund tribal grants. This is a substantial increase over the DoJ's fiscal year 2010 funding levels for tribal-specific programs.

The Department plans to award fiscal year 2010 and subsequent years' appropriations to tribes under a consolidated grant process. This new approach is based on comments from tribal leaders and the intention of this new approach is to provide additional flexibility to target resources where tribes really need them.

The Department proposes new bill language that would designate a seven percent tribal set-aside totaling $139.5 million from all discretionary Office of Justice programs for tribal criminal justice assistance.

DoJ proposes to eliminate bill language contained in prior years' appropriations acts that had specific funding amounts for tribal justice programs such as prison construction, Tribal Courts, alcohol and substance abuse, reduction assistance, and youth programs.

We ask the Subcommittee to consider if core tribal justice programs require a base amount of resources so that the fiscal year 2011 spending bill or report should direct the Department to allocate final fiscal year 2011 funding at no less than the 2010 enacted levels.

Other programs and our testimony are outlined in our written testimony.

The funding increases included in the DoJ's budget request are necessary to strengthen tribal law enforcement infrastructure. NCAI supports the DoJ budget request for fiscal year 2011.

The Administration and Congress provided a remarkable amount of $225 million under the American Recovery and Reinvestment Act for DoJ for the tribal facility's construction. An example of that investment is that the ARRA has allowed the Rosebud Sioux to pioneer a new model for Indian prisons. The jail is being designed to cultivate a sense of culture and identity among inmates as a way of changing a penal system that often contributes to further alienating prisoners from the community and the hardening of criminals.

The penal system across Indian Country, underfunding, and outdated facilities leave inmates with a lack of basic amenities, sanitation, and safety. These poor conditions, likened to developing countries, inevitably mean crime is rampant within prison walls, serving to educate even the most petty of criminals in the ways of hard crime. The Rosebud corrections facility administrator said, and I

quote, "Prison turns our tribal members into hardened criminals. They come out much worse than when they went in."

Beyond the deteriorating infrastructure, the Rosebud Prison has reached its capacity and, thus, the Tribal Court faces the dilemma of either overcrowding the prison or accepting its limited ability to punish crime.

The Rosebud facility will provide 65 immediate jobs during the construction phase and is projected to create an impressive 100 long-term jobs, this in an economy with an 85 percent unemployment rate. The new facility will hold 200 inmates and implement a dramatically new type of incarceration. It will rehabilitate its inmates through exploring their sense of identity during the course of their imprisonment.

This prison will aim to restore the sense of community and it is just one example of the potential successes that adequate resources for public safety in Indian Country can foster.

The need for these resources, upwards of $8.4 billion, dwarfs the amount provided even in ARRA funding. The amount provided for this line item has fluctuated over the last few years with an average of about $10 million each year. NCAI requests that the support provided for detention facilities is at least maintained at the fiscal year 2010 level of $10 million for 2011.

The 2010 Census is upon us and NCAI has been very active in promoting American Indian and Alaska Native participation in this event to avoid the historic undercounts of native people. However, in 2010, there will be no long form survey to ask the detailed questions about social and economic characteristics which the American Community Survey has replaced.

The census publishes its annual ACS data only for areas with a total population of all races of 65,000 or more. The only reservation that falls into this category is the Navajo Reservation. Data for areas with a total population of 20,000 or more is published in three year estimates.

With the census long form gone and no data of equivalent quality, tribal leaders will lose the kind of information they have historically relied upon to measure the well-being of many of our communities.

The Administration has proposed a $44 million increase in fiscal year 2011 for the ACS to increase the sample size to improve track level data accuracy, enhance field and telephone center data collection, conduct a 100 percent nonresponse follow-up operation in remote Alaska and Indian reservation areas, and for additional review of three- and five-year data. And NCAI supports this badly needed increase.

Thank you again for the opportunity to testify and I look forward to working with this Committee.

Mr. MOLLOHAN. Well, thank you, Mr. Keel, for your testimony here today.

We will review your testimony more carefully. Your concerns about the Census is something I want to follow up on in addition, obviously, to the funding needs you have that really are so inadequately met. And I am pleased to see this Administration coming forward with a real effort to address that.

Mr. KEEL. Absolutely.

Mr. MOLLOHAN. And I want you to know that this Committee last year within our means made every effort to address it as well. So we just need to find the money here to——

Mr. KEEL. Well, we certainly appreciate that.

Mr. MOLLOHAN [continuing]. Address it.

Mr. KEEL. And we appreciate all of your efforts. And I want to thank you once again.

Mr. MOLLOHAN. Okay. Well, we look forward to visiting with you to see how we can do the best we can do.

Mr. KEEL. Thank you again.

Mr. MOLLOHAN. Thank you for your testimony here today.

I am going to ask Mr. Fattah to assume responsibilities for the Committee, to take the Chair, and I'll excuse myself because I have to go.

I thank all the witnesses who have testified and all those who are waiting to testify.

And, Chaka. Okay. Thank you.

Mr. FATTAH [presiding]. Okay. We will have Congressman Farr.

WEDNESDAY, APRIL 14, 2010.

TESTIMONY OF MEMBERS OF CONGRESS

WITNESS

HON. SAM FARR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

SAM FARR
17TH DISTRICT, CALIFORNIA

COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEES:
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HOMELAND SECURITY
MILITARY CONSTRUCTION, VETERANS' AFFAIRS, AND RELATED AGENCIES
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April 14, 2010

TESTIMONY OF THE HONORABLE SAM FARR
BEFORE THE HOUSE APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE,
AND RELATED AGENCIES

Chairman Mollohan, Ranking Member Wolf, and Members of the Subcommittee: Thank you for this opportunity to submit testimony to you.

I come here today on behalf of myself and my colleague Jay Inslee (D-WA). Together we championed an effort to send a letter to this subcommittee in support of $8 billion in programmatic funding for the full National Oceanic and Atmospheric Administration (NOAA) budget. This letter garnered over 50 co-signers.

Our oceans and coasts are among our greatest natural resources. Over half of the United States population lives in the 673 coastal counties, with a 5% projected increase in this coastal population by 2015. Coastal and marine waters support over 2.8 million jobs and the coastal economy generates half of the nation's GDP. The culture, economy, and security of our Nation depend on the health and sustainability of these coastal and ocean assets, yet we are not sufficiently managing and protecting them. We all know that the budget this year is more constrained than ever, however I respectfully urge you to make oceans a funding priority. An increased and sustained investment now will only work to enhance the benefits these resources will provide in the future.

There are several challenges facing NOAA in the near term that justify the need for increasing the Fiscal Year 2011 appropriation to $8 billion. NOAA has a mandate to maintain its satellite capabilities, which are essential for weather forecasting and other earth observing needs. However, the costs for such satellites and sensors continue to increase with each fiscal cycle. The President's Fiscal Year 2011 budget recommends a 60 percent increase to implement these satellites. This increase should not come at the cost of shifting funds from non-satellite programs across the agency. Additionally, recognizing the need for a comprehensive approach to ocean and coastal conservation management, in 2009, the President convened an Interagency Ocean Policy Task Force. The task force is charged with proposing a national ocean policy recommendation that ensures protection, maintenance, and restoration of the ocean, coasts and Great Lakes. NOAA also recently proposed creating a National Climate Service to integrate and coordinate climate research, observations, modeling, predications and assessments. By consolidating NOAA's climate science into one office, NOAA will improve their ability to provide data, information and services to decision makers and the public in a more streamlined and coordinated manner. Our funding request would permit NOAA to meet current mandates, as well as allow for the increasing responsibilities bestowed upon the agency to manage our ocean, coasts, and Great Lakes in a changing world.

PRINTED ON RECYCLED PAPER

To that end, I want to emphasize the invaluable services and programs of NOAA. Among these are the National Marine Sanctuary Program, the Integrated Ocean Observing Program, the National Sea Grant College Program, the National Estuarine Research Reserve System, and the Coastal and Estuarine Land Conservation Program, not to mention the National Weather Service, which provides the weather data on which virtually all Americans rely. Combined, the many NOAA activities support necessary ocean protection, research, exploration, and education, facilitating America's trade and commerce, leisure and recreation, and putting seafood on our tables. Therefore, it is important that we make significant progress toward increasing NOAA's funding to $8 billion in the very near term. Even though the President's Fiscal Year 2011 budget proposal has made progress toward the necessary funding by requesting $5.55 billion in NOAA funding, $2.2 billion of this goes to NOAA's satellite programs and does not explicitly stipulate necessary budget increases for NOAA's many other vital programs. However, the budget does indicate the President's commitment to some programs, identifying the need to support research to further our understanding of ocean acidification, allocating money to implement a coastal and marine spatial planning program, supporting funding for fisheries research, management and habitat restoration as well as regional ocean partnerships that would advance the President's Task Force recommendations. It is critical that NOAA's many other important programs and responsibilities be funded at a level commensurate with their value added to environmental and human health.

As a Member of California's coastal delegation, I am an intimately connected advocate for coastal and ocean resources. Several of the programs under NOAA's jurisdiction and other private and state entities are represented in my district, making it one of the most dynamic coastal destinations in the country. California's 17th District includes the Monterey Bay National Marine Sanctuary—the Nation's second largest marine sanctuary supporting one of the world's most diverse marine ecosystems—the National Marine Protected Area Center and Science Institute, and the Monterey Bay Aquarium. In addition, it houses several top ocean research laboratories and education institutions including the University of California at Santa Cruz, Moss Landing Marine Lab, California State University at Monterey Bay, and Stanford's Hopkins Marine Station. There, key studies and programs related to highly migratory species like sharks and tuna, protected species like salmon, ocean observing, data collections on fish stocks and ocean economics, and basic research to increase our understanding of the ocean are conducted. Of course, while these areas and institutions provide a vast amount of educational and scientific opportunity, they are also environmentally striking areas that support a high influx of annual coastal tourism.

I cannot emphasize enough that the health and sustainability of our ocean and coastal resources is imperative for the future of our nation. Therefore, I would appreciate your support in funding the NOAA and its programs that are of critical importance to my district and to our nation. Please consider this written testimony for the record. I do understand the requested investment is sizable; however, it must be done to protect our nation's largest public trust. We must show our ocean stewardship now. Let's make the necessary strides in the 2011 cycle to give this agency the resources in needs to fully realize its mission, to effectively provide its many products and services to the American people, and to understand and manage the ocean upon which we all increasingly rely.

Mr. FARR. Thank you very much, Mr. Chairman.

I want to apologize to those sitting behind me today. As a former County Commissioner and Supervisor, I am very sympathetic to their needs.

But I am here to talk about the big NOAA, the whole budget in the Department of Commerce. And I appreciate your willingness to get us time to do this.

You know, if you look at that map behind you, you just get an impression of how much blue versus green or how much ocean there is compared to land. And if you look at the map specifically, you will see that the populations of this world, the vast majority of people live on those coastal communities. The biggest cities in the United States are on the coast. And perhaps Chicago is on a big lake coast.

But those are the communities that are really dependent on what we call a coastal economy and it can be everything from tourism to fishing to transportation and so on.

What NOAA's responsibility is, they have got two halves. One is the air, the weather, and the other is the oceans. And, unfortunately, this President's budget calls for a huge increase in the observing systems in space at the expense of cutting programs in the ocean side, in the wet side.

And I think they do that with putting a lot of real issues in jeopardy. As you know, there is the whole question of fisheries and NPR just this morning had the fisheries and Chesapeake Bay, what is going on there. If we do not have a way to better measure our fish take and our understanding of fisheries and the biology of it—it is still not an exact science—we do it at huge peril to the planet.

And I have a NOAA weather station in my district, but it is right next to a Navy weather station. And what I would recommend is that the Committee—I am not on this Committee—but you ought to require that the NOAA weather people link up and do more collaboration with the military because the military does have all those satellites and all those computers to document it.

And I do not know how much sharing there is where we are just going on it and we are going to have to have this as civilian information versus military. But it is an arms race and it is a very expensive one. And by adding more to the air side or to the weather side at the expense of the ocean side is, I think, wrong for this Committee to follow the President's recommendation.

Of the $5.5 billion that NOAA gets, $2.2 billion goes to satellite programs, almost half of the entire budget. And that is not as many jobs as what is related to all of those sub-programs that are on the wet side. So I am very keen on trying to make sure that the wet side gets their fair share.

And I think any cuts in the wet side is really unacceptable because it is a time when we are really having to spend more. And that is basically my message.

There is one thing in here about catch shares. You are going to hear it is a very controversial, very smart kind of business practice, that essentially what you do when you go out in the oceans now is you have a limited season and a limited take. And if the season sat today and it only goes for a month, then all the fish you are

going to catch have got to be caught in that one month and it is get out there and catch as many as you can because whoever gets the most after you reach a tonnage limit, they cut it off.

The catch share is, look, we will sell you a share and you go out and catch that fish any time you want. So, frankly, for the fishermen selling fish, you have a more stabilized market. It is not a huge supply and then no demand, you know. It just goes like that now.

You also make fishermen go out in really bad weather because they have got to catch it within their time limit, so they are taking a lot of risks that they should not be taking.

And the other thing catch share does is it puts a value on every fish rather than just a big mass tonnage and that way, you end up with a much better knowledge, get better price, and a better knowledge of not having to ruin the fisheries, wipe them all out. And that is what is happening in our oceans, you know, the fishermen are saying there are fewer and fewer fish.

There are fewer and fewer big fish because all the big fish are the reproductive fish and we have caught them. Some fish take 40 years before they become reproductive. And we catch them, you know, before they ever reach that age and then we wonder why the fish are disappearing.

So there are just tons of issues, not that you have to get into the micro side of it, but catch share is a very important new issue before this Committee. And I would be glad to answer any questions you might have.

My only plea here is do not just give all that money to the satellite business at the expense of the wet side.

Mr. FATTAH. Well, let me thank you for your testimony.

I think I am a signatory on the letter with the 50 colleagues on this matter. So obviously I am sympathetic.

And I think that you are right that there should be an opportunity for NOAA to collaborate with the Navy and with the military on the satellite side and the coastal populations, and the survival of and the health of our oceans is critically important.

So I want to thank you for your contribution to the Committee's work. We will study your testimony, at least our staff will, and we will try to incorporate some of what has been suggested here as we go forward. So thank you.

Mr. FARR. Thank you very much, Mr. Chairman. I appreciate that.

And I will just, parting way, I am a big fan of the Drug Courts. It has nothing to do with NOAA, but it is part of the Justice Department. Those courts have really done a remarkable job in our area and I hope you will keep funding them. Thank you very much.

Mr. FATTAH. All right. And thank you.

Chairman Wolf, did you have——

Mr. WOLF. No questions.

Mr. FATTAH. Okay. How are you, sir?

Mr. WOLF. I am doing good.

Mr. FATTAH. All right. Then we have Chairman Bart Gordon of the Science and Technology Committee.

Let me welcome you and your testimony will be appropriately referenced in the record, but take as much time as any Chairman should take to make their point.

WEDNESDAY, APRIL 14, 2010.

TESTIMONY OF MEMBERS OF CONGRESS

WITNESS

HON. BART GORDON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TENNESSEE

Chairman Bart Gordon
House Committee on Science and Technology

Testimony to the
Subcommittee on Commerce, Justice, Science, and Related Agencies
House Committee on Appropriations
April 14, 2010

I appreciate the opportunity to testify in front of the Subcommittee today on funding levels for Fiscal Year 2011. As we continue our work to create jobs and strengthen our economy today, we must also lay the foundation for economic prosperity in the future. This means making significant investments in science and innovation. These investments lead to the development of new technologies, creating whole new industries, new businesses, and new jobs.

The *America COMPETES Act*, which is set for reauthorization this year, recognized this critical linkage. Through an increased investment in basic research, the *COMPETES Act* sought to foster the development of the new ideas that are needed to fuel our economy, strengthen our competitiveness, and enhance our quality of life. I respectfully request that the Subcommittee fund the National Science Foundation (NSF) and the National Institute of Standards and Technology (NIST) consistent with the Administration's budget request, which keeps them on the doubling path laid out in the *COMPETES Act*.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

As you know, the mission of the National Institute of Standards and Technology is to promote U.S. innovation and industrial competitiveness. In recognition of the important role that the agency plays in strengthening our economy, I strongly support the Administration's request of $919 million in funding in Fiscal Year 2011 for NIST.

I also strongly support the Administration's request of $129.7 million for the Manufacturing Extension Partnership (MEP) program, and urge the Subcommittee to provide funding at this level. MEP is the only Federal program that specifically targets small- and medium-sized manufactures to help them modernize their operations, improve their competitiveness, and reduce or reverse job losses.

In addition, I am pleased that the Administration has proposed to increase funding for the Technology Innovation Program (TIP) by $10 million to $79.9 million. As you know, TIP was created in the *COMPETES Act* to provide cost-shared support for innovative technology development by small- and medium-sized companies. In order for the program to make a true impact and accelerate the development of game-changing technologies, the *COMPETES Act* authorized $40 million in new TIP awards each year. Unfortunately, the current budget request will provide TIP the resources to fund only a few new awards in Fiscal Year 2011. To allow TIP to realize its full potential, I urge the Subcommittee to consider providing the program with additional funding to enable it to support more than just a few new awards.

NATIONAL SCIENCE FOUNDATION

As you well know, the National Science Foundation is the primary source of Federal funding for non-biomedical basic research conducted at colleges and universities. I support the President's budget request of $7.4 billion for NSF in Fiscal Year 2011, which keeps the agency's budget on a doubling path consistent with the *COMPETES Act.*

In addition to basic research, NSF plays a critical role in strengthening science, technology, engineering, and mathematics (STEM) education at all levels. As you may recall, the top recommendation of the *Rising Above the Gathering Storm* report, which prompted the *COMPETES Act*, was to ensure that K-12 science and mathematics teachers across the country have strong content knowledge and effective teaching skills. The *COMPETES Act* took important steps to meet this challenge by, among other things, revamping the Robert Noyce Teacher Scholarship Program to provide scholarships for STEM majors who take tailored courses needed to become certified teachers.

If we are to have the workforce we need to fill the technical jobs of the future, we must ensure that our children have access to a top-quality math and science education. I appreciate the Subcommittee's past commitment to the Noyce Scholarship Program, particularly through the *American Recovery and Reinvestment Act*, and urge the Subcommittee to consider providing at least an inflationary increase to the program in Fiscal Year 2011.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Certainly, the National Aeronautics and Space Administration (NASA) is a source of inspiration and pride for people throughout the United States. NASA is also responsible for a large portion of Federal research and development. As a result, I urge the Subcommittee to provide funding for NASA in Fiscal Year 2011 that will ensure its health and productivity.

I am pleased that the budget request provides increased support for some key areas within NASA's budget, including Earth science and climate research, aeronautics R & D, and the operation and utilization of the International Space Station. I hope that the Subcommittee will provide funding consistent with the request in these areas.

As you are well aware, the budget request also includes a proposal to cancel funding for the Constellation Program and instead invest in the development of commercial crew human spaceflight vehicles. This proposal represents a significant shift in policy, and certainly requires careful and deliberate consideration. The Science and Technology Committee is still in the process of conducting a detailed review of the proposal and thoroughly considering its implications. To date, our hearings have uncovered a number of unanswered questions and issues, some of which have raised serious concern among a number of the Members of the Committee. Once we have completed our review, we look forward to working closely with the Subcommittee to determine the best path forward for NASA's human spaceflight program.

CONCLUSION

Thankfully, the American economy appears to be on the road to recovery. Now, in order to avoid another downturn in the future, it is more important than ever that we reinvest in our economy and prioritize funding for programs that will create the jobs of the future. As a result, I urge the Subcommittee to keep the commitment that we made in the *America COMPETES Act* and keep funding for our science agencies on a doubling path. Thank you once again for the opportunity to testify before you today.

Mr. GORDON. Thank you, Mr. Chairman. And I will try to be appropriately brief, but I thank you and Mr. Wolf, my former across-the-hall neighbor, for being here today.

And I also want to thank you really for the good relationship as authorizers and appropriators we have had and particularly our staffs. I mean, I think as Mr. Wolf and I were just talking about, they know more about a lot of this, about all of this than we do. And we are fortunate they are working together well because we have got some things to figure out.

Let me just give you a quick overview. I recognize that this is a difficult time always, I guess, for appropriators. There are more needs than money. We see enormous budget deficits and so we are all concerned about how do we get there. You know, then when you start freezing domestic spending, it makes the problem even worse. You have got to pick winners and losers or, I guess, less losers and those that lose even less.

But I want to sort of paint a quick picture for you. There are approximately six and a half billion people in the world. And of those that are working, half make less than $2.00 a day. That is not the race we want to get into in trying to compete on wages which means that we have to work at a higher technical level or our kids and grandkids are going to wind up inheriting a national standard of living less than their parents, the reverse of the American dream, which means I think that we have got to invest in R&D, which then leads to innovation, which leads to jobs, which leads to more prosperity.

I noticed this morning that Intel, they had a $10 billion profit for the quarter and the stock market went up. And I remember talking to the folks at Intel a while back and they said, well, when you have a down time, that is when we invest. That is when we try to do more in our R&D so that we can get ahead of the curve. And it has paid off for them and I think that it will pay off for us.

So with that, we have given you our or your staff our various numbers that on the big view go along with the President's request. There are some differences within it. But the bottom line to all that is that we are on an effort to double our spending in R&D.

Now, you think, well, that is, you know, that is a lot, but we are trying to do it in a responsible way over ten years.

Mr. Wolf remembers when, I guess, Mr. Gingrich led us in doubling NIH and that was five or six years, you know. Ten years, I think, is a very—again, I would like to do it more, but we are trying to be responsible and so that is the course that we are on. And I think that this budget will reflect that well.

I will be happy to go into specifics if you would like me to.

Mr. Wolf asked me about NASA and that is something that is on all of our minds. But, you know, we have gotten ourselves into a situation where the mission at NASA simply was not related to the funding, to the money that was given to it. And so somewhere we are going to have to step up and decide.

I think most of us or many of us do not like the idea of canceling Constellation. That is the one problem. The other problem is most of us think it is unrealistic to put $6 billion more a year into Constellation to make it work. So we sort of have two ends of this that are not really working.

It is our intention to have an authorization for you this year which hopefully will be some guidance. The President has modified his original proposal. He is speaking tomorrow in Florida and we hope that we are going to learn more about that.

You know, as I was telling Mr. Mollohan earlier, I normally think I know most things about most things, but I can tell you I have not figured this one out. And we are going to continue to try to work with it, massage it.

Mr. Culberson is very interested in this. We want to work with him. We want to work with all of you. But that is really, you know, that is sort of where we are going right now.

And so with that, again, the bottom line here is that if we are going to get out of this mess, we have to invest in our R&D. And we are going to try to present to you a responsible way to do it, again not as much as we would like. There will be less losers than others, but that is the category we hope that we can be in.

Mr. FATTAH. Well, let me thank you, Mr. Chairman.

I know that in your Committee today, one of your Subcommittees is in a markup on the America Competes Act and your great leadership in this whole arena has been critically important.

And Congressman Wolf who has served alternately between the Chair and Ranking Member of this Committee has made a very good suggestion that earlier on in this process that we start to look at all of the different agencies that have various programs related to the intellectual development of our young people, you know, flowing into these STEM related fields.

And I think that is part and parcel of what you tried to do with the America Competes Act is to get a focus on this. We have a dearth of American, native-born American students pursuing science at the highest levels, pursuing terminal degrees and postdoctoral.

In fact, most of our universities in their graduate schools in engineering and these other fields are filled with students who come from other parts of the world which is great that they are coming here to learn, but then they are taking that knowledge back.

And we have now crossed a major river with the majority of the patents being sought in America are not being sought by domestic individuals or concerns, but by foreign concerns, and that just shows you as goes the engineers, as goes the products, and as goes the economic competition down the road.

So we have a lot of challenges and I think that your testimony today is right on point about the need to make these investments and to actually increase our investments over time and to make sure that we flow that in a way in which we are reaching our young people at a time when we can start to move them in the direction of the pursuit of knowledge in the hard sciences.

So I know my colleague probably has a comment or questions, so I will yield now.

Mr. GORDON. Could I just respond to that real quickly?

Mr. FATTAH. Yes.

Mr. GORDON. I mean, we could have a day seminar and I would love to do that on this topic because it is so important, but I know we cannot do that now.

Just like with energy, I am someone that says we have got to do it all. When it comes to STEM education, I say we have got to do it all. We certainly want to keep those foreign students, you know.

Mr. FATTAH. I am not knocking them.

Mr. GORDON. I mean, we want to keep them here in many things. But we also, as you point out, we want to grow.

And let me tell you a theme that we have tried to do in a number of ways, areas, and I will show you what we are doing here in STEM education. There is limited resources and so one way we can invest more is by spending what we have better.

And what we have found is that in many areas, there is multiple agencies that are working on different research, nanotechnology, for example. There are 12 different agencies and about $2 billion. So we set up an umbrella so we could better coordinate that. We did the same thing with water. And we are doing that with STEM education. There is something like 130, I think, 7 different STEM education programs across the federal government.

And so part of the America Competes Act, which we will get out of our— really we are merging four different Subcommittees at the end of this month and then we will have it on the floor next week or next month. We are trying to coordinate that STEM education.

And what we are finding among other things is that women and minorities are under-represented. And our best bump is if we can get those homegrowns, you know, up and going. And we are making special effort in that.

So I think you are going to see that when we come out with this bill that we are going to make investments in STEM education, but we are going to make them smart and try to coordinate them.

And the other thing that we are doing is, sort of the theme is we are asking the private sector, whether it is, again, nano, STEM, water, solar, a lot of areas where we are coordinating this, is having a private sector council tell us what do you need, what are the skills that you need. So we can also try to massage those programs for the jobs that are out there.

And I am sorry, Mr. Wolf.

Mr. WOLF. Thank you, Mr. Chairman.

I want to thank the Chairman Gordon for his service. Our offices were across from each other. I actually think of you almost every Sunday because my scheduler married one of your top people.

Mr. GORDON. Right, right.

Mr. WOLF. And they go to my church.

Mr. GORDON. Yeah.

Mr. WOLF. And I see them every Sunday and you sort of flash back into mind. I also want to thank you publicly, too, for what you have done on the science and America Competes. I think you have sort of forced this Congress. We tried through the appropriations process, hopefully done a good job, but I think you forced it to address an issue that it has been reluctant to kind of deal with.

And so I want to thank you publicly for that and hope as you leave, wherever you go, that this will be sort of a priority because I think your pulling it together has made all the difference. And I want to thank you for that.

I have one question with regard to the science, the NASA issue. It was the article that was in today's New York Times where Arm-

strong has come out and said others find the essentials of the Administration's plan flawed, not just the presentation.

In a letter to the President reported Tuesday by NBC, Mr. Armstrong, Neil Armstrong, the Commander of Apollo 11, along with James A. Lovell, Jr., the Commander of Apollo 13, and Eugene Cernan, the Commander of Apollo 17, wrote, quote, "For the United States, the leading space faring nation for nearly half a century to be without a carriage to low earth orbit and with no human exploration capability to go beyond earth orbit for an indeterminate time into the future destines our nation to become one of a second or even third rate stature."

And there are a number of others, Mr. Chairman, if I can just submit for the record, of other comments.

But I appreciate you are going to have a bill. Would it be helpful for us to restate again telling the Administration that it cannot move ahead so that we do not lose this over the next couple months to give you an opportunity to sort of come back with a proposal? And I am referencing in the supplemental to carry language there. Would that make sense for us to do?

Mr. GORDON. Certainly I would support it and not oppose it. I would tell you that they have testified. We have had them testify before our Committee that they do not have that authority, that they recognize what your Committee had done last year.

We had written them a letter about that. I guess as folks that have run for election, part of our mantra is repetition. And so it certainly will not hurt to do that again, but that is the law and they have acknowledged that. And so I think it would, you know, serve us well to do it again.

And let me also, going back to the authorization, I thank you for your kind words. I am hoping that particularly in the R&D that this is sort of a nonpartisan zone. Every bill that we have gotten out of our Committee since I have been Chairman has been not only bipartisan, it has been overwhelmingly bipartisan and that is the reason we have been able to get it passed on the floor.

And so we are going to bring you some, you know, again, some bills or some buckets that need to be filled up, but they will be buckets that will have been created in a bipartisan way.

Going back to NASA quickly, what I have found is we have had a variety of people that tell us what they do not like and what they do not want to do. I am trying to find out what they do want to do and, you know, what you are willing to pay for. And so we are in that process of having hearings. As I say, the President is going to make another statement tomorrow and I think we are gradually moving toward hopefully a consensus there.

Mr. WOLF. Okay. Good. Again, thank you for your service. I appreciate it.

Thank you, Mr. Chairman.

Mr. FATTAH. Let me thank you for your comment.

Let me just say that I think we all are quite thrilled that the President is going to do this all day session focused on what the mission going forward is going to be in terms of NASA and that no President really has done this kind of meat and potato work on this before and the fact that even as there have been so many calls to cut spending that the President's budget calls for an increase in

NASA, I think, shows that they have a prioritization in terms of the work of NASA.

The question is, as you frame it, you know, is what do we do? Where do we go and how do we go? And the choice points in the decision package in totality has to be analyzed and I think we are going to see part of that with the President's visit.

So I want to thank you for your testimony both verbal and in writing. And we will act accordingly. Thank you.

Mr. GORDON. Thank you.

I guess one final point, if I could. I know some of my friends do not agree with me, but I think it is good that we have come to this point. It was unsustainable what we were doing. Somewhere we had to have a time out. Somewhere we have got to talk about what we are going to do with NASA, where we are going to go, and get everybody on the same page. It is going to be a difficult discussion, but we have got to wind up doing it.

And I think one element of that may be we are going to have to look at what are the international components also. Where can we partner with other countries in a strategic way that helps us and does not harm us in some way? That is another way we can bring our resources in. But, you know, we needed this time out and we have just got to talk about it and we have got to figure out where we are going.

Thank you.

Mr. FATTAH. All right. Thank you very much.

Okay. Congressman Olson, your moment has arrived. Let us welcome you and welcome your written testimony to the record, but feel free to make whatever comments you would like to make and entertain any questions.

WEDNESDAY, APRIL 14, 2010.

TESTIMONY OF MEMBERS OF CONGRESS

WITNESS

HON. PETE OLSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Rep. Pete Olson Testimony before House Commerce, Justice, Science Appropriations Subcommittee Members Day Hearing
April 14, 2010

Agency: National Aeronautics and Space Administration
Program: Cancellation of the Constellation Program
Amount: $1.9B in FY11 budget request

Chairman Mollohan, Ranking Member Wolf, members of the subcommittee, thank you for holding today's hearing. I appreciate the opportunity to convey to you my deep concern with the proposed cancellation of the Constellation program by NASA as outlined in the FY11 budget request.

Mr. Chairman, you indicated in your budget hearing with Administrator Bolden that NASA was at a pivot point. With the impending retirement of the space shuttle and the completion of the International Space Station, while the Constellation program and commercial companies work to develop cargo capabilities to the station, we most certainly are at a pivot point. But at such a moment, the agency should have worked with Congress to ensure American leadership in space is maintained, not jeopardized, which I fear it has been.

This budget proposal raises more questions than answers, throws away what we have in exchange for the unknown, disregards the will of Congress, and has created a culture of uncertainty at the agency, its centers, the contractor community, and the local communities where NASA calls home.

Mr. Chairman, I truly believe a drastic action like this cannot be taken until we have sufficient answers to the questions we have asked, and I feel we are still far from that time. NASA provided framework parameters this past week, for which they should be applauded. However, stating where program offices will be housed is one thing, laying out what they are going to be doing is another.

Where are we going in space and when? And if/when those things are determined, what are the safety standards we need to develop to get there? Will those safety standards and procedures be different for commercial carriers than the ones we have currently? What technologies does the agency envision it needs to explore? Why are we willing to waste the billions already invested in Constellation to move in this radical new direction? One very critical question that needs to be addressed was asked by Science and Technology Committee Chairman Bart Gordon- What is our backup if these commercial companies fail? We don't have these answers, and until we do, we should not take the drastic step of cancelling Constellation.

Tomorrow the President will be in Florida, and I hope he will convey and assure the American public we will be a nation of space explorers, not wanderers. I don't know whether he will address any of these particular questions, but I hope he will address why this budget is willing to waste billions of dollars already spent, and thousands of jobs, for a plan that does not get us beyond low earth orbit.

Many quote the Augustine report, but selectively, to justify their actions. One critical finding of the report isn't as often mentioned, but I'd like to share with you now. The report said we must go beyond low earth orbit. Period. I could not agree with that statement more. And although the report contained many options, cancelling the Constellation program was not among them.

The current path of the agency was endorsed by two congresses in the 2005 and 2008 NASA Authorization Acts. And last year's appropriations bill stipulated very clearly that a change of direction would require Congressional input through the appropriations process. This proposed change also has been met with near unanimity in Congress, amongst both Democrats and Republicans, and regardless of whether you have a NASA facility in your district and state. This is most apparent on the Science and Technology Committee, when during the budget hearing with Administrator Bolden, member after member raised their objections. Each one had a different reason and perspective for their opposition. Members raised concerns over the negative impact on our national security, on the local and national workforce and economy, on the ability to inspire students and young professionals to study and work in the STEM fields, and on ceding America's hard won leadership in human space flight.

We all admit that we are not where we should be in regards to the Constellation program, but that is because underfunding did not enable the Agency and its team to maintain the initial plan and its timelines and deadlines. Failure to fully fund Constellation is not a justification to cancel the program. The $1.9B set aside in this budget, which NASA has recently admitted may not be exactly the amount needed, will be added on top of the $9B we have already spent.

I believe cancelling this program is too risky and too costly. Our nation can't afford to waste resources, and by resources I do not just mean money spent, but technologies developed, a skilled workforce, and a framework to enable progress in the future.

America's leadership in space was earned through failures and successes. And while we do not accept failure, we do learn from it. It would be unacceptable to fail because we did not seek to find the answers that can enable this Congress, this Administration, and the American public, to get behind the same program moving forward. The American people deserve these answers and this Congress should demand them.

Mr. OLSON. Thank you very much, Chairman Fattah. I would like to thank you for inviting me today. Thank you to you, Ranking Member Wolf, for holding today's hearing.

And I appreciate the opportunity to convey to you my deep concern with the proposed cancellation of the Constellation Program by NASA as outlined in the fiscal year 2011 budget request.

Chairman Mollohan indicated in the Committee's hearing with Administrator Bolden that NASA was at a pivot point and it is. The budget proposal raises more questions than answers. It throws away what we know in exchange for the unknown while disregarding the will of the Congress.

Mr. Chairman, I truly believe a drastic action like this cannot be taken until we have sufficient answers to the questions we have asked. And I feel we are still far from that at this time.

NASA provided framework parameters this past week. However, stating where program offices will be housed is one. Laying out what they are going to be doing is another.

Some of those questions include where are we going in space and when? And if when those things are determined, what are the safety standards we need to develop to get there? Will those safety standards and procedures be different for commercial carriers than the ones we have currently? What technologies does the Agency envision it needs to explore? Why are we willing to waste billions already invested in Constellation to move in this radical new direction?

One very critical question that needs to be addressed was asked by Science and Technology Committee Chairman Bart Gordon who just testified before me. What is our backup if these commercial op companies fail?

The current path of the Agency was endorsed by two Congresses in the 2005 and 2008 NASA Authorization Act. And last year's Appropriation Bill stipulated very clearly that a change of direction would require congressional input through the Appropriations process.

The proposed change has also been met with a near unanimous opposition in Congress, whether Democrat or Republican, and regardless of whether you have a NASA facility in your district and state.

This is most apparent on the Science and Technology Committee. Members have raised concerns over the negative impact of our national security, on the local and national workforce and the economy, on the ability to inspire young professionals to study and work in the STEM fields and unseating America's hard-won leadership in human spaceflight.

I believe canceling this program is too costly and too risky. Our nation cannot afford to waste resources. And by resources, I do not mean just money spent, but technologies developed, a skilled workforce, and a framework to enable progress in the future.

Tomorrow the President will be in Florida. And it is my hope that he will convey and assure the American public we will be a nation of space explorers, not wanderers. America's leadership in space was earned through failures and successes and while we do not accept failure, we do learn from it.

It would be unacceptable to fail because we did not seek to find the answers that can enable this Congress, this Administration, and most importantly the American public to get behind the same program moving forward. The American people deserve these answers and this Congress should demand them.

Mr. Chairman, I thank you again for this opportunity to speak to you. I look forward to working with you in the future.

And I was going to ask to introduce the letter from Mr. Armstrong, Mr. Cernan, and Mr. Lovell, but my Ranking Member was way ahead of me on that curve and that just sort of shows you the unanimity here in the Congress and opposition that is planned. And I am happy to answer any questions and yield back my time.

Mr. FATTAH. Thank you.

And as best as I can tell, you are suggesting that the Committee reject the Administration's proposal on Constellation and provide additional funding for the Constellation Program?

Mr. OLSON. We should reject the Administration's——

Mr. FATTAH. And what amount?

Mr. OLSON. Yes, sir. We should reject the Administration's proposal and have a discussion with the Administration. That is what has been lacking in this——

Mr. FATTAH. Do you have an amount? We are appropriators, so we——

Mr. OLSON. Oh, yes, sir. I mean, you know, the Administration talks about the Augustine Commission panel and the need for two to three billion dollars over the course of the next couple, four years. I believe we can find the money within NASA's existing budget. And, in fact, we have asked——

Mr. FATTAH. So you are not asking for an increase in NASA's budget? You want it found within the budget?

Mr. OLSON. We can find it within the budget, sir, but we also should increase it. I mean, this is a national security priority. It is the——

Mr. FATTAH. I know that.

Mr. OLSON. These are the high-tech jobs.

Mr. FATTAH. I need you to answer my question. Now, the budget is already proposed by the President to increase the NASA budget. You are saying within that dollar——

Mr. OLSON. Yes, sir.

Mr. FATTAH [continuing]. Amount, you think that we should consider two to three billion to continue the Constellation Program?

Mr. OLSON. We should certainly consider reprogramming some of that money, sir. What NASA——

Mr. FATTAH. That is fine. I am not trying to get you——

Mr. OLSON. Okay.

Mr. FATTAH [continuing]. In a catch 22.

Mr. OLSON. No, no.

Mr. FATTAH. I am just trying to understand what you are saying.

Mr. OLSON. No, no, no. I mean, I appreciate that.

Mr. FATTAH. Okay.

Mr. OLSON. But NASA, to me, NASA is human space exploration.

Mr. FATTAH. No. I got that part.

Mr. OLSON. Oh, yeah. Yes, sir.

Mr. FATTAH. I am just trying to get to the numbers.

Mr. OLSON. No, no. But we are fundamentally shifting here.

Mr. FATTAH. Mr. Wolf.

Mr. WOLF. Thank you, Mr. Chairman.

I want to thank Mr. Olson for his leadership, too, on this issue. And I think the Committee perhaps in the supplemental ought to carry the language that I referenced with regard to Mr. Gordon, Chairman Gordon, so they cannot move ahead. But I believe there is almost no support and I think the Armstrong—I think that is the first time we have heard from Neal Armstrong for years.

Mr. OLSON. Yes, sir, it is.

Mr. WOLF. The fact that he came out. I think the only astronaut we have not heard from is a person who I have always admired is former Senator John Glenn. But overall there is almost no one that is for the Administration's plan.

Now, I think perhaps the best way within the budget allocation is to get some of the very best minds. I am reluctant to say who they are, but I have talked to many, and they believe and they agree with Mr. Olson that within the allocation, you can put together a man space program that really is sound and secure whereby the United States will continue to be number one.

And the very thought of us losing the lead to the Russians, losing the lead to the Chinese, losing the lead, and so hopefully we can do that.

And I think the fact that Chairman Gordon will get some authorizing bill coming out, but hopefully we can make sure because I worry, and I think they are accurate, the Administration is moving so fast in certain areas and contracts are being shut down that they may almost do this by almost kind of without the Congress even really having involvement. We are waiting to see what the President says tomorrow.

Mr. OLSON. Yeah.

Mr. WOLF. I think Mr. Olson is right. And hopefully he will in the supplemental be able to prohibit them from doing anything to put the Congress on record and then get the very best minds within the allocation that you can continue what we have in the man space program. And when you look at the Armstrong letter, but also the letter from all the other astronauts that was——

Mr. OLSON. Yes, sir.

Mr. WOLF [continuing]. Sent was very, very powerful. But I thank the gentleman.

And thank you, Mr. Chairman.

Mr. FATTAH. Well, thank you very much for your testimony.

Mr. OLSON. If I could make one more comment, Mr. Chairman. I mean, we have asked the Administration to help us out with this, to come up with a proposal that is in the exploration——

Mr. FATTAH. Let me just say to you we do not have to bash the Administration. The Administration is going to lay out their plan tomorrow. The Committee reserves the right to decide NASA's budget.

Mr. OLSON. Yes, sir.

Mr. FATTAH. Right?

Mr. OLSON. Absolutely.

Mr. FATTAH. The President makes a submission. And as you have suggested, for instance, we could within the allocation pro-

gram money the Constellation or some alternative program in terms of man flight. And we have, as we did last year, been very clear about our opinion. It is unuseful to create a dynamic where we cannot build a consensus with the Administration as we go forward.

I assume what you want is an appropriate outcome, right?

Mr. OLSON. Absolutely, sir.

Mr. FATTAH. I want to thank you for your testimony.

Mr. OLSON. And I have had numerous conversations with General Bolden to that effect. Tell him I am looking forward——

Mr. FATTAH. Thank you.

Mr. OLSON [continuing]. To working with him because we both share the same goal, U.S. number one dominance in human spaceflight, which we have had for the last 50 years. And I look forward to working with this Committee to make sure that that does not change.

Mr. FATTAH. Thank you for your testimony.

Mr. OLSON. Thank you.

Mr. FATTAH. Let us have Samantha Harvell, National Juvenile Justice Delinquency Prevention Coalition.

WEDNESDAY, APRIL 14, 2010.

NATIONAL JUVENILE JUSTICE DELINQUENCY PREVENTION COALITION

WITNESS

SAMANTHA HARVELL, SENIOR DIRECTOR, EARLY CHILDHOOD AND JUVENILE JUSTICE POLICY, FIRST FOCUS CAMPAIGN FOR CHILDREN, NATIONAL JUVENILE JUSTICE DELINQUENCY PREVENTION COALITION

National Juvenile Justice & Delinquency Prevention Coalition

Written Testimony of Samantha Harvell
Sr. Director for Early Childhood and Juvenile Justice Policy
First Focus Campaign for Children

On Behalf of
The National Juvenile Justice and Delinquency Prevention Coalition
Appropriations Working Group

Before the
United States House of Representatives Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies

Mr. Chairman and Members of the House Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies:

Thank you for the opportunity to testify before you today regarding fiscal year 2011appropriations related to juvenile justice programs. My name is Samantha Harvell and I am the Sr. Director for early childhood and juvenile justice policy with the First Focus Campaign for Children. The First Focus Campaign for Children is a 501(c)(4) nonprofit organization affiliated with First Focus, a bipartisan children's advocacy organization. The Campaign for Children advocates directly for legislative change in Congress to ensure children and families are a priority in federal policy and budget decisions.

The Campaign for Children presses for policy changes to improve the well-being and protect the rights of the next generation of America's leaders. Our advocacy is focused in the areas of child health, education, early childhood, family economics, child welfare, juvenile justice and delinquency prevention, immigration, and child safety, in addition to tax and budget policies that lift children out of poverty. In all of our advocacy, we seek to increase the federal investment in programs that support and protect our nation's most precious resource, our children.

Today I am testifying on behalf of the National Juvenile Justice and Delinquency Prevention Coalition (NJJDPC) Appropriations Working Group. The Appropriations Working Group is one of four within the broader NJJDP Coalition. The NJJDP Coalition represents more than 50 national organizations involved in youth development, juvenile justice and delinquency prevention, working together to advance federal policy and practice to achieve juvenile justice reform, delinquency prevention and community safety.

The NJJDPC Appropriations Working Group respectfully urges you to support renewed, forward-thinking investments in federal juvenile justice programs. Specifically, we request that Congress:

- Restore the Juvenile Justice and Delinquency Prevention Act (JJDPA) Title II State Formula Grants program to its FY02 level of **$89 million**.

For more information, contact:
Nick Alexander, Fight Crime: Invest in Kids, Co-Chair – NJJDPC Appropriations Working Group, (202) 776-0027 x109
Samantha Harvell, First Focus, Co-Chair – NJJDPC Appropriations Working Group, (202) 657-0683

- Restore the JJDPA Title V Incentive Grants for Local Delinquency Prevention program to its FY02 level of **$95 million, with no carve-outs/set-asides**.

- Restore funding for the Juvenile Accountability Block Grant (JABG) to its FY02 level of **$250 million**.

- Continue to fund the Juvenile Mentoring program at **$100 million**.

- Restore funding for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to **$45 million.**

- Support President' Obama's request for new funding for three key programs: **$13 million** for a new juvenile delinquency court improvement program, **$806,000** for a new disproportionate minority contact (DMC) evaluation and pilot program, and **$12 million** to continue a gang and youth violence prevention and intervention program introduced in FY 2010.

- Support President Obama's request to eliminate $93 million in earmarks in Part E/New Initiatives. These funds should be used to achieve restored funding stated above.

Collectively, these supports serve as the key resources for states and communities to prevent juvenile delinquency and to appropriately serve youth who come into contact with the juvenile and criminal justice systems. Funding levels in recent years have strained critically needed programs, reducing them to a fraction of their high FY02 mark and jeopardizing the success of state and local initiatives to prevent and treat juvenile delinquency.

Title II, Title V, JABG and Juvenile Mentoring funds support a wide range of state and local initiatives designed to reduce the risks of delinquency, enhance prevention efforts for youth at risk of entering the juvenile justice system, and intervene for youth with first-time and nonserious offenses. Despite the need for these initiatives, many suffered drastic cuts since FY02. In addition, insufficient funds were dedicated to federal juvenile justice programs in the American Recovery and Reinvestment Act of 2009. The impact of continual decreases in funding—a nearly fifty percent total decline over the past eight years—means that youth and families are not served and safeguarded as intended by Congress in the authorizing statutes.

Focusing on Prevention: Title V and Juvenile Mentoring Program
To keep all children and youth safe and promote positive life outcomes, sufficient funds must be provided to continue to support youth development and prevention efforts. A growing volume of research clearly establishes that early investment in youth development and prevention programs can dramatically reduce delinquent and violent behavior. Estimates for cost savings range from $10 - $13 for every one dollar invested in prevention and intervention efforts. We ask that Congress make a strong commitment to keep children and youth safe from harm and to help children and youth realize their full potential by increasing investment in Title V Incentive Grants for Local Delinquency Prevention Program.

In addition, we strongly support maintaining the increased funding for the Juvenile Mentoring Program, which has the potential for many positive outcomes for youth. In doing so, we hope that other funding streams supporting long-standing juvenile justice activities will receive equal attention in the appropriations process. We also request that at least a portion of the mentoring funds from OJJDP will go directly toward mentoring youth who are already involved in the juvenile or adult criminal justice systems so that soaring recidivism rates can be tempered.

For FY11, we urge Congress to restore the Title V Incentive Grants for Local Delinquency Prevention Program to its FY 2002 level of **$95 million,** with few or no carve-outs or set asides in FY11. The Grants for Tribal Youth Programs and Enforcement of Underage Drinking Laws, while valuable in their own right, should not be carved out of the Title V funding pot – regrettably, this has been the pattern in recent years, leaving just $35,000 per state to meet local delinquency prevention needs. We also urge Congress to continue to fund the Juvenile Mentoring program at a level of at least **$100 million** in FY 2011.

Supporting State Juvenile Justice Activities: Title II State Formula Grants
Title II State Formula grants provide essential support for public agencies to develop and strengthen juvenile justice systems to prevent delinquency, reduce youth offending, meet vital JJDPA protection requirements and enhance community safety. In addition, these grants fund services and supports for intensive probation and case management, reentry services, counseling and training opportunities, effective assistance of counsel and family supports. Without adequate funding, the important protections and goals of the JJDPA cannot be achieved in the way that the Congress has envisioned. State receipt of Title II funds is conditioned on compliance with four core safeguards: keeping status offenders out of locked facilities, protecting juveniles from exposure to adults in criminal justice facilities, and reducing racial and ethnic disparities. As Title II funding declines, the threat of loss of these funds for failure to comply with core mandates becomes less meaningful.

We urge Congress to restore the Title II Formula Grants Program to the FY 2002 level of **$89 million**.

Promoting Greater Accountability: Juvenile Accountability Block Grant (JABG)
JABG provides states and units of local government with funds to develop programs to promote greater accountability by both offenders and the systems charged with serving them. Program purpose areas include alternatives to detention and incarceration, expanded use of probation and parole, re-entry and gang violence prevention. The most recent JABG reauthorization also articulated the critical importance of funding evidence-based strategies for delinquency prevention and intervention, and a recent GAO report (GAO-09-721R) noted the need for increased technical and financial support for evaluation of programs found to be "promising" but not yet evidence-based, due to a lack of resources for that level of rigorous evaluation. By supporting these additional purposes, JABG will provide needed resources to implement and expand proven strategies for rehabilitating adjudicated youth, thus reducing youth recidivism rates.

We urge Congress to fund JABG at the FY 2002 level of **$250 million** in FY 2011.

Maximizing Program Dollars for Optimal Impact: Limiting Earmarks and Set-Asides
Over the past several years an increasing number of earmarks and set-asides have meant that many of these programs—more specifically Title V of the JJDPA—have not been funded at levels sufficient to ensure that the statutory and primary purposes are met.

We recommend that Congress honor President Obama's request that no funds be earmarked or set-aside for non-JJDPA and non-JABG purposes. We recommend that Congress honor President Obama's request to eliminate $93 million in earmarks in Part E/New Initiatives. We urge Congress to use these funds to achieve funding levels stated above.

Resourcing National Leadership on Best Practices: Adequately Fund OJJDP
We request adequate amounts of funding for OJJDP's administration of these important federal programs, as well as support for related functions under Part A and Part D of the JJDPA, including research, evaluation, training and technical assistance to assist states, territories, localities and tribal jurisdictions to effectively implement the JJDPA.
We request at least **$9 million** for core administration and staffing of OJJDP and at least **$36 million** for Part D functions.

Supporting President Obama's Targeted Initiatives for Delinquency Court Improvement, Disproportionate Minority Contact Reduction, and Gang and Youth Violence Prevention/Intervention

In his FY 2011 budget request, the President proposed funding for three key programs and we support funding for each of them.

A new juvenile delinquency court improvement program would provide funds to at least 20 states to implement the OJJDP-developed "Sixteen Key Principles of a Juvenile Delinquency Court of Excellence." These funds would strengthen reform efforts to ensure that courts treat children and their families in a just and fair manner. In 2008, 2.11 million youth were arrested in the United States and 66% of these cases were referred to juvenile court. Given the large numbers of youth processed through delinquency courts each year, this program has the potential to impact more than one million children and families.

The disproportionate minority contact (DMC) evaluation and pilot program would be administered by OJJDP and provide resources, training and technical assistance to assist states and local jurisdictions with implementation, evaluation and monitoring of OJJDP's DMC Reduction Model. DMC is an urgent and pressing problem throughout juvenile justice systems, and more guidance is needed for the field with regard to reducing DMC. For many years, OJJDP has been a leader in helping states and localities collect data to identify and analyze patterns of DMC; now OJJDP is well positioned to greatly amplify its training and technical assistance efforts to help states and localities assess and implement meaningful reform in this area.

The Gang and Youth Violence Prevention and Intervention Initiative will fund multi-disciplinary approaches to gang prevention and intervention at the local level. There is a critical focus on enhancing and supporting evidence-based practices targeting both at-risk and gang-involved

youth. According to the National Youth Gang Survey (2007), the prevalence of youth gangs has grown significantly since 2001. Youth gangs operate in all states and in both urban and rural localities. Given that gang members continue to be responsible for a disproportionate share of juvenile violent offenses, evidence-based strategies must be employed to prevent involvement in these destructive groups and rehabilitate known offenders.

We request that Congress appropriate funds to support these three initiatives at the President's proposed levels.

We thank you for your consideration in support of critical investments to assist our country's children and youth in growing up to lead healthy, productive and meaningful lives. In so doing, we will be making our communities safer. Should you wish to discuss our positions in greater detail, please feel free to contact the Co-Chairs of the NJJDP Coalition's Appropriations Working Group: Samantha Harvell with the First Focus Campaign for Children, (202) 657-0863, and Nick Alexander with Fight Crime: Invest in Kids, (202) 776-0026 x109.

Sincerely,

Samantha Harvell
Sr. Director for Early Childhood and Juvenile Justice Policy
First Focus Campaign for Children

And

Nick Alexander
Federal Legislative Director
Fight Crime: Invest in Kids

Co-Chairs of the NJJDP Coalition Appropriations Working Group

Ms. HARVELL. Good morning, Mr. Chairman. Thank you for the opportunity to testify before you today regarding fiscal year 2011 appropriations related to juvenile justice programs.

My name is Samantha Harvell and I am the Senior Director for Early Childhood and Juvenile Justice Policy with the First Focus Campaign for Children, a bipartisan children's advocacy organization here in D.C.

The Campaign advocates directly for legislative change in Congress to ensure that children and families are a priority in federal policy and budget decisions.

Today I am testifying on behalf of the National Juvenile Justice Delinquency Prevention Coalition. The Coalition represents more than 50 national organizations working together to advance federal policy and practice, to achieve juvenile justice reform, delinquency prevention, and community safety.

I come before you today to urge your investment in programs that benefit vulnerable youth and families in order to maximize the chance that all of our children grow up to lead healthy, productive lives.

President Obama's budget for fiscal year 2011 includes significant new investments in our nation's children. However, even in a year of increased investment, juvenile justice programs were grossly underfunded by the Administration's proposal.

The persistent lack of attention to this vulnerable population is alarming and threatens both public safety and our future economic security. As we work towards a brighter future for all of America's children, our Coalition respectfully urges you to support renewed forward-thinking investments in federal juvenile justice programs. Specifically, we have four requests.

First and foremost, we ask that you restore funding for core juvenile justice programs to sustainable fiscal year 2002 levels. This would include Title 2 and Title 5 programs authorized under the Juvenile Justice and Delinquency Prevention Act, the JJDPA, the Juvenile Accountability Block Grant Program, and the Juvenile Mentoring Program.

These funds support a wide range of state and local initiatives designed to help at-risk youth stay on the right track and ensure that first-time offenders get back on track toward productive adulthood. Despite the clear need for these programs, many have suffered drastic cuts since 2002.

The impact of continual decreases in funding, a total decline of nearly 50 percent over the past eight years, means that youth and families are not served and safeguarded as intended by Congress.

Second, we ask that you restore funding for the Office of Juvenile Justice and Delinquency Prevention as a separate line item in the budget and provide them adequate resources to fulfill their authorized mission.

As the sole federal agency providing leadership in the juvenile justice arena, OJJDP must have the capacity to provide a full range of services. A fully funded OJJDP will have the resources necessary to identify best practices, educate practitioners across the country, and support the implementation of successful models.

Unfortunately, in recent years, a significant decline in funding and the ultimate merging of OJJDP within the broader Office of

Justice Programs from a funding perspective has weakened the focus on juvenile justice issues and eroded the Agency's status as a leader in the field.

Third, we ask that you support President Obama's request to eliminate all earmarks in the JJDPA Title 5 Program and Part E, New Initiatives.

Over the past several years, an increasing number of earmarks have meant that many of the core juvenile justice programs, particularly Title 5 of the JJDPA, have not been funded at sufficient levels. In fact, last year, more than 90 percent of appropriated funds were earmarked, leaving only $5 million to fund all Title 5 programs across the country.

Fourth and finally, we ask that you support President Obama's request for funding to create three new programs which are critical to scaling up evidence-based, cost-saving measures and delinquency court improvement, disproportionate minority contact evaluation, and gang and youth violence prevention and intervention.

These new initiatives will save money in the long run and ensure that struggling youth are being identified and supported early, appropriately, and efficiently.

We thank you again for your consideration of these recommendations. Our written remarks include a more in-depth discussion of and justification for these funding needs. And we look forward to serving as a resource for you in the coming weeks and months.

As you know, this funding is a critical investment in our nation's children and youth. It supports our most vulnerable young people, giving them a better chance to grow up to lead healthy, productive, and meaningful lives.

Happy to answer any questions that you might have.

Mr. FATTAH. Well, let me thank you for your testimony. And I do not have any questions and I do not have any other of my colleagues at the moment. So thank you very much.

Ms. HARVELL. Great. Thank you.

Mr. FATTAH. All right. Gerard Lynch, Esquire.

WEDNESDAY, APRIL 14, 2010.

REGIONAL INFORMATION SHARING SYSTEMS (RISS)

WITNESS

GERARD P. LYNCH, ESQUIRE, CHIEF EXECUTIVE OFFICER, REGIONAL INFORMATION SHARING SYSTEMS (RISS)

Regional Information Sharing Systems (RISS) Program

Testimony submitted by Gerard P. Lynch, Esquire, Chief Executive Officer

For more than 30 years, the **Regional Information Sharing Systems (RISS) Program** has been a leader in developing the necessary tools and providing critical services for law enforcement as well as other criminal justice and public sector entities. RISS consists of six regional centers that support and serve the unique needs of their individual regions while working together on national-scope issues. RISS is a premier information sharing program, offering secure communications, access to intelligence databases, and investigative resources and services. **The RISS Program respectfully requests that Congress appropriate $65 million for FY2011.**

As the economy continues to struggle, local and state criminal justice agencies are tightening budgets, decreasing resources, and limiting efforts. RISS serves as a force multiplier, offering a one-stop shop to effectively and efficiently aid agencies in tackling crime problems. **Through RISS services, criminal justice agencies are provided secure information sharing capabilities and investigative support services that, in many cases, they would not otherwise receive.**

The RISS Centers provide investigative support services to more than **96,000** officers from more than **8,500** criminal justice agencies at the local, state, federal, and tribal levels. RISS operates in all 50 states, the District of Columbia, U.S. territories, Australia, Canada, and England. RISS links thousands of criminal justice agencies through secure communications and provides information sharing resources and investigative support to combat multijurisdictional crimes, including violent crime, gang activity, drug activity, terrorism, human trafficking, identity theft, and other regional priorities. RISS strives to enhance the ability of criminal justice agencies to identify, target, and remove criminal conspiracies and activities while promoting officer safety.

The support provided by RISS has enabled law enforcement and public safety agencies to increase their success exponentially. Because of these successes, as well as the many remaining needs throughout the criminal justice community, RISS continues to experience an increased demand for its services. Continued and additional funding is needed in order to meet this demand and continue to build upon the nation's information sharing environment. In addition to continuing its current services, RISS will utilize requested funds for the initiatives listed below.

- Expand and continue to deploy the **RISS Officer Safety Event Deconfliction System (RISSafe)** throughout the six RISS regions.
- Enhance the **RISSGang Program,** develop gang training and publications, and connect gang intelligence systems.
- Enhance the RISS Secure Intranet **(RISSNET)** to improve functionality, security, and resources and to expand agency connectivity and officer/agent access.
- Support **border initiatives** by developing training and providing secure information sharing.
- Continue to develop and enhance the **Combat Meth Project.**
- Expand the **RISS Automated Trusted Information Exchange (RISS ATIX)** by enhancing communications and developing an off-line notification and alert capability.
- Expand the **Pawnshop Database** nationwide.
- Continue to participate in the **Nationwide Suspicious Activity Reporting Initiative (NSI).**

- Continue to support and expand **fusion center** partnerships and connectivity.

RISS is federally funded but locally managed by its member agencies. The Bureau of Justice Assistance (BJA), Office of Justice Programs, U.S. Department of Justice, administers the RISS Program. The RISS Centers operate under the BJA *Funding and Administration Guidelines of the RISS Program* and the Criminal Intelligence Systems Operating Policies (28 Code of Federal Regulations [CFR] Part 23). Each of the six RISS Centers has developed operating policies and procedures that comply with the federal guidelines and regulations. RISS firmly recognizes the need to ensure that an individual's constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process. The RISS Centers have adopted a privacy policy that fully complies with 28 CFR Part 23. RISS strongly encourages its member agencies and, indeed, all law enforcement agencies to voluntarily adopt appropriate and clearly defined privacy and security safeguards for all agency intelligence missions to manage and control collection, retention, and dissemination activities.

RISS developed and continues to operate RISSNET, which offers state-of-the-art technology to support law enforcement demand for rapid communications and information sharing nationwide. Through RISSNET, member agencies can securely exchange information and electronically access RISSNET resources, including the RISS Criminal Intelligence Databases (RISSIntel), RISSafe, the RISSGang Program, RISS ATIX, the RISS Investigative Leads Bulletin Board (RISSLeads), a data-visualization and link-analysis tool (RISSLinks), the RISS Search Engine (RISSearch), the RISS Center Web sites, and secure e-mail.

In FY2009, more than **3.4 million records** were available in RISSIntel and more than **3.1 million inquiries** were made to the system. Users utilize RISSIntel to query on suspected criminal information, such as subjects, weapons, and addresses. RISSIntel has proved a successful tool to securely share criminal intelligence and connect law enforcement officers. During 2009, RISS launched RISS7, which leverages RISS's technology by offering law enforcement agencies an autonomous criminal intelligence database. By utilizing RISS7, agencies do not need to develop new independent systems, thereby saving time and resources.

In addition to the data available in RISSIntel, member agencies have access to various state, regional, federal, and specialized criminal justice intelligence systems connected to RISSNET. RISS continually strives to maximize information sharing among these systems and increase the number of systems connected to RISSNET. By connecting agencies and systems to RISSNET, rather than funding the build-out of infrastructure for new stand-alone information systems, hundreds of millions of dollars can be saved and millions of data records can be easily and quickly accessed by law enforcement at little or no cost to the user. In addition, RISS offers the ability to select one or all connected systems and conduct a federated search. This seamless capability has been beneficial to officers on the street who need immediate information.

Currently, almost **100** agency systems are connected or pending connection to RISSNET, including **32** High Intensity Drug Trafficking Areas (HIDTAs), **36** state agency systems, and **28** federal and other systems, such as the Bureau of Alcohol, Tobacco, Firearms and Explosives; the Federal Bureau of Investigation (FBI) Law Enforcement Online (LEO); the FBI National Gang Intelligence Center; the National Virtual Pointer System (NVPS); and Nlets—The International Justice and Public Safety Network.

Every day, law enforcement officers risk their lives serving and protecting their communities. As part of the continued commitment to promote and enhance officer safety, RISS deployed **RISSafe**. RISSafe stores and maintains data on planned law enforcement events, with the goal of identifying and alerting affected agencies and officers of potential conflicts impacting law enforcement efforts. As of January 22, 2010, **152,265 events** were entered into RISSafe, resulting in **52,469 identified conflicts**. Without this resource, law enforcement agencies might have interfered with each other's cases and officers might have been injured or killed.

The **RISSGang Program** is a comprehensive investigative tool consisting of a criminal intelligence database, a Web site, informational resources, and secure communications to aid and support gang-related investigations. The RISSGang database provides law enforcement agencies with access to gang information, including suspects, organizations, weapons, locations, and vehicles, as well as visual imagery of gang members, symbols, tattoos, and graffiti. The RISSGang Web site contains valuable information, research, and tools, including an anonymizing filter that removes the ability of target gang Web sites to identify officers.

RISS ATIX is available to thousands of law enforcement and public safety agencies. RISS ATIX Participants choose a community group according to their responsibilities. ATIX community groups include local, county, state, and tribal levels of emergency management, law enforcement, and government, as well as public and private utilities, transportation, chemical manufacturing, environmental protection, banking, and hospitality industries. RISS ATIX resources include **Web pages** that contain general and community-specific information, links to restricted and public Web sites, and other sources of terrorism and disaster-related information. The RISS ATIX **Bulletin Board** provides secure online conferences for users to collaborate and post information. The **Document Library** provides informational and educational materials. ATIX **secure e-mail** enables the distribution of alerts and sensitive but unclassified (SBU)/controlled unclassified information (CUI).

Some law enforcement agencies do not have the personnel, training, or support to tackle complex multijurisdictional crimes. RISS not only provides secure communications and access to intelligence databases but also provides services to enhance and improve the ability to detect, apprehend, and successfully prosecute criminals. These services, along with the power of RISSNET, set RISS apart from other information sharing programs. The following summarizes RISS's information and investigative support services.

- **Information Sharing**—RISS operates RISSNET and its various applications, databases, and investigative tools.
- **Analysis**—RISS analysts developed **35,655 analytical products** in FY2009 for investigators and prosecutors to help increase their ability to identify, detect, and apprehend suspects as well as enhance prosecutorial success in court. These products include flowcharts, link-analysis charts, crime scene diagrams, telephone toll analysis and financial analysis reports, digital forensics analysis, and audiovisual enhancement services.
- **Investigative Support**—RISS intelligence research staff responded to **96,293 requests** in FY2009 to conduct database searches and research numerous resources.
- **Equipment Loans**—Pools of highly specialized investigative and surveillance equipment are available for loan to member agencies for use in support of multijurisdictional investigations. In FY2009, **5,669 pieces of equipment** were borrowed by member agencies.

- **Confidential Funds**—RISS provides funds to purchase contraband, stolen property, and other items of an evidentiary nature or to provide for other investigative expenses. RISS provided **$664,785 in confidential funds** in FY2009.
- **Training**—RISS Centers sponsor or cosponsor training classes, meetings, and conferences that build investigative expertise for member agency personnel. In FY2009, **78,852 criminal justice professionals** received RISS training.
- **Publications**—Each center develops and distributes numerous publications, bulletins, and reports focusing on local and national issues. In FY2009, the RISS Centers distributed **255,798 copies** of various documents to law enforcement personnel. RISS also distributes a quarterly newsletter that provides project highlights and member agency success stories.
- **Field Services Support**—The integration of field services is unique to RISS, whereby individuals regularly contact law enforcement and public safety agencies to ensure that RISS is meeting their needs. RISS field staff conducted **25,242 on-site visits** in FY2009 to train, support, and help integrate RISS services. This one-on-one support has resulted in trusted relationships and a program prized among its members.

Through the services and support provided by the RISS Centers, member agencies made **4,975 arrests** in FY2009. In addition, seizures or recoveries of more than **$27 million in narcotics, property, and currency** resulted from member agency cases in which RISS services were used.

RISS continues pursuing and refining partnerships and programs in order to leverage proven technology and expand information sharing. Some of these include connecting fusion centers to RISSNET, supporting NSI, participating in the NVPS, enhancing gang investigators' ability to share intelligence data, and expanding the capabilities and resources of RISS ATIX.

The *National Criminal Intelligence Sharing Plan* (NCISP) and the Law Enforcement Information Sharing Program (LEISP) Strategy were developed to focus on national parameters for information and intelligence sharing. RISS is noted in both documents as a mechanism to facilitate secure information sharing. In addition, the *National Strategy for Information Sharing* (NSIS) calls for information and intelligence sharing solutions that can be accomplished through the existing RISSNET infrastructure; specifically, RISS has worked with other agencies and systems to provide connectivity and access to suspicious activity reporting data.

There is a critical need to provide a seamless SBU/CUI solution for the local, state, and tribal communities. Multiple SBU/CUI networks, portals, and systems currently exist. Local law enforcement officers/analysts need one single sign-on and access to an interoperable SBU/CUI environment, regardless of ownership. To accomplish this, interoperability requirements must be defined. RISS and RISSNET—along with the U.S. Department of Homeland Security's Homeland Security Information Network, FBI LEO, and the Intelligence Communities' Intelink—have been identified by the Interagency Policy Committee (IPC) formed within the jurisdiction of the Executive Office of the President as the four SBU/CUI networks necessary to be involved in the interoperability initiative to ensure timely and effective information sharing among local, state, federal, and tribal agencies. RISS will play a major role in this development process.

RISS has made strides in this area, through the LEISP initiatives, to connect users via Federated Identity to the federal Joint Automated Booking System (JABS). Currently, 89 RISSNET users

are accessing JABS via Federated Identity, and 1,756 non-RISSNET users are accessing RISS resources via Federated Identity.

In addition to the partnerships described above, each RISS Center has developed partnerships and programs to meet the needs of its unique region. Some examples include the Project Safe Neighborhoods Mapping and Analysis Program, the National Identity Crimes Law Enforcement Network, the Cold Case Locator System, the Metals Theft Initiative, the Master Telephone Index, the Pawnshop Database, the Combat Meth Project, and the Cold Hit Outcome Project.

RISS is supported and endorsed by numerous groups, including the International Association of Chiefs of Police, the National Sheriffs' Association, the National Narcotic Officers' Associations' Coalition, and the National Alliance of Gang Investigators Associations.

Without continued funding and support for RISS, law enforcement and public safety efforts will be severely hampered. Specifically, RISS and its users will experience the following:

- Reduced expansion of RISSafe, including the number of users and establishment of additional RISSafe Watch Centers
- Inability to effectively support RISS ATIX and RISSGang
- Limited expansion of RISSNET and redundancy of system applications
- Minimal enhancement of the RISSNET Portal
- Limited support for border initiatives
- No expansion of the Pawnshop Database
- Decreased support services, limited analytical support, and fewer training opportunities
- Delayed and/or a lack of new connectivity among agencies and users
- Limited support for information sharing initiatives

It is respectfully requested that Congress appropriate $65 million for FY2011 to continue RISS's efforts. Local and state law enforcement depend on RISS for information sharing, investigative support, and technical assistance and are increasingly competing for decreasing budget resources. It would be counterproductive to require local and state RISS members to self-fund match requirements, as well as to reduce the amount of BJA discretionary funding. Local and state agencies require more, not less, funding to fight the nation's crime problem. RISS is unable to make up the decrease in funding that a match would cause, and it has no revenue source of its own. Cutting the RISS appropriation by requiring a match should not be imposed on the program.

RISS operates one of the most important law enforcement information sharing programs in the nation. The services and resources available through RISS embody collaboration, trust, service, and leadership. RISS plays a part in ensuring that law enforcement and public safety have the information and resources necessary to secure our country. For additional information, please visit www.riss.net. RISS appreciates the support this committee has continuously provided to the RISS Program and is grateful to provide this testimony.

Mr. LYNCH. Good morning, Congressman Fattah.

Mr. FATTAH. How are you?

Mr. LYNCH. I am doing fine.

It is indeed a privilege to once again appear before this Subcommittee to talk about the Regional Information Sharing System or the RISS Program.

RISS is a nationwide information sharing program consisting of six centers and a technology support center. RISS provides services to state, local, federal, and the tribal law enforcement and criminal justice agencies in all 50 states, the District of Columbia, the United States territories, Canada, Australia, and England.

RISS participation has grown to more than 8,500 criminal justice agencies and 97,000 access offices in the system. They represent hundreds of thousands of law enforcement agencies across the globe.

RISS enhances the ability of criminal justice agencies to identify, target, and remove criminal conspiracies and activities while promoting officer safety.

RISS is different than other programs. RISS offers access to multiple intelligence databases, connects disparate systems, provides essential investigative services, including analytical support, investigative research, equipment, training, field services, and technical assistance.

There are more than 600 resources available via the RISS secure intranet known as RISSNET. The owners of these resources rely on RISSNET for its proven and secure infrastructure.

In addition, RISS enhances officer safety through its RISS Safe Program and offers extensive gang resources to law enforcement and criminal justice community. In many cases, the agencies would not otherwise have these services available to them.

RISS' existing infrastructure is used as the connection backbone for numerous systems, thereby eliminating development costs for new systems. Almost 100 systems are connected or pending connection to RISSNET. They include 32 hybrids across the country, 36 state agencies across the country, 28 federal and other systems.

In addition, through RISSNET, users can query 26 different systems simultaneously. RISS has been an essential partner in many nationwide information sharing initiatives. Most recently the Intra-Agency Policy Committee which was formed within the jurisdiction of the Executive Office of the President identified RISSNET as one of the four SBU CUI networks necessary to be involved in the intraoperability initiative.

RISS's participation in this endeavor is critical and will ensure local and state law enforcement representation.

The President's 2011 budget addresses the need to support state and local law enforcement, crime fighting tools, and national security. Yet, the budget includes RISS, a central component to support these initiatives, at $9 million which is a reduction of $36 million from 2010.

If a reduction of this magnitude occurs, it will have profound effects upon the criminal justice community and will cripple the ability of RISS to provide vital services to our law enforcement and public safety agencies.

A reduction would result in its inability to maintain RISSNET, the elimination of RISSIntel, RISS Safe, RISSGang, RISS ATIX and the elimination of the six RISS centers. Information sharing would revert to pre–9/11 days.

Cases that would have been resolved effectively and efficiently using RISS services may not be resolved in a timely manner if at all. And hundreds of highly skilled professional employees would lose their jobs.

It is imperative that RISS' funding for 2011 at a minimum be restored to 2010 levels of $45 million. RISS has requested $65 million for 2011 and this will support increased demand for the RISS Safe, border initiatives, gang programs, the pawn shop database, RISS ATIX, and the Fusion Center partnerships among many others.

Performance indicators show how strongly RISS has grown and the number of users on the RISSNET system. Over the last three years, cases in which RISS services were utilized resulted in 15,632 arrests and more than $158 million in seizures.

RISS operates one of the nation's most important information sharing networks, supports investigative case resolution, and enhances the Office of Safety. It is critical that continued and additional funding be targeted toward RISS so it can continue to effectively serve our criminal justice community.

On behalf of all of the RISS centers nationwide and RISS directors, I appreciate this opportunity to provide this testimony. And I hope that the Committee sees fit to continue the support that it has given the RISS Program over the many years in the past.

Mr. FATTAH. Well, let me thank you for your testimony.

You know, obviously the Committee last year provided a great appropriations for it relative to the President's request this year and we will have to review the entire situation as we go forward.

But thank you for your testimony.

Mr. LYNCH. You are more than welcome.

Mr. FATTAH. Marion Blakey, Aerospace Industries Association.

WEDNESDAY, APRIL 14, 2010.

AEROSPACE INDUSTRIES ASSOCIATION

WITNESS

MARION BLAKEY, PRESIDENT & CEO, AEROSPACE INDUSTRIES ASSOCIATION

Commerce, Justice, Science, and Related Agencies
Appropriations Subcommittee
April 14, 2010

Written testimony by
Marion C. Blakey, president and CEO
Aerospace Industries Association

Introduction

Good afternoon Chairman Mollohan, Ranking Member Wolf and distinguished members of the committee. Thank you for the opportunity to testify before this committee. AIA is pleased with the proposed increase to the Fiscal Year 2011 budget request for both NASA and NOAA. In this fiscal environment an increase in funding represents a true commitment to – and importance placed upon – our civil space missions.

The Aerospace Industries Association (AIA) represents nearly 300 manufacturing companies in an industry with over 644,000 high-wage, highly skilled aerospace employees across the three sectors: civil aviation, space systems and national defense. This includes over 140,000 workers who make the satellites, space sensors, spacecraft, launch vehicles and ground support systems employed by NASA, DoD, NOAA, NRO and other civil, military and intelligence space efforts. Our member companies export 40 percent of their total output, and we routinely post the nation's largest manufacturing trade surplus, which was over $56 billion in 2009. Aerospace indirectly supports 30,000 suppliers and 2 million middle class jobs across all 50 states. The aerospace industry continues to look to the future, investing heavily in research and development, spending more than $100 billion over the last 15 years.

AIA appreciates the efforts of the Congress and this subcommittee to keep our civil space programs healthy. Over several decades space technologies have increasingly become a part of our daily lives with virtually every part of the U.S. economy touched by their applications.

Additionally, our space programs remain an excellent source of inspiration for our youth to study science, technology, engineering and mathematics and to enter our aerospace workforce on which much of our nation's transportation, security and economic infrastructure depend.

The current budget request for NOAA provides $5.5 billion, an increase of $700 million. A substantial portion of this increase is for the procurement of much-needed weather and climate study satellite systems. AIA is extremely pleased with this increase and recommends the request be fully funded.

We are also encouraged that NASA's proposal extends the International Space Station through at least 2020, funds valuable Earth and space science missions, increases aeronautics funding, renews technology development and innovation and promotes commercial spaceflight.

Each of these represent crucial missions that have not always enjoyed the level of investment needed to sustain a robust civil space and aeronautics program.

There are two particular areas within NASA's budget that warrant further consideration; these include the future of U.S. human spaceflight and our aeronautics research programs.

Human Spaceflight Should Be Treated as a National Priority

As Congress debates the extent to which the U.S. will rely on our commercial space providers for cargo and human carriage into space, it will be essential that NASA receive the full $19 billion proposed in the President's request. Even so, the budget falls short of needed resources. The Review of U.S. Human Spaceflight Plans Committee (also known as the Augustine Committee) states that "meaningful human exploration is possible under a less-constrained budget," and recommended an increase of approximately $3 billion annually to do so.[1]

The Committee noted that, "perhaps the greatest contributor to risk in the space program, both human and financial, is seeking to accomplish extraordinarily difficult tasks with resources inconsistent with the demands of those tasks. This has undoubtedly been the greatest management challenge faced by NASA in recent decades – even given the magnitude of technological challenges it has confronted."[2]

Unfortunately, the current fiscal environment is unlikely to support such an increase to NASA's overall top line for FY2011. It is therefore important to preserve the funding levels in the proposed request. We cannot risk whittling away these resources because of budgetary pressures elsewhere within the U.S. government. In future years, it will be absolutely critical that NASA receive the funds it needs to carry out all of its given missions.

In addition to budgetary concerns, other considerations must be made as NASA's final budget is shaped and future policy direction implemented.

The proposed cancellation of the Constellation program at the same time as the planned retirement of the Space Shuttle would cause residual impacts to the space industrial base and highly-trained space workforce in both private and public sectors. Such change would bring significant disruptions to our space supplier base, impacting the people that also designs, develops and supports our spacecraft, satellites, launch systems and supporting infrastructure for our commercial and national security space systems. Interruptions or cancellations negatively impact large companies and can be catastrophic to smaller firms – often the only people with the unique abilities to produce small but critical components on which huge portions of our economy, infrastructure and security depend. For example, only one firm in the U.S. produces ammonium perchlorate which is used in solid rocket propellants such as the space shuttle solid rocket motors, other space launch and military purposes.

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[1] Seeking a Human Spaceflight Program Worthy of a Great Nation," Review of U.S. Human Spaceflight Plans Committee, October 2009, p. 17 http://www.nasa.gov/pdf/396093main_HSF_Cmte_FinalReport.pdf
[2] Ibid., p. 111.

Investment in commercial space will no-doubt create new opportunities, yet the disruptions of retired and cancelled programs will nevertheless affect the unique and skilled workforce that drives the space industry. Aerospace talent lost to other industries may be unrecoverable; new workers may take years to train. Additionally, if we lose certain facilities that manufacture high-tech technologies, it may take years and additional resources to bring them back.

NASA is linked to the health of our industrial base. We must view these jobs as a national resource critical to our nation's technological capability and our national security.

To rectify this in the short term, Congress should ensure that plans and necessary funding directed to help effectively transition both the NASA civil and contractor workforces into the proposed programs. Over the longer term, there should be mechanisms in place to assess the current state of the industrial base to ensure that future programs will have the proper skill sets in place when needed. It is critical to also define a specific strategy that sets clear goals and timelines for human exploration beyond low Earth orbit. Industry must be brought in early as an active partner as plans are made.

Additionally, it is of the utmost importance for the U.S. government to develop a long-term space strategy that takes into account both civil and national security space requirements for the future. Specifically, it is essential the strategy include U.S. plans for human spaceflight beyond low Earth orbit. Any national space strategy should identify what space related skills and capabilities we must maintain as a nation, and be tied to the budget and resources so that our national goals are driven by our leadership and vision. Better coordination and strategy would not only help our government make more effective use of limited resources, it would help industry strengthen its own efforts to respond to government needs and attract and retain the best and brightest.

If the U.S. fails to direct a national vision and strategy for space, America could risk a future where we lack the workforce and industrial capability needed to maintain U.S. leadership and competitiveness in space.

NASA's Aeronautics Research Important to NextGen

Historically, AIA has expressed concern over the lack of focus on NextGen-related R&D. While the NASA Aeronautics Research and Development Mission Directorate (ARMD) is uniquely positioned to undertake much crucial research and development work, ARMD has struggled to allocate sufficient resources necessary to keep pace with NextGen R&D requirements. For aviation to continue its dramatic decrease in environmental impact, it is critical that we hasten application of NextGen technology and operational improvements that lower emissions. The advancement of NextGen relies on federal R&D, generally with NASA doing work that is then directed to FAA or industry for further refinement or application.

AIA is encouraged by the Administration's acknowledgement of the importance of Aviation Aeronautics Research and Development by increasing the budget by 12 percent over President's FY2010 request. Specifically, AIA urges Congress to adopt the FY2011 request, including essential investments in NASA's environmentally responsible aircraft, verification and validation of complex software-based systems, and Unmanned Aerial Systems (UAS) operational and safety research.

Moving forward, AIA is optimistic about the emphasis placed on advanced aeronautics in the FY2011 budget request. However, concern remains with regard to out-year funding for NASA ARMD and its potential detriment to NextGen advancement. Dating back to the early days of NASA Aeronautics R&D, ARMD has been responsible for revolutionary safety and efficiency initiatives that have saved countless lives. It is in this tradition of excellence that this must continue and requires Committee support for the FY2011 NASA Appropriation.

STEM Education More Important than Ever

Developing the aerospace workforce of the future is a top issue for our industry. The state of education for our young people, however, is in peril, including poor preparation for Science, Technology, Engineering and Mathematics, also known as STEM fields; low graduation rates of students in those fields, especially when compared to other nations, and a lack of interest in STEM fields overall.

Currently, the U.S. annually graduates just 74,000 engineers – covering all fields in the discipline. Further, many of these students are foreign nationals who return home shortly after graduating – which lowers the number of new domestically employable engineers under 60,000.[3] By comparison, India and China respectively graduate six and ten times more engineering students each year.[4] If this continues, the U.S. runs a real risk of losing its skilled engineering edge over other nations.

The latest national test scores show that, in math, fourth graders are 62 percent below proficient and eighth graders are 69 percent below proficient. In science, fourth graders are 68 percent below proficient, while eighth graders are 73 percent below proficient.[5]

In a study done by Raytheon, most middle school students said they would rather do one of the following instead of their math homework: clean their room, eat their vegetables, go to the dentist or take out the garbage.

To that end we are very supportive of efforts to improve STEM education. We ask that your committee continue to support, fund, and – where possible – increase funding for the various STEM education initiatives within your agencies of jurisdiction. For example, Rep. Suzanne Kosmas (D-FL) has drafted a bill that aims to incentivize displaced aerospace workers to pursue second careers as STEM educators allowing students the opportunity to be taught by teachers with first-hand knowledge of our nation's space program.

To help bring enthusiasm for the aerospace industry, AIA is being innovative. We run the Team America Rocketry Challenge, or TARC, for middle and high school students.

TARC starts off with a regional competition, with students teamed in many cases with real rocket scientists, with qualifiers coming to the Washington, D.C. region for the national

[3] 2008 American Society for Engineering Education, "Engineering by the Numbers."
[4] 2005 National Academies: Rising Above the Gathering Storm.
[5] 2007 National Assessment of Education Progress, U.S. Dept. of Ed.

competition. Their challenge requires them to achieve a designated flight time and altitude all while safely returning a raw egg payload.

We invite all of you to our competition on May 15, 2010 in The Plains, Virginia. Representatives Wolf, Schiff, Visclosky, Culberson and Aderholt might be particularly interested this year as each of you have teams from your district competing.

Conclusion

Over the past 50 years, space systems and technologies have increasingly become a critical part of our nation's economic, scientific and national security capabilities. Our space capabilities are a source of national pride and an investment in the science and R&D needed to maintain U.S. global leadership. The value of this investment has not been lost on others. Many other nations are employing space to support their infrastructure, to increase their technological prowess, and to demonstrate that they are a modern; or rapidly modernizing. Our leadership in space is no longer assured.

Investments made to NASA, NOAA, and STEM education are investments made to our nation here on Earth. It is essential that funding remains stable and robust to ensure a strong economy, advanced technology growth, and to protect the welfare of our citizens.

I thank the committee for their time and attention and would be happy to answer any questions.

Ms. BLAKEY. Good morning.

Mr. FATTAH. Good morning.

Ms. BLAKEY. I very much appreciate the opportunity, Congressman Fattah and Ranking Member Wolf, to testify before this Committee today. It is not the first time I have been here and I am very grateful again for the opportunity because I am testifying regarding the fiscal year 2011 budget request for NASA and NOAA.

AIA, the Aerospace Industries Association, very much appreciates the efforts of this Congress and this Subcommittee to keep our civil space program healthy.

The current budget request for NOAA provides $5.5 billion, an increase of $700 million. A substantial portion of this increase is for the procurement of much needed weather satellites and climate study systems. And we are very pleased with this increase and recommend that the request be fully funded.

We are also encouraged that NASA's proposal extends the International Space Station through the year to at least 2020 and funds valuable earth and space science missions, and also renews technology development and innovation and promotes commercial spaceflight.

As Congress debates the extent to which the U.S. will rely on commercial space providers for cargo and human carriage into space, it will be essential that NASA receive the full $19 billion proposed in the President's budget.

There are a few issues as we all know, though, that require your attention. The proposed cancellation of the Constellation Program at the same time as the planned retirement of the Space Shuttle would cause residual impacts to the space industrial base and the highly trained space workforce in both the private and the public sectors.

Congress should ensure that plans and necessary funding is directed to help effectively transition both the NASA civil workforce and the contract workforces into the proposed programs.

It is critical to remember that in space, it is the workforce, the engineers, the skilled technicians that are the backbone of our industrial base. It is also critical to define a specific strategy that sets clear goals and time lines for human exploration beyond low earth orbit. Such strategy would have the necessary funds to achieve the desired goals.

Moving the discussion to aeronautics for a moment, AIA is encouraged by the 12 percent increase to the fiscal year 2011 budget request. AIA urges Congress to adopt this fiscal year request including essential investments in NASA's environmentally responsible aircraft, verification and validation of complex software systems, and the unmanned aerial systems operational and safety research.

We are concerned with the Administration's proposal for out-year funding for NASA's ARMD aeronautics particularly because this is the area that is responsible for critical research for the next generation air transportation system that we are all depending upon to set our old radar-based system aside and correct for the delays and the environmental problems of our current air transportation system.

The proposed investment fails to keep pace with inflation, representing an annual decline in real dollars of two percent. This is going to have a detrimental effect on the advancement of Next Gen.

Finally, the state of education of our young people which I know, Congressman Fattah, has been a major focus for both of you all, it is truly alarming. This is evidenced by poor preparation for science, technology, engineering, and math, the STEM fields, low graduation rates of students in those fields, especially when compared to other nations, and the lack of interest in STEM fields overall.

The latest national test scores show our students are below proficient. But perhaps even more telling is our students' attitudes towards STEM education. I have to tell you I was truly shocked by a study that was done by Raytheon recently that shows that most middle school students say they would rather do one of the following activities instead of their math homework. Guess what they are? Clean their room, eat their vegetables, go to the dentist, or take out the garbage. Now, come on. That is where math is ranking right now.

To that end, we are very supportive of efforts to improve STEM education. We ask your Committee to continue to support, encourage, where possible increase the funding for various STEM education initiatives within your jurisdictions.

For example, one of the things I think is interesting is that Representative Suzanne Kosmas of Florida is drafting a bill called Space to Schools. It is modeled after a program we think has been very successful, the Troops to Teachers Program.

The bill aims to incentivize displaced aerospace workers, and, of course, the space coast and around the country is at issue here, to pursue second careers as STEM educators, allowing students the opportunity to be taught by teachers with really firsthand knowledge of our nation's space program.

Now, to help bring enthusiasm for the aerospace industry and STEM education, AIA is being pretty innovative. We run the Team America Rocketry Challenge or TARC for middle and high school students. TARC starts off with regional competitions with students teamed in many cases with real rocket scientists and the qualifiers then come to Washington, D.C. for the national competition.

The challenge requires them to achieve a designated flight time and altitude all while returning safely a raw egg payload. And this year, we are doing it without parachutes. It is going to be challenging.

So we invite all the members of this Committee to come out to the competition. It is on May 15 out in McLean, Virginia.

Congressman Wolf, I would very much love to see you there right in the back yard if you are possibly interested because we do think it is going to be great and there are going to be teams from your district competing.

Over the past 50 years, space systems and technologies have increasingly become a critical part of our nation's economic, scientific, and national security capabilities. Our space capabilities are a source of huge national pride and an investment in science and R&D is needed to maintain U.S. global leadership.

I was very pleased about the emphasis on that in the recent discussion here. Investments made to NASA, NOAA, STEM education are investments made to our nation here on earth. It is essential that funding remain stable and robust to achieve a strong economy, advance technology growth, and protect the welfare of our citizens.

I would like to thank the Committee for your time and attention to all this. Thanks very much.

Mr. FATTAH. Well, let me thank you. It is a pleasure to see you again and we have met on a number of occasions both in and outside of this Committee room. So thank you very much.

And, Ranking Member Wolf, do you have a question or comment?

Mr. WOLF. Yeah. Thank you, Mr. Chairman.

I want to welcome Ms. Blakey here. I appreciate her testimony.

And I think we are really going to have to get the business community to be saying what you are saying in a more vocal way. The business community, particularly the large businesses, have been very silent on these issues. Periodically you will get someone to give a speech. But other than that, I think your comments are very on point. They are very important. Yet, we just have not seen the leadership from the— I am not saying aerospace— but from all the business industry. So I appreciate what you are saying.

The fact that we are falling behind is so troubling to me. It is hard to even explain it. And, yet, I see it getting worse if we do not dramatically turn it around because we are faced with this economic situation of the entitlements are eating up, this is eating up. I appreciate your testimony.

Last year, 50 percent of the STEM funding lay on the table. It was never used. This Committee did put an amendment in last year asking the National Science Foundation, NSF, to come up with best practices for how do you get young people—first, second, third, fourth, and fifth grade—to be active and interested.

Ms. BLAKEY. Uh-huh.

Mr. WOLF. And we are waiting for their report. But, again, thank you for the testimony. I appreciate it.

Thank you, Mr. Chairman.

Mr. FATTAH. Thank you very much.

Ms. BLAKEY. May I just mention one thing because it might be helpful to know? We have very recently formed a coalition for business and industry for STEM to coordinate all of our programs because we do spend tremendous amounts of money, $10 million a year just in aerospace, on STEM programs.

But the issue of pulling it together, really knowing what is working and how we can leverage these, we are working pretty hard and working with the White House on it. So we will give you all a periodic update on that because I hope——

Mr. FATTAH. Thank you.

Ms. BLAKEY [continuing]. It will be helpful.

Mr. FATTAH. Thank you very much.

Ms. BLAKEY. And I will work with the business community. Believe me. This has been a shock to the system regarding NASA's current decision. So we will work with them. Thank you.

Mr. FATTAH. Thank you.

NASA's aeronautic support team, Bruce Hoogstraten.

Mr. HOOGSTRATEN. Yes, sir.

Mr. FATTAH. Okay. Did I pronounce that correctly?

Mr. HOOGSTRATEN. Hoogstraten.

Mr. FATTAH. Hoogstraten. Okay. All right. We will take your written testimony for the record and feel free to make whatever comments you would like.

WEDNESDAY, APRIL 14, 2010.

NASA AERONAUTICS SUPPORT TEAM

WITNESS

BRUCE HOOGSTRATEN, EXECUTIVE DIRECTOR, NASA AERONAUTICS SUPPORT TEAM

Written Testimony Provided By

Mr. Bruce Hoogstraten
Executive Director of the NASA Aeronautics Support Team

To

The House Commerce, Justice, Science and Related Agencies Appropriations Subcommittee

February 11, 2010
Room H-309 Capitol

As the Executive Director of the NASA Aeronautics Support Team (NAST) located in Hampton, Virginia, I appreciate the opportunity to testify before the House Commerce, Justice, Science Appropriations Subcommittee regarding the National Aeronautics and Space Administration's (NASA) Aeronautics research enterprise. I am also currently the Chairman of the Virginia Aerospace Advisory Council.

When I gave testimony to this Subcommittee last year, we were all still awaiting the FY10 budget request from the new Administration – unsure of what to expect, but hopeful that change was indeed on its way for the NASA Aeronautics program. As fate would have it, there were indeed two significant changes from previous years – a new Aeronautics "Green Aviation Initiative" was introduced and a stabilization of the Aeronautics budget that had previously been be targeted for cuts year in and year out.

This year's budget request is an even greater improvement – while we have not yet seen the details, it requests an additional $72.6 million over the FY10 request for NASA's Aeronautics programs and we urge your support for this requested budget. The proposed budget is also of course quiet controversial in other areas, as it proposes a significant shift away from the Space Exploration vision being implemented by the Constellation program. We encourage the Congress to follow the Administration's new path, as difficult as that will be, as we believe it will reinvigorate NASA's traditional role as an innovator. A program dubbed by its own Administrator as "Apollo on steroids" never struck us as being worthy of NASA's heritage of developing cutting edge technology.

The danger to all other NASA programs and budgets from potential massive Constellation overruns has been clearly laid out on several occasions by the Congressional Budget Office – if Constellation is allowed to continue in its present form, CBO has warned that its inevitable cost overruns will likely devastate the budgets for science, aeronautics and earth science in the years to come. Considering the urgent needs of understanding the planet's climate and our effect on it, a massive modernization of the nation's air traffic control system and the growing capabilities to explore the universe with tools such as the James Webb Space Telescope and more sophisticated robotic missions, we believe the new path charted by the Administration is the correct one. The

NAST organization presented such a vision last year to the Congress and the Administration – a white paper titled "The Future of NASA" can be found on our website (www.nastus.org).

We now have reason to hope that there is again a "grand vision and challenge" for NASA Aeronautics in the form of this Green Aviation Initiative. The NASA workforces at the Langley, Glenn, Ames and Dryden Centers have for the past decade been developing incremental improvements to aviation safety, engine fuel consumption and performance, noise control technologies and emissions among other areas. While these activities have been very worthwhile and have helped spur some innovation in design and performance, they have certainly not been "transformative" in any one area or in aggregate. Indeed, NASAs own "performance improvement goals" in areas such as aircraft emissions and engine noise have gone from quiet aggressive to very modest in the past decade.

A radically new next generation subsonic "green" commercial aircraft that may use 75% less fuel and emit a fraction of harmful greenhouse gasses will not look much like the airplanes flying today, and a transformative development effort is desperately needed for several reasons. The US aviation industry faces a potentially huge problem in the not so distant future – the pressure from governments (foreign and domestic) to address the issue of emissions from aircraft engines and their outsized impact on the environment. Aviation currently accounts for about 10 percent of greenhouse gas emissions from transportation in the U.S. Aircraft have complex effects on climate through contrail formation and by emitting water vapor into the dry stratosphere. These high altitude emissions have a far greater global warming impact than if the emissions were released at ground-level. Lest anyone think this is just an academic problem, in December 2007, a coalition of environmental groups, states and regional governments filed petitions with the U.S. Environmental Protection Agency urging the agency to address the effects of vast amounts of global warming pollution from the world's aircraft fleet. The petitions are the first step in a process that requires the EPA to evaluate the current impacts of aircraft emissions, seek public comment and develop rules to reduce aircraft emissions or explain why it will not act.

In order to develop next generation green aircraft technologies to the necessary maturation point for NASA's Aeronautics research program must pivot from working on only "basic" or "fundamental" research to actually designing, building and testing new aircraft concepts. The program in recent years, mainly due to budget cuts, has been restricted to undertaking studies on materials and designs, modeling using computers and wind tunnel testing. Outside of some impressive hypersonic flight demonstrations, there has been a lack of aggressively pushing design limits and flight testing advanced aircraft concepts. These budget cuts required once productive wind tunnels to be shuttered a major flight test aircraft retired to the desert not for lack of research needs, but funding and the will to keep pushing the envelope in technology development.

The emphasis of the entire program must shift back to developing, testing and maturing new aircraft technologies so that they are ready for handoff to industry for development into actual commercial aircraft. The new Boeing 787 Dreamliner is an illustrative example of the level of effort required for major new aircraft technologies – it took NASA and the FAA, working in conjunction with Boeing, almost 10 years and tens of millions of dollars to design, fabricate, test

and certify as safe the new all composite fuselage featured on the Dreamliner. Major leaps ahead in technology are not easily achieved – they require years of steady work to develop technologies to the maturity point where industry can confidently incorporate new discoveries in actual aircraft. NASA, through this new Green Aviations plan, should in coming years re-direct an increasingly large portion of its aeronautics research and development budget to such fabrication and test activities that achieve a higher level of technology readiness for new innovate designs that can radically improve fuel efficiency.

Additional effort and funding is needed in the relevant areas of NASA aeronautics research such as engine design and combustion, contrail formation and mitigation, lightweight structures and materials, alternative fuels and advanced fuselage concepts. NASA should also reinvigorate past research into alternative energy sources for aviation propulsion such as batteries and fuel cells with the goal to demonstrate powered flight. Additional research into the Blended Wing-Body aircraft flight tested in 2007 should occur. Such technologies are forward looking and would be employed on a next generation of commercial aircraft, not existing planes.

In order to eliminate the impact of climate change of depositing water vapor in the stratosphere, new "green" aircraft will be required to operate below about 27,000 feet altitude. This operating restriction could have the effect of significantly reducing ride quality and will require additional new technologies. The major elements of the technology base for these new aircraft are in the traditional areas of aviation research, aerodynamics, structures and materials, propulsion, and avionics and exist currently in NASA's Subsonic Aircraft Research Program.

A program of research is proposed that will bring the above described technology base up to a technology readiness level (TRL) of at least 6. While the initial investment in the Green Aviation program is appropriate at roughly $50 million annually, it will need to grow incrementally each year to enable true technology and design demonstration – the eventual annual investment we believe should grow to $300 million, over the next four years. The program will require the close involvement of key universities and the US aircraft industry. It will expand many current NASA Aeronautics programs and investigations, and allow the research to be done on a larger scale to gain better fidelity to real design challenges for a full scale system. Although a five-year budget is proposed, many of the program elements will require more than five years to reach TRL 6.

This research on developing an actual flying prototype "green" aircraft must also be supported simultaneously with research to accelerate the deployment of a Next Generation Air Traffic Control System. The requirements to provide efficient ground and in-flight aircraft operations to minimize fuel burn combined with the super-density traffic that will result from operations restricted to below 27,000 feet place new requirements on the airspace management system. This will also require development of airbome conflict detection and resolution systems. It is estimated that successful implementation of such a system could reduce fuel burn up to 15% and enable the implementation of operation below 27,000 feet. Specific technologies to be developed include 4-D trajectory based operations, highly automated ground systems, reduced in-flight separation, dynamic resource allocation, and integrated, a diagnostic approach to safety, real-time weather prediction incorporated into 4-D trajectory calculation and updating.

A five-year program of research is proposed that will result in demonstration of the system in a relevant operational environment, enabling the achievement of TRL 6. The NASA NextGen development program should be initially funded at $50M and grow to $100M per year in four years. This flight demonstration program would be conducted in collaboration with package delivery fleet operators, and would involve equipping and operating a significant number of aircraft for a year-long demonstration.

Lastly, since the end of the Cold War NASA's aeronautics budget has been on the decline and resources have not been applied to properly maintain and upgrade NASA's test facilities; thus some facilities are a poor state of disrepair and others are nearing obsolescence without technology upgrades. Four years ago NASA initiated the Aeronautics Test Program to start addressing these issues. Although this program has been successful in addressing smaller maintenance issues, the resources available in this program will not sustain the facilities in the long term. Just as the administration is proposing additional funding for upgrades to NASA launch facilities in Florida, we ask that the Subcommittee also consider the needs of the nation's aeronautics test facilities and require that NASA in the future .

Mr. HOOGSTRATEN. I appreciate the time to come here today. Congressman Fattah, Ranking Member Wolf, my name is Bruce Hoogstraten and I am the Executive Director for the NASA Aeronautics Support Team which is located in Hampton, Virginia. And I also currently Chair the Governor's Virginia Aerospace Advisory Council. And I appreciate the opportunity today.

I thought I was going to be in a drastic minority until Ms. Blakey did come up and actually support dollars being appropriated and the money going through the Aeronautics Program.

And Chairman Gordon kept saying all he hears is what people do not like. Well, I am here to tell you what I do like about the current President's proposed budget.

Last year when I gave testimony to the Subcommittee and we were all waiting on the fiscal year 2010 budget request from the new Administration, we really did not know what to expect. And as fate would have it, there were indeed two significant changes from the previous year. A new aeronautics Green Aviation Program was introduced and a stabilization of the aeronautics budget, which previously had been targeted for cuts year in and year out.

But to Ms. Blakey's point as well, the run-out is something I would like to also talk about. This year's budget request is an even greater improvement. It requests an additional $72.6 million over the fiscal year 2010 request for NASA's Aeronautics Program, and specifically has a $23 million increase for the second year of the Green Aviation initiative, as well as over $30 million for a program integrating UAVs into the national air space.

The current proposed budget, of course, is quite controversial as we have been hearing today, but we encourage Congress to follow the Administration's new path with regards to aeronautics research.

The danger to all the other NASA programs and budgets from potential massive Constellation overruns has been clearly laid out by the Congressional Budget Office. If Constellation is allowed to continue in its current format, it would likely devastate other NASA science, aeronautics, and earth science programs in the years to come.

Considering the urgent needs of understanding the planet's climate and our effect on it and the massive overdue modernization of an air traffic control system, we believe that the Administration path with regards to aeronautics is the correct one.

We urge the Committee to support the new grand vision and challenge for NASA's aeronautics in the form of the Green Aviation initiative. The NASA workforce at Langley, Glenn, Ames, and Dryden centers for the past decade have been developing incremental improvements to aviation safety, fuel consumption and performance, noise control technologies, and emissions, among other areas.

While these activities have been very worthwhile and have helped spur some innovation and design and performance, they have certainly not been transformative in any area or in the aggregate.

While the initial investment in the Green Aviation Program is appropriate at roughly $80 million annually, it will need to grow incrementally each year to enable a true technology design dem-

onstration that eventually gets, we feel, to about $300 million a year over the next four to ten years.

To free the bonds of innovation that have constrained the NASA aeronautics researchers, the Congress must also insist that NASA build a budget of this program in the coming years to allow it not just to do fundamental research but also real applied research that will test these concepts in the real world environment.

If NASA will commit to undertaking research for this program at technical research levels one through six in the next decade, I am sure NASA, with the help of industry, can generate a new subsonic green commercial aircraft that may use up to 75 percent less fuel and emit a fraction of the harmful greenhouse gases of today's aircraft.

Once again, I want to thank you for your time today and I would be happy to entertain any questions.

Mr. FATTAH. Well, thank you very much.

We are under some time constraints, so we will reserve at least for myself any questions at this time. But I do thank you for your testimony.

Ranking Member Wolf.

Mr. WOLF. Thank you for your testimony.

Mr. HOOGSTRATEN. Yes, sir. Thank you.

Mr. FATTAH. Thank you.

Congresswoman Yvette Clarke, let me welcome you to the Committee and your written testimony will obviously be reported for the record. But feel free to make whatever extensions on that you would like to make at this time.

WEDNESDAY, APRIL 14, 2010.

TESTIMONY OF MEMBERS OF CONGRESS

WITNESS

HON. YVETTE CLARKE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

CONGRESSWOMAN YVETTE D. CLARKE
REPRESENTING NEW YORK'S 11th CONGRESSIONAL DISTRICT

Statement before the House Committee on Appropriations: Commerce, Justice, and Science Subcommittee
April 14, 2010, 9:55AM

Mr. Chairman, Ranking Member Wolf, and Members of the Committee, I would first like to thank you for this opportunity to testify before this committee today. I want to use my time to discuss a program that is immensely important, not only in the 11th Congressional District of New York, but also throughout New York City and communities around the country.

The Education & Assistance Corporation or EAC, Inc., through its Treatment Alternatives for Safer Communities or **TASC** programs provides alternatives to incarceration for substance-abusing offenders throughout the New York metropolitan area. The program provides a cost effective, responsible alternative to expensive and ineffective incarceration, saving taxpayers more than $17 million last year alone. More than 600 offenders annually are enrolled in EAC's Brooklyn TASC project.

Alternative to incarceration programs, or **ATI's**, make a significant difference in our communities. ATIs offer treatment alternatives for defendants sixteen and older, facing a jail or prison sentence, which are non-violent and have indicators of problem(s) with alcohol or other drugs. The program provides treatment, education and

employment training in the community, all the while remaining under strict supervision. And, if people do not succeed in these programs, the court still has the option of sentencing them to incarceration.

Alternative to incarceration programs reduce crime, reduce jail and prison populations, and help individuals and neighborhoods across the City. Studies by the nation's leading criminal justice researchers have shown that ATIs reduce jail time, and successfully treat people in the community without compromising public safety. All the while, ATIs are meeting the diverse needs of the people they serve, while enhancing the quality of life of the City's most challenged communities.

TASC carefully matches offenders to the most appropriate treatment program and monitors that offender's progress in treatment for the Court. A unique benefit of the TASC model is its ability to provide case management and treatment linkages at any point in the criminal justice continuum—from pretrial service agencies, the courts, jail treatment programs, probation agencies, and community corrections agencies involved in intermediate sanctions to reintegration of the offender into the community. TASC programs work to establish treatment accountability by ensuring that offenders receive the appropriate type and level of treatment and that the offender is attending treatment regularly, treatment is progressing, and the agency to which TASC referred the offender is providing effective treatment services.

In the last 15 years, TASC has established a reputation in New York City for being able to work successfully within the criminal justice system and in the counties where it

operates. The agency has established strong ties of trust with the Courts and the District Attorneys where they have been recognized as the case management arm of the Office of the District Attorneys in Queens, Brooklyn, Bronx and Staten Island.

The Brooklyn TASC Program is an alternative -to-incarceration project operating in Kings County Criminal Court for jail bound non-violent misdemeanant offenders and MICA-classified offenders whose substance abuse is related to their criminal activity. Brooklyn TASC also works with offenders charged in Criminal Court with domestic violence. TASC diverts these offenders out of the criminal justice system and into the drug treatment and mental health systems in cases where the defendant is facing local incarceration as a result of the commission of a crime.

Brooklyn TASC is widely used by the Courts and the District Attorney's office, and has an ever-growing caseload of offenders with multiple needs—mental illness, HIV, unemployment, and homelessness, in addition to severe and chronic drug and alcohol addiction. TASC manages drug cases by moving the offender through the criminal justice process and into drug treatment, simultaneously providing monitoring services as an adjunct to criminal justice supervision. TASC comprehensive case management services create a unique interface among the criminal justice system, the treatment service system, and the offender, thus allowing for effective and efficient outcomes.

Despite the acknowledgments within the criminal justice system of the value of Brooklyn TASC, the program faces substantial cuts to funding by the New York State Division of Probation and Correctional Alternatives (DPCA). Without adequate funding,

Brooklyn could see a significant increase in jail and prison populations, and at great expense. The drop in the New York City crime rate has increased opportunities in the city and is critical to New York City's future. An investment in alternative to incarceration programs like Brooklyn TASC is an investment in people who, with the right mix of services, programs, supervision, and opportunities for change could return to their communities to lead crime-free lives.

This past year alone, TASC support was cut by more than $500,000, with additional cuts anticipated. Funding will enable the project to continue services to more than 600 clients throughout Brooklyn, including case management support and court liaison assistance for periodic compliance reporting to the courts, HIVS/AIDS services, and employment/ vocational support.

According to the City of New York Department of Corrections, the average annual cost per jail inmate is $62,595. By contrast, some ATI services cost as little as $1,400 to $13,000 per person served. A recent analysis by The New York City Criminal Justice Agency found that felony ATI participants were significantly less likely to be re-arrested than similar people sent to and discharged from a City jail.

I am requesting $500,000 in the CJS fiscal year 2011 appropriations bill for EAC's Brooklyn TASC project and I would ask that you support this critical funding request.

Thank you again for the opportunity to testify before this committee today. I am available to answer any questions you may have about this important program.

Ms. CLARKE. Certainly. Thank you very much, Chairman Fattah, Ranking Member Wolf.

It is my honor to be here to speak on behalf of the education and Assistance Corporation, Incorporated which basically is treatment alternatives for safer communities. And the program provides alternatives to incarceration for substance abuse offenders throughout New York City's metropolitan area.

The program provides a cost-effective, responsible alternative to expensive and ineffective incarceration, saving taxpayers more than $17 million last year alone.

More than 600 offenders annually are enrolled in the AC's Brooklyn TASC Program. This program reduces crime, reduces jail and prison populations, and helps individuals in neighborhoods across the city.

Studies by the nation's leading criminal justice researchers have shown that ATIs reduce jail time and successfully treat people in the community without compromising public safety. ATIs are meeting the diverse needs of people they serve while enhancing the quality of life for the city's most challenged communities.

TASC programs work to establish treatment accountability by ensuring that offenders receive the appropriate type and level of treatment and that the offender is attending treatment regularly, treatment is progressing, and the agency to which TASC referred the offender is providing effective treatment services.

The Brooklyn TASC Program operated in King's County Criminal Court for jail, bond, non-violent, misdemeanor offenders, and MICA-classified offenders whose substance abuse is related to their criminal activity.

Brooklyn TASC is widely used by the courts and District Attorney's Offices and has an ever-growing caseload of offenders with multiple needs: mental illness, HIV, unemployment, and homelessness, in addition to severe and chronic drug and alcohol addiction.

And TASC manages drug cases by moving the offenders through the criminal justice process and into drug treatment, simultaneously providing monitoring services as an adjunct to the criminal justice supervision.

Despite the acknowledgments within the criminal justice system of the value of Brooklyn TASC, the program faces substantial cuts to funding by the New York State Division of Probation and Correctional Alternatives.

Without adequate funding, Brooklyn could see a significant increase in jail and prison populations at an even greater expense. And this in and of itself seems to be a bit ironic, because the overcrowding and early release due to budget constraints our city jails and state prisons are facing is due, of course, to budget shortfalls due to the ongoing fiscal crisis.

The drop in New York City's crime rate has increased opportunities in the city and is critical to New York city's future.

An investment in alternative to incarceration programs like Brooklyn TASC is an investment in people who with the right mix of services, programs, and supervision, and opportunities for change could return to their communities to lead crime-free lives.

Therefore, it is my honor to ask for $500,000 in this fiscal year's budget for EAC's Brooklyn TASC Project. And I would ask that you support this critical need for funding.

Thank you again for the opportunity to testify before this Committee today. And I am available to answer any questions you may have about this important program.

Mr. FATTAH. Well let me thank you for your testimony and say that between both Ranking Member Wolf who has been really at the vanguard of a lot of the efforts around drug treatment, and the Second Chance Program, and just working with alternatives to incarceration, and myself, there is a lot of empathy for these types of efforts all across the country.

We thank you for your testimony. And the Committee will do all it can to seek to be helpful as we go forward.

Ms. CLARKE. I appreciate that. Thank you very much.

Mr. FATTAH. All right. And our last witness in this segment the Honorable Sue Bell Cobb, National Association of Drug Court Professionals.

WEDNESDAY, APRIL 14, 2010.

NATIONAL ASSOCIATION OF DRUG COURT PROFESSIONALS

WITNESS

HON. SUE BELL COBB

House Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies
"FY 2011 Members and Outside Witness Hearing"
April 14, 2010

Chief Justice Sue Bell Cobb
State of Alabama

TESTIMONY

To Chairman Mollohan, Ranking Member Wolf, and distinguished Members of the Subcommittee, I am honored to have the opportunity to testify on behalf of Drug Courts, our nation's most proven effective and fiscally responsible justice program. In doing so, I will strongly urge that funding for Drug Courts includes at minimum $65 million for the Drug Court Discretionary Grant Program, Bureau of Justice Assistance, Office of Justice Programs, Department of Justice. This is the most effective and efficient way to ensure Drug Courts throughout the nation are not forced to shut their doors at a time when they are needed most.

While there is funding in the President's budget for an unauthorized "Problem Solving Courts Initiative" ($57 million) and funding for substance abuse treatment within some criminal justice programs, I am deeply concerned that there is no direct funding for the Drug Court Discretionary Grant Program. While Problem Solving Courts certainly have merit, they are extensions of the Drug Court model after all; siphoning funds from Drug Courts will have a disastrous effect.

The President's budget proposes $56 million for Drug Treatment Courts at the Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration, and Department of Health and Human Services. But this critical funding goes toward the expansion of existing Drug Court's capacity and is only most effective in conjunction with funding from the Drug Court Discretionary Grant Program. For the past fifteen years the Drug Court Discretionary Grant Program has struck the proper balance between government oversight and local innovation. By focusing on the core infrastructure of Drug Courts through the implementation, enhancement, national research, training, and technical assistance, this has become the most important, cost effective and research validated program we have to combat the scourge of substance abuse and crime plaguing our criminal justice system. At a moment in our history when the Federal government must make judicious economic decisions, why would we suddenly abandon one of the few criminal justice programs that is cost effective, evidence-based and stems the tide of drugs and crime?

There is no questioning the explosive impact that substance abuse has had on our criminal justice system. As a nation we annually spend a staggering $60 billion on corrections, an investment that has done little to stem the tide of crime or substance abuse. Half of the nation's prison population is clinically addicted to drugs or alcohol. Upon their release, nearly all will relapse into substance abuse and as many as 80% will

commit a new crime (typically drug related). In this revolving door pattern it is easy to see why spending on corrections remains exorbitant. Given the abysmal outcomes of incarceration on addictive behavior, there's absolutely no justification for state governments to continue to waste tax dollars feeding a situation where generational recidivism is becoming the norm and parents, children and grandparents may find themselves locked up together. This is simply an appalling fiscal policy. But there is a solution.

In my home state of Alabama, we have seen firsthand the impact Drug Courts can have on substance abuse and crime. For far too long we attempted to incarcerate our way out of an epidemic of substance abuse and crime instead of addressing the core of the issue. Our first Drug Court launched in 1993 and since then another 56 have opened their doors. As a Chief Justice feel I have an obligation to ensure that justice in my state is meted out as effectively, efficiently and with the greatest results on public safety as possible. This is the reason I have pushed so ardently for the establishment of Drug Courts. And I am not alone. The Conference of Chief Justices, an organization of which I am a proud member, represents the highest judicial officers in the United States. The Conference has called Drug Courts "the most effective strategy for reducing drug abuse and criminal recidivism among criminal offenders." As Chairman of the Conference of Chief Justices/ Conference of State Court Administrators Criminal Justice/Evidenced-Based Sentencing Committee, I can assure you that the Chief Justices and State Court Administrators are adamant in their support of data-driven solutions to drug-induced crime. The answer is model drug courts.

Today, 2,369 communities have found a solution in Drug Court. Over the last two decades states have turned to Drug Courts where traditional sentencing of non-violent, substance abusing offenders has failed. One reason behind this unprecedented growth: Drug Courts work better than jail or prison, better than probation and better than treatment alone. Drug Courts reduce substance abuse and crime more effectively and at less expense than any other justice strategy.

Model drug courts put judges in the "transformation" business, for drug courts can truly transform the lives of those who have and are about to lose everything. One of our Alabama judges has said, "Nothing means more to me in my judicial career than my drug court. My drug court not only transforms the offender but makes me a better husband and father."

Recently a cost-related meta-analysis, the most rigorous scientific tool available to researchers, was released with staggering results. Drug Courts produced an average of $2.21 in direct benefits to the criminal justice system for every $1.00 invested. These savings stem directly from reduced re-arrests, law enforcement contacts, court hearings, use of jail or prison beds and tangible impacts of crime victimization. When more distal cost-offsets were also taken into account, such as savings from reduced foster care placements or healthcare service utilization, studies have reported economic benefits ranging from approximately $2.00 to $27.00 for every $1.00 invested. The result has been net economic benefits to local communities ranging from approximately $3,000 to

$13,000 per Drug Court participant. Let's not forget that these savings can also be measured in lives restored, reunited families and communities made safer.
Drug Courts provide an astounding return on investment, in part, because Research demonstrates that nationwide, 70% of the approximately 120,000 seriously addicted individuals who voluntarily enter Drug Court complete it a year or more later and 75% of them remain arrest-free. A Drug Court participant is over twice as likely to stay clean and remain arrest-free as a newly released state inmate. Research also concludes that Drug Courts reduce drug abuse and improve employment and family functioning. These effects are not short-lived. The longest study on Drug Court to date shows these outcomes last as much as14 years. Now consider that the more serious the offender's drug addiction and length of criminal record, the better Drug Courts work. Drug Courts are not for the fist time or the non-addicted offender. Those individuals do just as well when diverted to a disposition that leads to record expungement upon successful completion of court conditions. Drug Courts focus on high-value offenders; those who have the highest need for treatment and other wrap-around services, and who have the highest risk of failing out of those services without support and structure. The Department of Justice recently concluded that there are 1.2 million offenders currently before the courts that meet this criterion. Without access to Drug Court they will continue to drain the criminal justice system of valuable resources.

Substance abuse has also had a role in crippling state budgets. States spend, on average, $65,000 per bed to build new prisons and $23, 876 to operate them. This is part of the reason states have invested so much in Drug Courts. State and local governments have traditionally leveraged the federal investment in Drug Courts at a 9:1 ratio. They recognize the significant cost savings they provide. But we are all keenly aware of the economic challenges that states will face in FY 2011. Because many States must cut their operating budgets, Drug Courts will be forced to close their doors. A $65 million FY 2011 appropriation for Drug Courts at the Department of Justice will reduce fiscal burdens facing many States and ensure the continuation of one of the most successful state/federal funding partnerships in the criminal justice system.

The historic 1994 Crime Bill authorized $1 billion for the Drug Court Discretionary Grant Program to be administered by the Department of Justice, Office of Justice Programs. The intent was to expand Drug Court funding to $200 million annually. The appropriation has, since 1995, averaged only $40 million –not enough. Despite being significantly underfunded, the Drug Court Discretionary Grant Program has proven an invaluable funding stream. DOJ funding focuses on the critical infrastructure (drug testing, case management services, evaluation, supervision, and training needs) to our court system across the country - our lawyers, judges, defense bar, prosecutors and our dedicated criminal justice first responders all benefit. The Drug Court Discretionary Grant program, coupled with state investments, has been critical to the growth and sustainability Drug Courts. Please help these officials do their jobs to save lives.

We are all keenly aware of the historic economic times with which we are faced. Now more than ever we must focus on cost effective, evidence-based practices that reduce drugs and crime and ease the financial burden of a costly criminal justice system.

Unfortunately, the Administration's budget does not reflect this issue with the urgency it requires. I respectfully ask that this committee consider restoring funding for Drug Courts at the Department of Justice Drug Court Discretionary Grant program at a modest level of $65 million. In addition, I ask that the committee maintain proposed funding levels for Drug Courts at the Center for Substance Abuse Treatment. Only then can we ensure that twenty years of progress brought about by Drug Courts is not undone.

Ms. COBB. Good morning, Mr. Chairman, Ranking Member Wolf. It is good to see you again.

I am Sue Bell Cobb, the Chief Justice of the Supreme Court of Alabama. And I am honored to have the opportunity today to testify on behalf of drug courts throughout the nation, which have proven to be our nation's most effective and fiscally responsible justice program. And I know already that both of you all are advocates.

So I want to ask you and urge you to consider that your budget include a minimum of $65 million for the Drug Court Discretionary Grant Program, which is at BJA, Office of Justice Programs, Department of Justice.

This is the most effective and efficient way to ensure that drug courts throughout the nation are not forced to shut their doors at what we all agree is a terrible economic time.

The President's budget, while there is funding, it is for unauthorized problem-solving court's initiative, which, of course, drug courts are your best known example of a problem-solving court.

The President's budget had $57 million for problem-solving court's initiative. And it also included funding, thank goodness, for substance abuse treatment within some of these criminal justice programs.

But I am deeply concerned, as are the judges throughout the nation who are such huge believers in drug courts, that there is not direct funding for the Drug Court Discretionary Grant Program.

While problem-solving courts certainly have merit, and they do, mental health courts and others that you can think of, this is siphoning money from drug courts. And it could possibly have a disastrous effect.

The President's budget proposes $56 million for drug treatment courts at the Center for Substance Abuse Treatment, SAMHSA. But this is critically needed funding—and you all know how desperately it is needed. The treatment is such a huge part of it. It goes towards the expansion of drug courts capacity. But it will only be effective if we have the funding for the Drug Court Discretionary Grant Program.

For the past 15 years, the Drug Court Discretionary Grant Program has struck the proper balance between government oversight, and local innovation, and bringing in local partners.

By focusing on the core infrastructure, drug courts—through the implementation, enhancement, national research, training, and technical assistance have become the most important, cost effective, and research validated program we have to combat the scourge of substance abuse and the crime, of course, associated with it.

At a moment in our history when federal government must make judicious economic choices, and we understand that, why would we suddenly abandon the one thing that it shows is so unbelievably effective?

As a nation we annually spend, and I know you all know this, $60 billion on corrections, an investment that really has done very little to stem the cancer of crime, so much of it caused by drug and alcohol abuse.

Half of the nation's prison population is clinically addicted to drugs and alcohol. And in Alabama unfortunately our number one provider of drug and alcohol treatment is in our prison system.

Upon their release, nearly all of them relapse. Eighty percent of them will commit a new crime. In my home state of Alabama, we have seen firsthand the impact of drug courts.

I am proud to say—and I just want to hold this up. I may want to submit it later for you all. But when I became Chief Justice we had 14 drug courts. In three years of our placing a priority with the judges on drug courts, you now see that we only have five counties that don't have a drug court or aren't in a planning stage for a drug court.

In Alabama we have the most overcrowded prison system in the nation and the least funded. You can see why I am here. And we have attempted to incarcerate ourselves out of this problem. And obviously it hasn't worked.

But because of drug courts and because of our trying to change the concepts and the philosophy of our judges, we not only flattened the commitments to prison, but we have seen a slight decrease, which is a big thing for us.

As Chief Justice, I feel like I have an obligation to make sure that whatever we do, number one, it is public safety. It is about public safety. And as we mete out justice, that it be done effectively, efficiently, and with the greatest impact for public safety. And this is the reason why that I have made it a passion to push ardently for drug courts in Alabama.

And I am not alone. As you know, the Conference of Chief Justices, our association of the chief justices throughout the nation, which I am proud to be a member of, represents the highest judicial officers in the state. And the conference, CCJ is what we call it, has called drug courts, "The most effective strategy for reducing drug abuse and criminal recidivism among criminal offenders."

I have been asked by the President to serve as Chairman of the Evidence-Based Practice Sentencing Committee for the Conference of Chief Justices. And I can assure you that all of the chief justices and the court administrators are adamant in their support of data-driven solutions to drug-induced crime. And that answer is, and they believe that answer is, model drug courts.

Today we have over 2,400 communities with drug courts. And that has evolved as you all know over the past couple of decades. The drug courts have been the answer where traditional sentencing has failed.

Model drug courts put judges in the transformation business. And I say it in two ways. It is not just transforming the inmates and the offenders, because what we really see is that we are—actually our motto in Alabama now is that we are—going to do the hard work of fixing people, not the easy work of filling prisons. And it is more judges spending more time. And that is what drug court entails.

But it is also the transformation of the transformation. One of my drug court judges says that after a 20–year term as one of the hot circuit court judges in a metropolis county, he says that, "Nothing means more to him than his drug court." That not only has he been seeing the transformation of lives but it has transformed him.

Because of his drug court work, he believes that he truly is a better husband and better father because of being involved in drug court.

Recently a cost-related meta-analysis, the most rigorous scientific tool to researchers, has released staggering results. Drug courts produced an average of $2.21 in direct benefits to every dollar invested. These savings of course, and you all know, have stemmed directly from reduced rearrests, law enforcement contacts, court hearings, less demand for jail and prison beds, and, of course, the impact of drug victimization.

There are other numbers. Studies have reported economic benefits ranging from $2.00 to $7.00 for every dollar invested. The result has a net economic benefit to local communities ranging from $3,000.00 to $13,000.00 per drug court participant.

And these savings can also be measured, of course, in the lives restored and reunited families and communities. And I must say businesses as well, because you can imagine you go to a drug court graduation you will always have a business person come up to you and say, "You know, you all have saved one of my best employees. Thank you."

Drug courts provide an outstanding return on investment. And 70 percent of the approximately 120,000 seriously addicted individuals who voluntarily enter drug court complete it. And 75 percent of them remain arrest free, which we cannot show that with other methods.

And these results are not short lived. I mean we find that there are years. And the thing about drug courts is we have got the data to prove it. Substance abuse has had a role in crippling state budgets. States annually spend on average $65,000.00 to build a bed, $23,000.00 to maintain that bed.

For operations, state and local governments and certainly Alabama have traditionally leveraged that federal investment. We have gotten very little of that money. But our legislature, thank goodness, has recognized the importance and has helped us with a very small investment that has helped us have the growth that that map indicated.

But that federal investment is about nine to one, which I think you can see that this is something with the little bit of money. And what we have asked is not little, but it is enough when you spread it across the entire nation that it can mean great things.

And if we don't have it, we do stand the chance of drug courts closing their doors. $65 million for fiscal year 2011 appropriation for drug courts at the Department of Justice will reduce the fiscal burdens facing the states and ensure the continuation of one of the most successful state/federal funding partnerships.

And I think this is very meaningful. The historic 1994 Crime Bill authorized $1 billion for drug courts. But only an investment of about 40 million, an average of 40 million, has ever been dedicated to drug courts during those intervening years. And that is not enough even though we have done a lot with it.

The Drug Court Discretionary Grant Program has proven an invaluable funding stream. You know, it is what targets the drug testing, the case management, the evaluation, the supervision, and training needs to our court system. Please help us help our local

officials, both judges and district attorneys and law enforcement, do their jobs to save lives.

We are all keenly aware of the historic economic times in which we are now faced. Now more than ever we must focus on cost-effective, evidence-based practices that reduce drugs and crime and ease the financial burden.

I know the President is a big believe in drug courts. And I am sure that it was thought that the flexibility was what is needed. But from the court officials I can assure you, our most urgent plea is the continued support, specifically of drug courts.

I respectfully ask that this Committee consider restoring funding for drug courts at the Department of Justice Drug Court Discretionary Grant Program at a modest level of $65 million.

And in addition I ask that the Committee maintain what the Administration has asked for as far as treatment and maintain those proposed funding levels for drug courts at the Center for Abuse Treatment. Only then can we ensure that the 20 years of progress that I know that both of you are aware of can continue and is not undone.

My thanks to the Committee for letting me have the opportunity. Though I have been in a hearing room many, many, many times, because I have been a judge for 29 years, this is my first opportunity to testify before Congress. So thank you for giving me that opportunity to speak on behalf of something that I believe with all my heart is a huge part of the answer.

And I will be more than happy, Mr. Chairman and Ranking Member Wolf to answer any questions you and Congressman Schiff might have.

Mr. FATTAH. Well let me thank you. We are honored to have you as a representative of a state judiciary system all across the country.

It was the chief justice of the Pennsylvania court that had me in a leadership role in developing our drug court system in Pennsylvania, which has worked very, very well. And the studies by the National Institute of Justice have shown, you know, that drug-influenced criminal activity is really what is driving a lot of the incidents of crime. And if we don't deal with the underlying cause, we are really not going to be successful here.

So let me thank you for your testimony. I don't have any questions. But I will yield to the Ranking Member.

Mr. WOLF. Thank you, Mr. Chairman. I will be very brief.

Welcome. Thank you for your testimony. Two questions very quickly. I remember when you spoke at the conference that Pew put on. Have you been in touch with them, because they are working on their best practices?

Ms. COBB. Absolutely. And Pew is basically staffing the committee that I now chair. And what we are trying to do is to raise it as a priority amongst the chief justices that they will go back and really try to help judges understand that we have got to reevaluate our sentencing philosophy and make sure that our sentencing decisions are based on data.

Mr. WOLF. Well that is important, because when the Pew people come out I think that is—hopefully I think it will be this summer or fall. That will really get a lot of interest.

Secondly, how is the state of Virginia now? Our new governor has been very supportive when he was in the General Assembly. Overall how does Virginia do in drug courts honestly?

Ms. COBB. As far as I know, very well. Chief Justice Leroy Hassell, your chief justice, of course it has been a major priority. He has worked on other issues as well as far as indigent defense and other things.

But Virginia also has a sentencing commission. And I think you have worked together with that to really reevaluate your sentencing policy. You have got an outstanding sentencing commission in Virginia.

Mr. WOLF. Yes.

Ms. COBB. And they have worked and put emphasis on this as well.

Mr. WOLF. So they are doing well. Okay.

Ms. COBB. Absolutely.

Mr. WOLF. Well, thank you for your testimony.

Ms. COBB. Thank you, Congressman.

Mr. WOLF. Thank you Mr. Chairman.

Mr. FATTAH. Madam Chief Justice, let me thank you for your testimony.

Ms. COBB. Thank you.

Mr. FATTAH. Okay. I am going to turn the Chair over to my colleague, Mr. Schiff. And we are going to bring in the 11:15 cohort of witnesses.

Mr. SCHIFF [presiding]. The hearing will resume. And our first witness is Aaron Houston of the Marijuana Policy Project. He is the Director of Government Relations.

And welcome, Mr. Houston. We appreciate your testimony today.

WEDNESDAY, APRIL 14, 2010.

MARIJUANA POLICY PROJECT

WITNESS

AARON HOUSTON

STATEMENT OF AARON HOUSTON, DIRECTOR OF GOVERNMENT RELATIONS
MARIJUANA POLICY PROJECT
BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
APRIL 14, 2010

Chairman Mollohan, Ranking Member Wolf, and distinguished Members of the Subcommittee, I am Aaron Houston, director of government relations for the Marijuana Policy Project (MPP), the largest marijuana law reform organization in the United States. MPP believes the greatest harm associated with marijuana is prison, and we focus on removing criminal penalties for marijuana use, with a particular emphasis on making marijuana medically available to seriously ill people who have the approval of their doctors. While MPP requests no specific budgetary line item or amount today, we do urge the Subcommittee to consider possible report language related to the use of Department of Justice funding in the FY2011 bill in the areas I will outline today where we believe Department resources may be better utilized.

STATE MEDICAL MARIJUANA LAWS AND FEDERAL ENFORCEMENT

Since 1996, voters and legislatures in 14 states have passed laws providing for the medical use of marijuana under a physician's supervision, but federal law criminalizes marijuana use without exception, even for seriously ill patients with cancer, AIDS, or multiple sclerosis. Under the administration of former President George W. Bush, the DEA targeted persons and entities involved in the sale or production of medical marijuana, even when the targeted persons were in compliance with state laws. MPP opposed these enforcement activities. We believe this is a bad policy and that the resources dedicated to these operations by the DEA could surely be put to better use elsewhere.

Perhaps there is no better example of how wasteful and misguided these DEA raids proved than testimony elicited by Congressman Culberson indicating that federal law enforcement authorities are so overwhelmed in the Tucson sector of the Mexico-U.S. border that persons caught crossing the border with up to 500 pounds of marijuana are unlikely to face prosecution. Meanwhile, former U.S. Attorney for Northern California Joe Russoniello said of the DEA's medical marijuana raids in 2008: "We could spend a lifetime closing dispensaries and doing other kinds of things and enforcement actions, bringing cases and prosecuting people, shoveling sand against the tide, it would be terribly unproductive and probably not an efficient use of precious federal resources."

We very much appreciate that President Obama, both as a candidate and once he was in office, expressed that the DEA should focus on more important priorities than targeting medical marijuana patients and providers who comply with their state's laws. MPP came to this Subcommittee last year asking that you urge the Department to issue that newly stated medical marijuana policy in writing. As you know, on October 19, 2009, Deputy Attorney General David Ogden issued a memorandum to U.S. Attorneys related to "Investigations and Prosecutions in States Authorizing the Use of Medical Marijuana." The memo clarified the Department's position that, "As a general matter, pursuit of these priorities should not focus federal resources in your

States on individuals whose actions are in clear and unambiguous compliance with existing state laws providing for the medical use of marijuana."

I would also like to take this opportunity to thank you, Mr. Chairman, and the members of this Subcommittee, as well as Congressman Hinchey, for working to include language in last year's full Committee Report urging the Department to issue its policy on medical marijuana prosecutions in writing.

RECOMMENDATIONS — FOCUS ON THE REAL PROBLEMS:

Recognizing the limited nature of federal law enforcement resources, MPP respectfully requests that the Subcommittee urge the Department, via report language, to: (1) strengthen its policy related to raids on those involved in medical marijuana-related activities in a state in the manner outlined below; and (2) in cases where states are furloughing prisoners due to budget crunches, encourage the states to certify that no inmates convicted of crimes of violence, including sexual abuse and assault, will be released before non-violent offenders whose sole offense related to the possession, sale, or manufacture of marijuana.

(1) **Strengthen Attorney General Holder's policy on DEA raids with a presumption of state-control:** As more states have gained experience implementing medical marijuana laws, the role of the state in regulating this area of policy has evolved. Some earlier state laws are vague and do not include licensing, while more recent laws generally provide for clear regulation. This has led to a great diversity in the manner in which each of the 14 state medical marijuana laws is carried out. For example, in California there is no state licensing of dispensing collectives and, although localities *may* license the collectives that are authorized under state law, not all have done so. Conversely, New Mexico provides for the direct state licensure of marijuana growers, Rhode Island recently finalized rules and regulations for oversight of medical marijuana compassion centers, and the District of Columbia City Council is finalizing an amendment to a voters' initiative to license dispensaries. In New York, legislators are considering a change to current law that would allow pharmacies to dispense marijuana to *bona fide* patients. We applaud the policy laid out in the Department's October 19 memo as a step in the right direction, but given the diversity among the state laws, I would stress that the standard be changed so that federal authorities defer to local or state law enforcement or regulatory authorities for their understanding of state law, and that if there is a prosecution, that it be in state court. In cases where an entity the DEA targets has been duly licensed by a state government (or municipal government, where applicable), we believe any suspected violations of state law should be reported to the state or local law enforcement personnel or regulators, who would then presumably use the information received from the DEA to either revoke or suspend a state-issued license, or pursue state-level criminal charges against the entity suspected of the violation. In states like California and Colorado, it may not be clear if someone is complying with a state law because many localities have not set up licensing for those who are allowed to dispense medical marijuana. In addition, both laws include terms that are open to interpretation. Because whether someone is in compliance with a state law is frequently not readily apparent, in the states where medical marijuana is legal, the DEA should not lead any raids on those who have a real possibility of raising a state medical marijuana defense in court. In addition, I should note that allowing the state authorities to handle violations in state courts is the most just and equitable outcome, since persons acting in good-faith compliance with state law have no defense whatsoever in federal court. Congressman Farr's Truth in Trials Act would remedy that injustice, allowing

defendants in federal courts to tell the truth about state law allowing them to use or dispense marijuana. Incidentally, the District of Columbia's medical marijuana law is expected to be implemented later this year, and its advent occurred after the issuance of the October 19 memo. Accordingly, we ask the Subcommittee to urge the Department to treat the District as a state for the purposes of affording patients and caregivers in D.C. the same protections that others enjoy.

(2) **Urge the Department of Justice to consider conditioning grant awards for state and municipal correctional systems on that system's certification that no inmates convicted of crimes of violence, including sexual abuse and assault, will be or have been furloughed before any non-violent offenders whose sole offense related to the possession, sale, or manufacture of marijuana.** The *Associated Press* reported a disturbing trend on March 31, 2010, noting, "Inmates convicted of violent crimes are among those being freed early from California jails to save money, despite lawmakers' promises that they would exclude most dangerous prisoners and sex offenders ... An *Associated Press* review of inmate data shows that some of the freed criminals were convicted of assault with a deadly weapon, battery, domestic violence, and attacks on children and the elderly." The article goes on to note that similar programs were initiated or expanded in a dozen other states: Colorado, Georgia, Illinois, Louisiana, Mississippi, Nevada, New York, Oregon, Texas, Washington, West Virginia and Wisconsin. MPP believes other Committees in the House should consider legislation that would specifically provide for withholding of funds from states that fail to certify they are releasing non-violent marijuana offenders ahead of violent felons, but in the meantime, we would appreciate the Subcommittee's attention to early release programs and the sequence of release for various offenders. Prioritizing the release of people whose only crime is marijuana-related just makes sense.

CONCLUSION

Chairman Mollohan, Ranking Member Wolf, and distinguished Members of the Subcommittee, I thank you for the opportunity to be here today, and I welcome the chance to respond to any questions.

Mr. HOUSTON. Thank you, Mr. Chairman. Chairman Schiff and distinguished members of the Subcommittee, I am Aaron Houston, Director of Government Relations for MPP. That is the largest marijuana law reform organization of the United States.

And we believe that the greatest harm associated with marijuana is the arrest and imprisonment of seriously ill people in particular who need medical marijuana with their doctor's approval.

While MPP requests no specific budgetary line item or amount today, we do urge the Subcommittee to consider possible report language related to the use of DOJ resources in the fiscal year 2011 bill in the areas that I have outlined today as ways that we believe that the DOJ resources may be better utilized.

As the Chairman is aware, since 1996 voters and legislatures in 14 states have passed laws providing for the use of medical marijuana. And, unfortunately, under the Administration of Former President George W. Bush, the DEA targeted persons and entities involved in the sale or production of medical marijuana even when those targeted persons were in compliance with state laws.

MPP opposed these enforcement activities because we believe this was a bad policy. These resources could be put to better use elsewhere.

And perhaps there is no better example of how wasteful and misguided these DEA raids proved than testimony elicited by Congressman Culberson on a regular basis indicating that federal law enforcement authorities are so overwhelmed at the Tucson sector of the Mexican/U.S. Border that persons caught crossing the border with up to 500 pounds of marijuana are unlikely to face prosecution.

We very much appreciate that President Obama, both as a candidate and once he was in office, expressed that the DEA should focus on more important priorities than targeting medical marijuana patients and providers who comply with the state's laws.

And as you know on October 19, 2009, Deputy Attorney General David Ogden issued a memorandum to U.S. attorneys related to investigations and prosecutions in states authorizing the use of medical marijuana. The memo clarified the department's positions that as a general matter resources, federal resources, in states should not be focused on individuals whose actions are in clear and unambiguous compliance with existing state laws.

And I would like to take this opportunity to thank you, Mr. Chairman, and the members of this Subcommittee as well as the members of the full Committee and Congressman Hensche for working to include language in last year's Committee report for this bill urging the department to issue its policy on medical marijuana prosecutions in writings. We very much appreciate that effort.

Getting to our recommendations, one we would ask is that the Subcommittee urge the department to strengthen its policy related to those involved in medical marijuana activities and prosecutions of those persons.

And two, and perhaps more poignantly important for budgetary reasons, in cases where states are furloughing prisons due to budget crunches, we would ask that you encourage the department to encourage states to certify that no inmates who are convicted of

crimes of violence, including sexual assault, will be released before non-violent offenders whose soul offense involves marijuana sale, cultivation, or possession.

Hitting on the first recommendation first, strengthening Attorney General Holder's policy on DEA rates with the presumption of state control. As more states have gained experience in implementing medical marijuana laws, the role of the state in regulating this area of policy has evolved. Some earlier state laws are vague and do not include licensing. Well more recent laws generally provide for clear regulation.

This had led to a great diversity in the manner in which each of the 14 state medical marijuana laws is carried out. For example, in California, there is no state licensing of dispensaries. And although localities may license the collectives there that are authorized under state law, not all have done so.

Conversely, New Mexico provides for the direct state licensure of marijuana growers. And Rhode Island recently finalized rules and regulations for oversight of medical marijuana compassion centers. And the District of Columbia City Council, in fact, is finalizing an amendment to voters initiative right now to license dispensaries.

In short, the problem is that when that clear and unambiguous compliance with state law, the standard laid out in the Ogden Memorandum of October 19, is a very high standard to reach.

And moreover, even if a person, in fact, is in compliance with the state law—but it may not be clear and unambiguous—if that person is prosecuted by federal authorities, they have no right whatsoever to raise the fact that their activities were legal in a federal court. There is no mention of medical marijuana allowed whatsoever.

And in addition I should note that allowing state authorities to handle violations in state court the most just and equitable outcome in general, since persons acting in good faith compliance with state law have no defense.

And Congressman Farr's Truth in Trials Act would actually remedy that injustice, allowing defendants in federal court to tell the truth about state law allowing them to dispense or use marijuana.

Number two, we would ask that you urge the Department of Justice to consider conditioning grant awards for state and municipal correction systems on those system certifications that no inmates convicted of crimes of violence, including sexual abuse and assault, will be or have been furloughed before any non-violent marijuana offenders whose sole offense related to the possession, sale, or manufacture of marijuana.

The Associated Press, Mr. Chairman, reported a disturbing trend on March 31. Noting that, "Inmates convicted of violent crimes are among those being freed early from California jails to save money, despite lawmakers' promises that they would exclude most dangerous prisoners and sex offenders." An Associated Press review of inmate data showed that some of the freed criminals were convicted of assault with a deadly weapon, battery, domestic violence, and attacks on children and the elderly.

The article goes on to note that similar programs, furlough programs, were initiated or expanded in a dozen other states.

MPP believes other committees in the House should consider legislation that would specifically provide for withholding funds from states that fail to certify that they're releasing non-violent marijuana offenders ahead of violent felons.

But in the meantime, we would appreciate the Subcommittee's attention to early release programs and the sequence of release for various offenders. Prioritizing the release of people whose only crime is marijuana-related just makes sense.

So Chairman Schiff and distinguished members of the Subcommittee, I thank you for the opportunity to appear. And would welcome any questions you have.

Mr. SCHIFF. Thank you very much. I had just a couple of questions. One, did you mention that in Mexico they license growers of marijuana?

Mr. HOUSTON. Yes, sir. Both New Mexico and Rhode Island provide for some direct state licensure of marijuana.

Mr. SCHIFF. You said New Mexico.

Mr. HOUSTON. Yes, exactly.

Mr. SCHIFF. Oh, I am sorry. I thought I heard you say Mexico. Okay.

I want to ask you about California, which seems to be an epicenter of conflict over the issue at the moment and L.A. even an epicenter within the epicenter.

How do the enforcement actions in L.A., if at all, relate to federal government policy? Is there a federal issue there, or is this purely a local ordinance and enforcement issue? And more broadly, the ballot measure in California, how does that square with federal law on the subject?

Mr. HOUSTON. Very interesting questions. To address the first part of your question first, essentially the local ordinances and municipal regulations of marijuana, medical marijuana, in California dictate what that state law is.

And so the Ogden Memo really lays out that state law is the deciding factor. That compliance with state law is the deciding factor. And, of course, in the case of California, the state law allows for the municipalities to license it or regulate it themselves.

And, of course, our concern is that if a person who is acting in compliance with the local ordinances in L.A., which are different of course from Mendocino County regulations and regulations all over the rest of the state. In other words, these are complicated, and they are different around the state.

That compliance with those may not be entirely clear, even if a person, in fact, is in compliance. And that if the person were arrested by federal authorities rather than state authorities on a federal warrant, they would end up in federal court and have no ability whatsoever to explain that they in fact were in compliance.

To address the second part regarding the ballot measure in California the impact of that with respect to the Ogden memo, interestingly, Mr. Chairman, federal law provides for no recognition of medical marijuana whatsoever.

And so it is interesting to consider legally from a preemption perspective the idea that if the Ogden Memo is the only memorialization or formalization in some way of the federal government recog-

nizing medical marijuana, that marijuana that is legal for all purposes would presumably be treated the same way.

And not to say that the department would not focus on those. The department probably would focus on the wholesale supply of marijuana if the ballot measure passes, I am assuming, or would focus on some large-scale suppliers.

But the Ogden Memo has laid out that now, as of October 19, we now have a formalization of the federal government recognizing medical marijuana, that even something called medical marijuana exists.

Mr. SCHIFF. Thank you, Mr. Houston.

Mr. Wolf.

Mr. WOLF. No.

Mr. SCHIFF. Well thank you very much for testifying.

Mr. HOUSTON. Thank you.

Mr. SCHIFF. Our next witness is Gabrielle Martin from the National Council of EEOC Locals, No. 216, AFGE/AFL–CIO. Welcome.

WEDNESDAY, APRIL 14, 2010.

NATIONAL COUNCIL OF EEOC LOCALS, NO. 216, AFGE/AFL–CIO

WITNESS

GABRIELLE MARTIN

STATEMENT OF GABRIELLE MARTIN, NATIONAL PRESIDENT
NATIONAL COUNCIL OF EEOC LOCALS, NO. 216, AFGE/AFL-CIO
TO
THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES
ON
FY11 APPROPRIATION FOR EEOC,
INCLUDING SUPPORTING THE FY11 BUDGET INCREASE FOR EEOC, WHICH SHOULD BE TARGETED AT REPLENISHING FRONTLINE STAFFING IN ORDER TO REDUCE THE BACKLOG
April 14, 2010

Chairman Mollohan, Ranking Member Wolf, and members of the Subcommittee, my name is Gabrielle Martin and I am the President of the National Council of EEOC Locals, No. 216, AFGE/AFL-CIO. The Council is the exclusive representative of the bargaining unit employees at the Equal Employment Opportunity Commission (EEOC), including investigators, attorneys, administrative judges, mediators, paralegals, and support staff located in offices in 53 cities around the country. I want to thank you for the opportunity to express our views today to the Subcommittee on the proposed FY11 budget for the EEOC. Our number one "ask" is that this Subcommittee support the FY11 budget request to increase EEOC's funding from $367 million to $385 million. We understand that you will hear today from many well deserving programs. Nevertheless, the Council can confirm from the perspective of EEOC's frontline workers that the increase is absolutely necessary and justified. Moreover, the budget request should be considered a restoration of funds after several years of frozen budgets. The loss of 25% of EEOC's frontline staff since FY01 still impacts services today, primarily with regard to a backlog anticipated to reach almost 100,000 cases and average processing times of 9 months. The Council thanks this Subcommittee for acknowledging these issues and increasing EEOC's FY09 and FY10 budgets. However, to ensure that EEOC can effectively enforce workplace discrimination laws that help Americans get and keep jobs, the Council urges the inclusion of bill and report language in the FY11 funding measure which: (1) adopts the FY11 budget request for EEOC, increasing funding to $385 million; (2) raises the staffing to 3,000 FTE's, i.e., the same level as 1994, the last time that EEOC's charge receipts were close to the record high levels of recent years; (3) maintains oversight of headquarters and field restructuring, including the Office of Federal Operations; and (4) directs EEOC to implement the Full-Service Intake Plan to provide real help to the public and reduce the backlog.

Introduction:
The EEOC was created by the Civil Rights Act of 1964. The EEOC's mission is to enforce this nation's laws, which protect against discrimination in employment based on race, color, religion, sex, national origin, age, and disability. As of 2009, EEOC is also responsible for enforcing the Americans with Disabilities Act Amendments Act (ADAAA), the Genetics Information Nondiscrimination Act (GINA), and the Lilly Ledbetter Act. Unfortunately, discrimination still costs jobs and disrupts families' livelihoods. EEOC's budget justification confirms that record high discrimination charge filings will continue and even exceed 100,000 in FY10, mirrored by a similarly high backlog. The FY11 budget request is needed so that EEOC's dedicated employees have the resources to keep discrimination out of the workplace so Americans can stay on the job.

Thank You to This Subcommittee for the FY10 Report, Conference and Bill Language: The Council wishes to thank this Subcommittee for listening and responding to the concerns of our members this past year. Most significantly, this Subcommittee supported the FY10 budget request increasing EEOC's funding to $367 million, which was severely needed after the five years of level funding FY04-FY08 and following the record high filings of discrimination charges the last two years. Moreover, last year this Subcommittee forcefully expressed its disappointment that "the budget request does not contain more resources for staffing," in order to see "substantive backlog reduction." Also, the FY10 Omnibus conference report language called for oversight of agency staffing and Federal sector changes. It also directed EEOC that its workload projections account for a Federal Arbitrator's decision regarding the agency's illegal overtime practices. [1] Finally, the Omnibus Act Bill language retained oversight, which prevents EEOC from taking any action to restructure without first coming to the Subcommittee. The Subcommittee's strong statement was heard by the administration, which in a difficult budget year has requested an FY11 increase for EEOC to $385 million.

Adopt the FY11 Budget Request to Increase EEOC's budget from $367M to $385M: While this Subcommittee has increased EEOC's budget, EEOC is still playing catch-up from five years of level funding. EEOC's workload has never been higher, even as staffing levels remain inadequate. In FY09, EEOC received 93,277 charges of discrimination, just shy of FY08's highest recorded number of charge receipts in EEOC's history. The slumping economy and enforcement of three new laws, including GINA and the ADAAA, account for these increases, which are not anticipated to drop off any time soon. EEOC anticipates charge filing records to be broken again and predicts 101,653 charges in FY10 and 110,212 charges in FY11.

The chart included with this testimony illustrates EEOC's troubling customer service trends from FY01 through FY10. If EEOC is to break these trends, so that it more effectively can enforce the laws on the books, it needs to be funded at no less than the FY11 budget request. Now that the administration has heard your call for more resources, the Council respectfully requests that this Subcommittee adopt the increase to $385 million.

More Frontline Staff is Needed to Offer Timely Assistance and Tackle a Giant Backlog: In last year's report language, this Subcommittee accurately anticipated the result of inadequate resources for staffing, "At the requested level, EEOC will only be able to fill existing 'hollow' FTE rather than increase staffing above the current FTE ceiling." After losing 25% of its staff since FY01, EEOC took steps to "rebuild" in FY09, but the gains barely kept pace with attrition.[2] The EEOC ended FY09 with 2,192 FTE's, a minimal increase from FY08's 2,174 FTE's.

Notably, only a portion of this small number represents frontline positions that directly handle EEOC's swelling workload of newly filed and backlogged charges. The inevitable result when

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[1] On March 23, 2009, an arbitrator ruled that EEOC willfully violated the Fair Labor Standards Act by engaging in a nationwide pattern that results in suffered and permitted overtime for its own employees. The damages phase of the case remains ongoing unless a settlement can be reached.

[2] "EEOC will have 42 percent of its employees eligible for retirement between fiscal years 2007 and 2012, which includes 46 percent of its investigators and 24 percent of its attorneys." OIG Semiannual Report, 10/30/07. Additional attrition has occurred in the ranks of the hearing officers (administrative judges), who are often selected for higher paid administrative law judges at Social Security, where they have the subpoena power and support staff that they are lacking at EEOC. According to the GAO, the EEOC has 13% fewer administrative judges than it did in FY05.

EEOC's slashed workforce cannot keep up with the increased workload is that the backlog goes from bad to worse. According to EEOC's budget justification, the backlog is anticipated to rise to 96,865 cases in FY10 and 105,203 cases in FY11.[3] Thus, roughly an entire year's incoming inventory is getting shelved in order to process the previous year's complaints. Moreover, since FY06, charge filings at EEOC have exceeded resolutions, with the trend expected to continue at least through FY13. (*See* chart).

EEOC's investigators have seen their case inventories climb to as high as 250 cases as the work of retiring employees is redistributed to the remaining staff. These unreasonably high caseloads do not allow investigators to do an effective and timely job of interviewing witness, reviewing documents, attempting conciliation, etc. Quick resolutions could mean saving the jobs of the applicants and workers who file these charges. But, landing in EEOC's backlog puts off assistance for 294 days, i.e., over 9 months. Justice delayed is justice denied for these workers.

In order to effectively enforce its mission and reduce the backlog, the Council requests that Congress raise EEOC's staffing to 3,000 FTE's, i.e., the same level as 1994, the last time that EEOC's charge receipts were close to the current record high numbers. The Council supports maintaining report language directing EEOC to submit "quarterly reports on projected and actual agency staffing levels so that the Committee can better monitor EEOC's personnel resources." However, to ensure hiring keeps up with attrition, it is suggested that the report language also include benchmarks for where actual frontline staffing should be at the end of each quarter.[4] Finally, report language should be maintained directing that workload projections account for a Federal Arbitrator's decision regarding the agency's willful and illegal overtime practices, because unreasonably high investigator caseloads demonstrate EEOC has not hired enough staff.

For the Current Fiscal Year FY10, Oversight Is Needed to Ensure Hiring is Prioritized:
EEOC should prioritize replenishing lost staff and maintaining existing employees, in order to reduce the backlog. Historically, EEOC ends each year with "hollow FTE's," i.e., about 200 positions below the authorized ceiling. The ceiling had been raised from 2,381 in FY08 to 2,556 in FY09, presumably to get more employees on board. However, EEOC still ended FY09 well below the ceiling with only 2,192 employees. Therefore, for the current FY10, the Council urges this subcommittee to exercise its oversight, including monitoring the quarterly staffing submissions, to ensure that EEOC does in fact hire up to the 2,556 FTE's authorized. If this year's staffing is not achieved, then FY11's projections for staffing, resolutions, and backlog will all be undermined. Most importantly, the public needs frontline EEOC employees immediately available to help them get jobs and keep jobs.

Bill Language Should Retain Oversight of EEOC Restructuring:
On January 1, 2006, as part of a nationwide field restructuring, EEOC downsized a dozen offices. The restructuring added bureaucratic layers, but no frontline staff. EEOC should now

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[3] The White House FY11 budget request projected that the backlog would grow even higher, i.e., 104,450 in FY10 and 122,452 in FY11. The EEOC FY11 budget justification that followed contained these slightly lower figures.

[4] The Council understands that as of FY11, agency budget projections are to concentrate on actual staffing, rather than ceilings. This makes oversight even more critical so that EEOC ends FY11 with no less than the 2,577 FTE actual staffing reflected in the FY11 justification.

revisit the restructuring to fix its worst inefficiencies, such as states that were split between two districts. The EEOC should also keep its promise to reduce top-heavy offices to a 1:10 supervisor to employee ratio. Redeployed supervisors can help the frontline without added cost.

The final phase of EEOC's repositioning is the delayed restructuring of headquarters, which has been promised for three years. Also, recent internal plans to reorganize the EEOC's Office of Federal Operations (OFO) have proposed adding additional layers of high levels of management at the expense of frontline administrative judges. The intent of HQ and OFO restructuring should be to maximize aid to the frontline work in the field offices while reducing redundancies and layers of management. The Council urges the Subcommittee to retain bill language regarding oversight of this restructuring. Additionally, Congress should assure a transparent process for public and internal stakeholders to have an opportunity to provide feedback of a draft plan.

Direct EEOC To Implement the Full-Service Intake Plan To Provide the Public Real Help and Reduce the Backlog:
EEOC's current backlogs and poor customer service can be attributed to its stubborn insistence on continuing to use a failed call center model. Though the House and Senate CJS subcommittees in FY08 defunded an outsourced call center, EEOC currently uses an in-house center mirroring that failed model. Specifically, in-house staff are: hired in inadequate numbers; at the lowest grades; receive minimal training; required to read from mandatory scripts; and authorized only to direct callers to download questionnaires and mail them to overwhelmed investigative staff. While expanding access through technology is generally a good thing, here the public is left frustrated because there is not enough staff on the other end of the computer to process these new cases.

Council 216 submitted a comprehensive plan for a national Full-Service Intake Plan six months ago, which EEOC's leadership is reviewing at a snail's pace. The plan calls for staffing each field office with a compliment of positions and grades able to advance the intake process from pre-charge counseling through charge filing, handling the backlogged flood of downloadable intake questionnaires and responding to over 5,000 backlogged e-mails.[5] The plan contains sufficient career levels of work to help EEOC avoid the high rates of turnover. The plan satisfies the interest of Congress to "provide more substantive assistance to callers and resolve a greater number of calls at the first point of contact." (H.R. 110-919). The plan also produces cost savings by not pushing the intake work to GS-12 investigators. It also implements part of EEOC's backlog reduction plan, which according to EEOC's OIG should include a renewed emphasis on pre-charge counseling. In turn, investigative staff, who would be relieved from many of these intake responsibilities, could focus on investigating cases to reduce the backlog.

The Council supports maintaining report language directing EEOC "to develop and implement a multiyear plan to increase EEOC staffing to the levels necessary to achieve backlog reduction in a timely manner." The Council would respectfully request that the language be expanded to include a direction that the Full Service Intake Plan be incorporated into the backlog reduction plan. Both staffing efficiencies and working smarter need to be part of an effective plan to reduce backlog.

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[5] The units would be comprised of some new staff and current staff, including converting in-house call center operators to investigator supporter assistants.

"Fast Track" for Feds Requires Stakeholder Input and Oversight Before Implementation: For several years, EEOC has been internally debating controversial changes to the hearing process, called "fast track," which would direct Administrative Judges (AJs) to cut off discovery and deny hearings for many Federal employees who claim discrimination in certain employment actions. In these fast-tracked cases, the EEOC AJ is forced to accept the investigative record submitted by the Federal agency alleged to have committed discrimination. EEOC couches fast-tracking as beneficial by providing Federal employees a simpler and speedier route to a hearing. However, a speedier hearing should not come at the expense of barring the complainant from the opportunity to obtain evidence needed to prevail. A more straightforward way to reduce Federal backlog and processing times is to replenish AJs, down 13% since FY05, and provide them support staff.

EEOC's FY11 Budget confirmed that the plan to track Federal employee cases is imminent. "A Workgroup of Supervisory Administrative Judges is currently refining the proposal, based on comments received from the Office of Legal Counsel, the Office of Federal Operations, and Administrative Judges." The Council represents these AJs, whose comments reflect that they are opposed to mandatory tracking, because it re-writes the regulations to remove judicial independence to manage individual cases and interferes with fair hearings. Before such radical changes are undertaken, outside stakeholders must also be given an opportunity to weigh in on the current plan. Therefore, the Council supports maintaining current report language requiring oversight before implementation.

Conclusion:
In closing, I want to again thank the Chairman, Ranking Member and the Subcommittee for inviting me to testify. I hope my statement will give you insight into the difficult challenges facing EEOC. I urge the Subcommittee to include bill and report language in the FY11 funding measure which: (1) adopts the FY11 budget request to increase EEOC funding to $385 million; (2) raises the staffing to 3,000 FTE's, i.e., the same level as 1994, the last time that EEOC's charge receipts were close to current record high levels; (3) maintains ongoing oversight of restructuring; and (4) directs EEOC to implement the Full-Service Intake Plan to provide real help to the public.

CHART: EEOC'S TROUBLING CUSTOMER SERVICE TRENDS[6]

	FY01	FY02	FY03	FY04	FY05	FY06	FY07	FY08	FY09	FY10
Full Time Employees	2,924	2,787	2,617	2,462	2,349	2,250	2,137	2,174	2,192	2,470
Backlog	32,481	29,041	29,368	29,966	33,562	39,946	54,970	73,941	85,768	96,685
Charge Receipts Filed	80,840	84,442	81,293	79,432	75,428	75,768	82,792	95,402	93,277	101,653
Resolutions	90,106	95,222	87,755	85,259	77,352	74,308	72,442	81,081	85,980	93,284
Avg. Charge Processing	182	171	160	165	171	193	199	229	294	Not available

6 National Academy of Public Administration report, 2/2/03; EEOC Budget Requests; www.eeoc.gov.

Ms. MARTIN. Good morning. Good morning members of this Committee.

I want to take the time to thank you for having us here to testify. We have come here a number of years in the past. You have been quite supportive of the program at the Equal Employment Opportunity Commission. And you have done things like increase our funding and given us strong bill language to help guide the agency in trying to address the extreme workloads that it is facing.

In many ways this Administration has made clear that jobs are important. And in some ways EEOC is a gatekeeper to those jobs, whether they are being created and whether people are able to keep their jobs and get promoted.

Our number one task, again, is for additional funding. And we are asking for $385 million to help ensure that EEOC's fight to eradicate discrimination in the workplaces can be an effective one.

When I say effective, what I am talking about is our extreme backlogs. This year we will have 100,000 cases backlogged. We have lost 25 percent of our staff over the last ten years. And we predict that our backlogs for fiscal year 2010 will be above 100,000. And for fiscal year 2011, we will see more than 100,000 charges come in. And our backlog will be at about 110,000 cases.

And I am trying to find a way to make those cases real, because we all hear huge numbers. This weekend I had the opportunity to attend a ceremony recognizing young women who had aspirations in the field of aviation. They were young girls. And I thought what they all said was I want to fly airplanes. And I wondered whether they would be victims of discrimination as they sought to find those dreams.

So there were six girls awarded. And I wondered will EEOC ever see any of those six young ladies in its doors. And I certainly hope not, because EEOC toils long and hard every day.

We have cases where our staff have found on behalf of people who are disabled, people from different cultures or national origins, races, sexes, ages. We run the gamut. And every day there is a headline about what we do.

But every headline also represents someone who is waiting. And it is taking about 294 days for individual cases to be investigated and a determination made. And that is not just the individuals who are waiting. But that is also our employers who are saying if I have done something wrong tell me. If I haven't, please let me go and go about the business of running my business.

So those things are really, really important. And when I think of 294 days I said, "Gee, what if I had a cavity, and it took 294 days for a dentist to be able to say, 'You have got a problem with your tooth.'" What would have become of my tooth in that 294 days? And that is what we leave the public to suffer when we can't get to their cases any sooner.

We have seen retaliation charges rise ten percent because of the length of time it takes. And because of the length of time, I think that is what helps contribute to the large numbers of charges coming in our door.

We are not taken seriously. If we can't be that gatekeeper, then it is really the public that suffers. And it is the Administration's concern about jobs that is caught up in the process.

So funding that is a huge number. What would it help us do? It would help us reverse that trend of losing 25 percent of our staff. It would help us reduce the trend of 294 days to resolve those cases. And it would also help in other programs at EEOC as well.

EEOC has a hearings program for federal sector employees, because they are in a different process. Again, here is a place where there are fewer than 100 judges to serve all the federal employees in this country and in our overseas satellites if you will and installations who request a hearing on their federal sector cases. They are waiting about 279 days to get their cases heard.

It will also help our litigation program in that the commission can be that premiere enforcer of civil rights in employment. It means that we will continue to be able to take the initiative. And we will continue to send a message through the press and the people that we are able to help that discrimination in the workplace won't be tolerated in this country.

In conclusion, I would like to thank you for inviting me to testify again. I hope I have been able to help you understand EEOC's plight and its challenges.

We do have a new Chair. And we are hoping that that will work out well for us, because in the past there may have been questions about the direction the Commission was going.

So we are also requesting bill language and report language, which increases our funding to $385 million, provides for more staff, and we are looking for a ceiling of 3,000. We currently have about 2,200 on board.

And that you continue to provide oversight. As the agency is restructured, it has not always been necessarily a good thing in terms of being able to provide service to the public. But also directing EEOC to do one thing. And that is to look at their intake system. Currently that backlog of 100,000 cases is serviced by the same people who are bringing in what was last year 93,000. And it is expected to be 100,000.

So until the agency takes a hard look at that and says we need one group of people to work the intake and one group of people to work the cases here and help reduce the backlog, I don't think we will see a change there. But the union has given them a plan, asked them to look at it, and we hope to hear from them soon. But we are hoping that direction from this Committee will help them address that so that the public we serve gets better service from us.

Thank you.

Mr. SCHIFF. Thank you very much.

Mr. Wolf.

Mr. WOLF. No.

Mr. SCHIFF. Thank you so much for your testimony today.

Ms. MARTIN. Thank you for your time this morning.

Mr. SCHIFF. Thank you.

Our next witness is B. Diane Williams from the Safer Foundation.

WEDNESDAY, APRIL 14, 2010.

SAFER FOUNDATION

WITNESS

B. DIANE WILLIAMS, SAFER FOUNDATION

TESTIMONY OF

DIANE WILLIAMS
PRESIDENT
SAFER FOUNDATION
571 W. JACKSON BLVD
CHICAGO, IL 60661

BEFORE
THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES

FEBRUARY 11, 2010

H-218 U.S. CAPITOL

Good day Mr. Chairman. I am pleased to have the opportunity to testify before the Subcommittee in support of Fiscal Year 2011 Department of Justice funding for the Second Chance Act.

My name is Diane Williams and I serve as the President and CEO of Safer Foundation. We are a not-for-profit organization based in Chicago that works to reduce recidivism by supporting the efforts of people with criminal records to become productive, law-abiding members of their communities. Safer provides a full spectrum of services, including education, employment and retention-focused case-management. Safer is one of the nation's largest community-based providers of employment services for a clientele comprised exclusively of people with criminal records. While my testimony will offer information on achievements of Safer Foundation and the Illinois Department of Corrections, it is important to note that by funding the Second Chance Act with initiatives like the Council of State Governments' National Reentry Resource Center, you are reducing both short-term and long-term costs to the American people while also reducing the number of U.S. citizens who become victims. For that we thank you.

Over the past decade, Safer has seen the demand for its services grow as a result of the alarming increase in the number of individuals involved in the criminal justice system. In 2000, Safer provided services to 4,300 people with criminal records. By 2009, this number had increased to over 10,000 with a forecast of 14,000 to be served in Fiscal Year 2010. This rate of growth highlights the need for communities to adopt planned and coordinated support systems for people returning from prison.

In order to meet the need, and with the judicious assistance of Congress and the Departments of Justice and Labor, Safer has designed and implemented a number of successful, research-based programs. All of our services are aimed at providing the critical support that leads to self-sufficiency, measured by increased employment placement and retention rates, and decreased recidivism.

A few notable models are:

Prison to Community: Safer has helped shape the Sheridan Initiative, which is Illinois' model prison to community initiative. Sheridan, an 1100 bed prison, is geared towards providing in-custody substance abuse treatment for drug offenders. Safer provides job readiness training throughout the prison stay and job placement and retention support for two years post-release throughout Illinois. Research on the first three years of Sheridan shows that those completing the Sheridan Program had the lowest conviction rate among parolees in state history, a 23% reduction in arrests among the general parolee population, and a 40% reduction in repeat incarceration (May 2008).

Community Corrections: Safer administers two minimum-security male residential transition centers on behalf of the Illinois Department of Corrections (IDOC), both located in North Lawndale on the near west side of Chicago. This is a community greatly impacted by the corrections system as 70% of the men residing in North Lawndale have a criminal record. Between the two Adult Transition Centers (ATC), Safer provides 24-hour housing, treatment, education, and job readiness/placement and retention services for 530 incarcerated men at any

given time. Through these centers, Safer is able to help those incarcerated in IDOC gradually reenter their communities, while achieving benchmarks around educational advancement and job attainment.

Youth Empowerment Program: Safer designed its own approach to basic skills and GED completion years ago with an initiative called the Youth Empowerment Program. Through this eight-week model, youth who have criminal records are both students and teachers. Safer shaped the model to accept participants at any grade level and the results have been consistently strong. In 2009, 303 individuals attained their GEDs and approximately 400 additional individuals increased their literacy proficiency by an average of two grade levels.

Through these and other similar programs, Safer Foundation has successfully assisted an estimated 2700 individuals with criminal records find consistent employment in the past year. These individuals worked with Safer's career-services personnel to find and maintain unsubsidized employment and stay out of prison. These successes demonstrate the strong link between employment and recidivism reduction, and I urge the Subcommittee to continue encouraging collaboration between the Departments of Justice and Labor. Such initiatives have community-wide implications and broad impact.

In 2004, a "Statewide Community Safety & Reentry Working Group" was launched in response to the highest recidivism rates in state history of 54.6 % and the fact that over 80% of people released from Illinois prisons return to just 10 areas. The idea was by focusing resources on the 10 key areas; the team would reach 84 percent of the state's entire reentering adult parole population and ultimately establish these regions as sentinels for statewide reform. Those 10 high impact regions included: Cook/Chicago, Collar County Region (with emphasis on Aurora), St. Clair/Madison, Winnebago, Champaign/Vermilion, Macon, Peoria, Sangamon, Rock Island, and Jefferson.

Reentry impacts not only those being released from prison, but also their families and entire communities. In 2009, across the State of Illinois, over 28,000 individuals were released from prison and returned home. Of that number, 51 percent returned to Chicago. Of those that came home to Chicago, 34% returned to just six of Chicago's 77 communities. This reality is especially troubling, given that these communities are disproportionately home to low-income minority families, high rates of crime, and have few of the needed social services and support. .

The average person on parole has been previously incarcerated at least once and continues to face significant barriers to a safe and successful reentry such as substance abuse problems, mental health issues, low education levels and poor job-preparation skills which prevent him or her from garnering employment that pays a living wage. As a result, the majority of formerly incarcerated persons commit new crimes or violate the conditions of their release, resulting in a return to prison. Five years ago, the State of Illinois was facing the highest recidivism rates in its history (55%). Through some reentry initiatives that have been put in place, that number has come down to 51.3%, but we still have more work to do.

Communities, particularly families, need the tools and resources to help their loved ones succeed. Though the decisions that lead to success or failure fall most heavily on the returning

individual, these individuals must be empowered to make the right decisions through clear pathways to success. The spectrum of services must also be coordinated, or at least easily accessible to those that need them ~ they are currently disconnected and unable to meet the demand.

The critical funding authorized by the Second Chance Act and appropriated by this Subcommittee provides assistance to states, local governments and community-based organizations concerned with prisoner reentry. It enables the field to begin to address some of the systemic barriers to breaking the cycle of incarceration – barriers such as employment, housing and substance abuse. On behalf of our clients, Safer Foundation sincerely thanks the Subcommittee for its leadership this past year and the $100 million included in the Fiscal Year 2010 Omnibus for the Second Chance Act grant programs. We strongly support the President's request for $100 million in Fiscal Year 2011. Recognizing the current fiscal environment and the pressures of an increasingly large budget deficit, we urge you to consider the average cost of a year of incarceration. The cost of reentry is far offset by the savings achieved as a result of recidivism reduction.

In closing, I would like to thank the Subcommittee for the invitation to testify today and commend the Chairman and Ranking Member for their efforts to address the needs of formerly incarcerated individuals as they return to our communities. And, as I began, I gently remind you that investment in reentry, when considering that almost 50% of those incarcerated are not in prison for the first time, is a wise investment that nets both short and long-term cost reductions. Thank you.

Ms. WILLIAMS. Good morning, Mr. Chairman.

Mr. SCHIFF. Good morning.

Ms. WILLIAMS. I thank you for inviting the Safer Foundation to testify before you today.

Safer is a not-for-profit organization headquartered in Chicago, Illinois. It's been operating throughout the State of Illinois and in parts of Iowa. Our work focuses on reducing the number of crime victims and improving public and community safety.

We do this by supporting the efforts of people with criminal records become productive law-abiding members of their community. We provide a full spectrum of services, including education, employment, and detention-focused case management. This year we are on track to serve 14,000 people with criminal records.

While my written testimony offers information on the achievements of the Safer Foundation and the Illinois Department of Corrections, in my oral remarks I want to note the importance of your funding the Second Chance Act and initiatives like the Council of State Government's National Reentry Resource Center. A meeting convened by CSG and John Jay College on Monday and Tuesday of this week allowed a group of national experts to provide prime investment strategy that could be implemented through the Second Chance Act. In supporting this work, you are reducing both short-term and long-term costs to the American people, while also reducing the number of U.S. citizens who become victims. For that we thank you.

Over the past decade we at Safer have seen the demand for our services grow from 2,000 in 1995 to 14,000 in 2010. This growth is directly related to the increasing number of individuals involved in the criminal justice system. Communities are devastated by the increase, and need to adopt planned and coordinated support systems.

With the assistance of Congress and the Departments of Justice and Labor, Safer has designed and implemented a number of successful research-based programs. Through Safer's career services personnel, clients are able to find unsubsidized employment and stay out of prison. This success demonstrates the strong link between employment and recidivism reduction, and I urge this subcommittee to continue encouraging collaboration between the Department of Justice and Labor. It would certainly be nice to have HUD involved in that, as well.

Reentry impacts not only those being released from prison, but also their families and the entire community. This is especially troubling given that these communities are disproportionately home to low-income minority families, high rates of crime, and have few of the needed social services and supports. Communities, specifically families, need the tools and resources to help their loved ones succeed. Through the decisions that lead to success or failure, though they fall most heavily on the returning individuals, these individuals must be empowered to make the right decisions through clear pathways to success.

The critical funding authorized for the Second Chance Act and appropriated by this Committee, provides assistance to states, local government, and community-based organizations concerned with prisoner reentry.

On behalf of our clients, Safer Foundation sincerely thanks the Committee for its leadership this past year and the $100 million included in the fiscal year 2010 budget. We strongly support the President's request for $100 million for fiscal year 2011. Recognizing the current fiscal environment and the pressures of an increasingly large budget deficit, we urge you to consider the average cost per year of incarceration. The cost of reentry is far offset by the savings received as a result of the recidivism reduction.

When Illinois had reached the historic recidivism rate of 54.6 percent, Safer's clients returned to prison at the rate of 22 percent, less than half that of the state rate.

In closing, I would like to again commend the Chairman and each of the members for their efforts to address the needs to reform incarcerated individuals as they return to their communities. And I'll be glad to answer any questions you might have.

Mr. SCHIFF. I just wonder—thank you for your work. The numbers add up, just as you mentioned—when we avoid re-incarceration, we avoid taking on a huge additional cost that is far better for the individual and society, and far cheaper, as well, if we can find a way to redirect people into productive pursuits.

So I appreciate the work you are doing. And I think it is absolutely vital, and in California, where we are being bankrupted by our high incarceration costs, it is more important than ever. So thank you for your testimony. Thank you for your work.

Ms. WILLIAMS. Thank you very much. I have had an opportunity to meet with the Director of programs from California who has asked that we participate in his thinking around how to integrate the communities and people returning so that they can be successful when they return, as well. Thank you.

Mr. SCHIFF. Well, we are going to have a lot more folks returning to the communities without much supervision as a result of our budget problems. So we need all the help we can get. Thank you very much.

Our next witness is Ann Harkins of the National Crime Prevention Council.

WEDNESDAY, APRIL 14, 2010.

NATIONAL CRIME PREVENTION COUNCIL

WITNESS

ANN M. HARKINS, NATIONAL CRIME PREVENTION COUNCIL

TESTIMONY OF ANN HARKINS

PRESIDENT AND CEO

NATIONAL CRIME PREVENTION COUNCIL

BEFORE

THE HOUSE COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE ON COMMERCE, JUSTICE AND SCIENCE

FEBRUARY 11, 2010

Thank you, Chairman Mollohan and Ranking Member Wolf, for the opportunity to testify before the Subcommittee today regarding FY '11 funding for the Justice Department's Bureau of Justice Assistance in the Office of Justice Programs. I am Ann Harkins, President and CEO of the National Crime Prevention Council (NCPC), an organization providing practical information on proven and cost-effective crime prevention practices to local law enforcement, community leaders and citizens for almost thirty years. I am here to express NCPC's strong support for the Edward Byrne Memorial Competitive Grant program and to respectfully urge the Subcommittee to continue to appropriate at least $40 million for the program in FY '11, the same level or higher of funding provided in FY '10. I also respectfully suggest that the Subcommittee provide a direct appropriation of $1 million, from the Byrne Discretionary fund, for the purpose of evaluation and dissemination of evidence-based best practices for crime prevention.

Equally important, I respectfully request that the Subcommittee provide specific guidance to the Office of Justice Programs to ensure that two essential crime prevention functions, ones that have been supported in the past, are funded within the Byrne Competitive Grant program in FY '11. The first is ensuring the existence of an independent, non-governmental national repository and clearinghouse on best practices in crime prevention. This function has been intended to ensure that state and local law enforcement have access to the best materials on effective crime prevention practices--to get the best possible outcomes from the Subcommittee's substantial investments in Byrne JAG and other state and local assistance programs. The second essential function is a strong national public service advertising campaign to reach the general public with evidence-based crime prevention messages. The Subcommittee has supported this function because such a campaign has been shown to have tremendous impact in changing individual and collective behavior to prevent crime.

This Subcommittee has historically made significant investments in a number of important crime prevention programs. On behalf of the NCPC Board of Directors, its staff, and the thousands of crime prevention practitioners across the country whom we represent, I want to thank you for that support. I also want to thank the Department of Justice, especially the Bureau of Justice Assistance and everyone at the Office of Justice Programs, who have been our main funders and strong partners from the beginning.

NCPC is a private, non-profit, tax exempt 501(c) (3) organization, whose primary mission is to be the nation's leader in helping people keep themselves, their families and their communities safe from crime. We are funded through grants and contracts from the federal government and from various private sources. Through a variety of materials, programs, advertising campaigns, training, curricula, and websites, NCPC enables communities and law enforcement to work together to create safe environments, especially for children and youth.

Established in 1980 by officials from nine states, the Department of Justice and other federal agencies, and private sources, the NCPC-led National Citizens' Crime Prevention Campaign and related initiatives have featured our beloved icon McGruff the Crime Dog ® and his signature message that beckons all Americans to "Take a Bite Out of Crime®."

Recent survey data reveal that McGruff and his message have an unassisted recognition rate of 83% of adult Americans and that more than 80% of kids would follow his advice on crime prevention. Over 90% of adults describe McGruff as informative, trustworthy and effective. Federal resources invested in the National Citizens' Crime Prevention Campaign have been well spent. For every dollar of federal investment, the Campaign generated $100 or more worth of public service advertising. Over its history, the Campaign has produced $1.5 billion worth of free advertising at very modest cost.

Since the inception of the Campaign, NCPC has maintained a close partnership with DOJ and local law enforcement in creating cost-effective and award-winning public service advertising, launching groundbreaking and comprehensive support initiatives for crime-besieged cities, providing technical assistance, producing and distributing hundreds of ready-to-use publications filled with practical tips, expanding the reach of crime prevention tools through online resources, conducting conferences and training, and more.

Along with our partners in DOJ, NCPC has administered such programs as "Be Safe and Sound in Schools" and "McGruff Neighborhood" (including McGruff Club, McGruff House and McGruff Truck) and developed "Community Works" curricula for after school programs. Working with the National Sheriffs' Association, NCPC has helped create safe neighborhoods by partnering with local law enforcement, communities and citizens through the Celebrate Safe Communities initiative. In the first two years of the program, 2008 and 2009, more than 250 communities in 36 states and the District of Columbia have brought law enforcement and communities together through their participation in CSC during Crime Prevention Month in October.
Through the Safe Cities program we have helped local law enforcement agencies and their community partners in Philadelphia, Baltimore and Washington, D.C. design, implement and assess comprehensive crime prevention strategies.

NCPC administers two membership organizations. The Crime Prevention Coalition of America (CPCA) is an association of more than 400 local, state and federal crime prevention-related organizations representing thousands of constituents. The National Crime Prevention Association (NCPA) is a membership organization of approximately 1,400 individual crime prevention practitioners, mostly from law enforcement. Both organizations provide resources, information on lessons learned and best practices, training, networking opportunities and other crime prevention-related services.

NCPC works closely with state and local law enforcement and their national organizations to anticipate and respond to persistent crime challenges, emerging crime trends, and the changing crime prevention needs of communities and states nationwide.

A traditional concept in crime prevention is the crime prevention "triangle." Simply stated, in order for crime to occur, three elements must exist: desire, ability, and opportunity. Removing one element will prevent the crime. NCPC's newest initiative, the Circle of Respect, is about reducing desire. A year ago NCPC set out to work on a new crime prevention initiative that would "inspire us to live in ways that embody respect … where we live, learn, work and play." That is our vision for the Circle of Respect.

Lack of respect is contributing to online aggression and a new class of crime often called cyberbullying. A lack of respect is also contributing to traditional crimes like school violence and property theft among teens At the end of the cyberbullying spectrum is "sexting" -- the sending of inappropriate sexual images through electronic devices. Sexting and cyberbullying have demonstrated tragic consequences.

The Circle of Respect is a national initiative that will engage and challenge children, young people, adults, families, and communities to promote a culture of respect that transcends what has been a traditional tolerance of unacceptable behavior. Although the initial focus of the Circle of Respect will be on cyberbullying and bullying, as the initiative expands we will address such crimes as gang violence, vandalism, child abuse, workplace violence, abuse and fraud aimed at seniors, dating violence, and substance abuse. As the circle expands from respect for self to respect in those other aspects of our lives, we will be reducing the opportunity for crime to occur and we will be promoting productivity at school and work in the process.

When McGruff and NCPC came on the scene 30 years ago, community groups and individual citizens thought that crime prevention was the sole responsibility of law enforcement. Since then, working together with the DOJ, local law enforcement and communities all across the nation, we have "moved the needle" such that today community groups and members realize that crime prevention is everyone's business. McGruff has carried the message that everyone -- whether they are 7 or 107 – can do their part to prevent crime and make America safer. Now, 9 out of 10 adults describe themselves as responsible for helping to keep their communities safe from crime.

We have all seen recent surveys and reports indicating that crime, including serious, violent crime, is down all across the country and has been decreasing since the early-1990s. To be sure, many communities large and small have made terrific progress in combating crime. We can take solace in this encouraging news but this is no time to become complacent and let our guard down. For one thing, this data can be misleading. New forms of crime are emerging, such as identity theft; mortgage and foreclosure fraud; and cyberbullying, sexting and other on-line crimes that are not captured in traditional surveys. New types of gangs and new forms of drug abuse are spreading.

Although crime is down nationally and in notable large cities such as New York City and Los Angeles, there are still cities, towns, suburbs and rural communities where this is not the case. Talk to people in various parts of the country and they will tell you that crime is not down in their communities. A 2009 Gallup poll found that 74% of Americans believe there is more crime in the United States than there was a year ago. In addition, 51% say there is more crime in their areas now than a year ago. That perception causes people to alter their lives in undesirable ways.

There are several factors that portend an increase in crime rates for the foreseeable future. Crime has traditionally increased during times of recession. According to a January 2009 study by the Police Executive Research Foundation (PERF), 44% of law enforcement agencies reported crime increases linked to the economy. The "baby boomlet" effect will produce more young people between the ages of 15 and 24, the age cohort that tends to commit the majority of crimes and be most victimized by crime.

Many of the under-educated, unskilled and economically disadvantaged among them can be expected to turn to lives of crime. Scarce law enforcement resources are increasingly being devoted to anti-terrorism at the expense of traditional crime. Shrinking budgets have led to downsized police departments.

Crime, or course, extracts a high cost from its victims. Crime also has a significant financial cost – approximately $430 billion per year -- borne by victims and their families, employers, insurers, communities and taxpayers. In 2005, governments at all levels spent more than $200 billion for police, corrections and legal activities associated with crime -- corrections alone costs $68 billion annually. That same year crime victims incurred more than $17 billion in costs. In 2007, consumers lost an estimated $1.2 billion to fraud. There is also an unknowable opportunity cost both financial and social. All these costs have been trending upward and in the present economy we can ill afford them.

Common sense, therefore, leads to the conclusion that investment in crime prevention has never been more critical. We know that crime prevention works; it makes individuals and communities safer. There is no doubt that when individuals, community groups, and businesses work closely with law enforcement to help keep watch over their communities, crime is prevented. Basic crime prevention techniques also help individuals and communities improve homeland security and keep themselves safe from terrorist attacks.

Crime prevention also saves money. Money spent on prevention initiatives reduces the need for government spending on intervention, treatment, enforcement, and incarceration. Credible studies conclude that crime prevention initiatives are cost effective; we can pay modest costs now or exorbitant ones later. Investments in crime prevention should be welcome in an era of tightening budgets at all levels of government.

The federal government sets the tone by promoting crime prevention strategies that work. It provides leadership through funding, education, technical assistance and support for state and local programs. Research and identification of what works, and translation and transmission of evidence-based best practices and lessons learned to and among the field, are important functions for national programmatic leadership.

NCPC, therefore, respectfully requests that this Subcommittee provide at least $40 million in FY '11 appropriations for the Byrne Competitive program. This amount will allow BJA resources to fund important crime prevention programs along with the other criminal justice programs it is authorized to fund. This will allow NCPC and other non-profits to submit a variety of grant proposals for funding of proven and cost-effective crime prevention programs. For example, in FY'11 NCPC hopes to submit competitive applications for grants, among others, to:

- Provide tools, publications, training, and other resources and services tailored to each community's needs, to enhance state and local partners' crime prevention work;
- Introduce McGruff and his message to a new generation of children teaching Internet safety, gang and drug abuse avoidance and cyberbullying prevention;
- Make crime prevention information available to the often overlooked population of young people ages 18-24;

- Help Americans of all ages learn how to protect themselves from identity theft;
- Bring essential crime prevention information to college campuses through basic and advanced training classes for campus law enforcement and students;
- Enhance the accessibility to parents, law enforcement, and teens of crime prevention information available through NCPC's Internet and social media;
- Provide practical, ready-to-use resources on such emerging crimes as mortgage and foreclosure fraud and vacant property crime to law enforcement agencies, community groups, and citizens nationwide; and
- Help keep senior citizens safe from telemarketing fraud.

NCPC is committed to promoting and advancing evidence-based crime prevention practices. To the greatest extent possible, NCPC designs messages and trains law enforcement, community leaders and other individuals on crime prevention practices with proven outcomes based on the highest standards of research. NCPC's commitment to promoting the most effective crime prevention tools and messages is based on the organization's capacity to monitor crime prevention research and translate that research into practice.

To that end, in Fiscal Year 2011, NCPC respectfully requests that $1,000,000 be directed from appropriations within the Bureau of Justice Assistance-Byrne Discretionary program to evaluate best practices in crime prevention. If provided, these resources will allow NCPC to: conduct and disseminate findings of a meta-analysis of research on crime prevention practice; survey the crime prevention field to develop recommendations for crime prevention research questions; publish materials for practitioners on evidence-based crime prevention practices and messages; design and implement new evaluations of crime prevention documents, programs, and training; determine trends in crime to predict where the agency and other organizations should focus its efforts; and produce logic models for crime prevention.

A well-funded national repository and clearinghouse for best practices is essential to identify and publicize the most effective forms of crime prevention and ensure this Subcommittee, and American taxpayers, that the investment in prevention has been worthwhile. We suggest, therefore, that the Subcommittee include report language directing OJP to fund -- within the $40 million appropriated for Byrne Competitive -- the activities of a national clearinghouse on best practices in crime prevention.

Thank you again for allowing me to appear today and for your ongoing commitment to state and local crime prevention programs. NCPC is proud to have worked with Congress, DOJ, state and local law enforcement and other agencies and the private sector in the past, and we believe we can be competitive going forward. As Congress works to prevent crime, please consider NCPC and McGruff as your active partners in empowering citizens, working with local law enforcement, to build safer communities.

Ms. HARKINS. Thank you, Mr. Chairman, for having me here today. For 28 years the National Crime Prevention Council has been providing practical, research-based information on proven and cost-effective processes and practices to citizens, law enforcement, and community leaders. McGruff the Crime Dog carries our message.

NCPC strongly supports the Byrne Competitive Grant Program and encourages the Subcommittee to appropriate $40 million for it in fiscal year 2011. In addition to full funding, NCPC respectfully requests that the Subcommittee insure that two essential crime prevention functions are funded within the program in fiscal year 2011. The Subcommittee has supported these functions for 15 years, and our hope is that the Department of Justice will continue investing in them.

The first function is an independent, non-governmental national repository and clearinghouse on best practices. Local law enforcement deserves the best materials on effective crime prevention practices. I don't know a single prosecutor or a single law enforcement officer who wouldn't prefer to prevent a crime rather than prosecute or investigate it. Congress's substantial investment in Byrne/JAG and other state and local assistance programs will mean more if local law enforcement has access to those best practices.

The second essential function is a strong national advertising campaign to reach citizens with evidence-based crime prevention methods. A national public education campaign has been shown to have a tremendous impact in changing individual and collective behavior to prevent crime. NCPC designs messages and provides training on crime prevention practices with proven outcomes based on the highest standards of research.

Our commitment to promoting the most effective crime prevention pools and messages is based on the National Crime Prevention Council's capacity to monitor crime prevention research, to identify what works, and to transmit evidence-based practices to and among the field.

In 1980 the Department of Justice and others formed the National Crime Prevention Council, a public/private partnership to establish a national crime prevention campaign. The most visible portion of the campaign features McGruff and his signature message that inspires all Americans to "take a bite out of crime".

Prior to that campaign, Americans thought that crime prevention was solely the responsibility of law enforcement. Over 30 years of campaigns generated $1.5 billion in donated advertising at a very modest cost. I am proud to report that today citizens and community groups realize that crime prevention is everyone's business.

Although the campaign has not been funded with the same financial commitment from its Federal founders in the past few years, an ongoing crime prevention campaign is essential to maintaining 30 years of progress. NCPC is committed to that effort, and as you join us in that commitment, we also commit to leveraging the Federal investment in crime prevention through expanded public/private partnership.

The Subcommittee has historically made significant investments in a number of important crime prevention programs. On behalf of

the NCPC Board of Directors, its staff, and the thousands of crime prevention practitioners across the country whom we represent, I want to thank you for that support.

Thank you again for allowing me to appear today as Congress works to prevent crime. Please consider NCPC and McGruff your active partners in empowering citizens to work with law enforcement to build safer communities.

Finally, McGruff, the Crime Dog, celebrates his thirtieth birthday on July 1. We hope you will join us in honoring this great public/private partnership that McGruff represents.

Mr. SCHIFF. Thank you very much for your testimony and for your work. And I share your conviction that, to the degree that we can develop best practices and disseminate the information, it is much better than relying on anecdotal reports of success which we hear in great abundance, not withstanding seeing a lot of the statistics go in the other direction.

So thank you for your good work and please give McGruff our birthday wishes.

Ms. HARKINS. Thank you, Mr. Schiff. I will.

Mr. SCHIFF. So he's 30. That would make him 210 in dog years, right? He has been around a long time.

Ms. HARKINS. That is right. He has 83 percent unaided recognition and 80 percent of kids listen to his messages.

Mr. SCHIFF. And much higher favorables than any of us in Congress, that is for sure. We stand in envy of Mr. McGruff.

Ms. HARKINS. Thank you very much.

Mr. SCHIFF. Thank you. Our next witness is Susan Millward from the Animal Welfare Institute. That is good timing, is it not? Welcome.

WEDNESDAY, APRIL 14, 2010.

ANIMAL WELFARE INSTITUTE

WITNESS

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TESTIMONY BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE
ON COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
Susan Millward, Executive Director
Animal Welfare Institute
April 14, 2010

Mr. Chairman and distinguished Members of the Subcommittee, thank you for allowing me to provide testimony on behalf of the Animal Welfare Institute as you consider Fiscal Year 2011 funding priorities under the Commerce, Justice, Science and Related Agencies Appropriations Bill. My name is Susan Millward and I am executive director of the Animal Welfare Institute. I will be addressing activities under the Department of Justice (DoJ), including the FBI, and the International Whaling Commission, and requesting $720,000 for the National Animal Cruelty and Fighting Initiative under DoJ's Office of Justice Programs' (OJP) competitive Byrne Grant program.

Department of Justice

We wish to commend the DoJ's OJP for awarding, through its Bureau of Justice Assistance, a grant to the Association of Prosecuting Attorneys for its new program of training, technical support, and other assistance for prosecutors, members of the law enforcement community, and other involved parties to enhance the prosecution of animal abuse and animal fighting crimes. This is a very exciting development and we are proud to support APA in this new effort and to have been their partner for the first national training conference upon which the new program is built. We respectfully urge the subcommittee to provide $720,000 to the BJA's National Animal Cruelty and Fighting Initiative and to encourage its continued interest in addressing animal-related crimes.

The connection between animal abuse and other forms of violence has been firmly established through experience and through scientific studies. For example, dog fighting is prevalent among gang members. Among the most well-documented relationships, up to 71 percent of victims entering domestic violence shelters have reported that their abusers threatened, injured, or killed the family pet; batterers do this to control, intimidate, and retaliate against their victims. In 1997, the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA) released the results of a review of animal cruelty cases it had prosecuted between 1975 and 1996. Seventy percent of the individuals involved in those cases had been involved in other crimes, and animal abusers were five times more likely to commit a violent offense against other people.

Animal abuse is, however, more than a "gateway" behavior. It is also a crime in its own right. It is a crime everywhere in the U.S., and certain egregious acts are felonies in 46

states and the District of Columbia. But not all laws are created equal; a felony in one state may still be a misdemeanor in another. In some states, cruelty rises to a felony only upon a second or third offense, or only if the animal dies; if he survives, no matter how severe his injuries, it is still a misdemeanor.

The key to offering animals the most protection possible, however weak or strong the statute, lies in vigorous enforcement of the law and prosecution of violators. While there are many in law enforcement and the courts who recognize animal abuse for the violent crime that it is and act accordingly, there are those who do not take it seriously, treating it as no more urgent than a parking infraction. Others genuinely want to act decisively but may lack the necessary resources, support, or expertise. Moreover, enforcement can be complicated by the laws themselves—weak laws are bad enough, but additional problems may arise from confusion over jurisdiction or limitations in coverage—or by pressure to dispose of cases quickly.

This is where the Association of Prosecuting Attorneys' animal cruelty/animal fighting program comes in. APA recognizes that animal cruelty and animal fighting crimes not only victimize some of the most innocent and vulnerable members of society, but they also create a culture of violence–and a cadre of violent offenders—that affects children, families in general, and society at large. Therefore, preventing and prosecuting these crimes will benefit not only the animals, but the entire community by reducing the overall level of violence.

In order to support and enhance the effectiveness of prosecutors in their efforts to achieve this goal, APA, thanks to BJA's support, is implementing a program to provide the following: training conferences and webinars; publications; technical assistance; and online resources, including a library of briefs, motions, search warrants, legal memos, and state-by-state case law. It has assembled an advisory council composed of prosecutors, investigators, law enforcement, veterinarians, psychologists, members of the animal protection and domestic violence communities, and others, to identify issues, resource needs, and strategies. It brings these same professionals together to provide its multidisciplinary training, and also calls on them individually for topic-specific web-based training and materials.

All of this is directed towards two audiences: those who still need to be convinced of the importance of preventing and punishing animal-related crimes, for the sake both of the animals and of the larger community; and those who are dedicated to bringing strong and effective cases against animal abusers but may need assistance to do so.

OJP/BJA showed great vision in recognizing that by identifying precursor crimes, such as animal cruelty and animal fighting, and ensuring adequate adjudication of such cases, our criminal justice system can reduce the incidence of family and community violence and change the path of potential future violent offenders. Its support of the APA program sends a very strong message to prosecutors and law enforcement that crimes involving animals are to be taken seriously and pursued vigorously.

Federal Bureau of Investigation

BJA's recognition not only of the relationship between animal cruelty and other forms of violence, but also of the value of addressing animal cruelty crimes as part of an overall strategy for creating safer communities, raises the issue of tracking such crimes. Specifically, for many years the animal protection community has urged the FBI to include

animal cruelty in its Uniform Crime Reporting/National Incident-Based Reporting System (UCR) program. As I noted previously, animal abuse is a crime, and in some cases a felony. It is part of the cycle of violence in communities, including domestic abuse and gang activity. Having data about animal-related crimes would enable law enforcement agencies and researchers to track these offenses; to understand better the factors associated with animal abuse and the characteristics of the perpetrators; and to identify when and where such crimes occur, thus facilitating more effective interventions.

Yet, for purposes of the UCR, statistics related to animal abuse are recorded under the category of "other," making them inaccessible for retrieval and analysis. In a report compiled in response to a request from this subcommittee under former chairman Frank Wolf, even the FBI acknowledged substantial benefits to be achieved through the inclusion of animal cruelty data in its UCR: It would "enrich the NIBRS database" and "be advantageous to law enforcement, social scientists, and others studying the topic to have comprehensive data about these offenses." Most tellingly, the report noted that "because felony convictions for cruelty to animals are a disqualifier for prospective volunteers under the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (PROTECT Act), Public law 108-21, data about these offenses are vital to law enforcement."

Despite the recognized value of this information, however, the FBI has not made any move to capture and report it in a usable form in its crime database. The FBI's failure in this regard is especially ironic since it was among the first to identify the link between animal cruelty and other crimes, identifying it as a behavior common among serial killers.

A new proposal is being prepared for presentation to the FBI that is simpler than previous proposals and would meet the dual need of gaining important information about animal cruelty crimes while minimizing cost and disruption for the FBI. This proposal would not involve creating a separate reporting category for animal cruelty crimes; rather it suggests adding "animal" to the victim segment of the 52 existing data elements. (Currently, the victim segment includes such victim details as age, gender, race, relationship to offender, and type of injury.) No new data elements would be created and no segments of the data elements would be expanded.

We respectfully ask the subcommittee to direct the FBI to give serious consideration to this proposal and to work with interested Members of Congress and representatives of the animal protection community to include animal cruelty crimes in the nation's crime report in order to achieve the benefits of such inclusion as outlined above and recognized by the FBI.

Department of Commerce

While we enthusiastically support funding worthwhile programs such as those of the BJA, we cannot support funding for programs whose outputs conflict with the interests of the American public. Sadly, that is the case with the current situation on commercial whaling, which the National Oceanic and Atmospheric Administration seems intent on helping revive. Indeed, the United States stands on the brink of the dismantling of one of the cornerstone measures in American conservation leadership – the moratorium on commercial whaling – and with it, sealing the fate of many of the world's whales who we once thought we'd saved.

Years of bipartisan leadership saw the commercial whaling moratorium adopted during the Reagan Administration while the Clinton Administration saw the establishment of the Southern Ocean Whale Sanctuary. Despite these massive initiatives and assurances by the current administration for sound science, transparency, and that "the commercial whaling moratorium is a necessary conservation measure," it now appears that U.S. influence is being used to broker an ad-hoc deal at the International Whaling Commission (IWC). This deal would: 1) overturn the intent behind the moratorium, allowing for a resumption of commercial whaling at a time when whales are still recovering from years of overexploitation and are facing ever increasing anthropogenic threats, and 2) legitimize the commercial whaling undertaken by Japan as a way of flouting the moratorium by conducting it under the guise of scientific research. Further, the deal will permit the continuation and potential expansion of the international trade in whale products and discontinue annual meetings of the IWC – the very body established to conserve and manage the world's great whales.

The justification for this remarkable deal is to placate three nations – Japan, Norway and Iceland – which persist in whaling for commercial gain despite the rest of the world having agreed decades ago that the great whales are worth more alive than dead – as key components of our oceans' ecosystems and as global species enjoyed by millions of people through whale-watching. Moreover, despite repeated international efforts supported by the majority of IWC member nations asking these three countries to cease their whaling practices, they have ignored such requests and have actually expanded their whaling operations.

Mr. Chairman and distinguished Members, not only will the "deal" undermine decades of conservation gains for whales, but the process used to produce it also lacked any of the transparency that the Obama Administration purports to promote. Not only were the negotiations that led to the "deal" held behind closed doors, but the U.S. delegation to the IWC, led by Ms. Monica Medina, NOAA's Principal Deputy Under Secretary for Oceans and Atmosphere and U.S. Commissioner to the IWC, also failed to engage U.S. non-governmental organizations in a meaningful or substantive dialogue about U.S. negotiating positions at the meetings. Furthermore, AWI believes it is entirely disingenuous to claim that the U.S. position on the deal has yet to be determined, considering that the U.S. both initiated the process to develop a deal and was the leading proponent of finding a compromise that would ostensibly satisfy all. This "deal" is not acceptable to AWI or, we suspect, to the vast majority of American citizens, your constituents, who strongly oppose killing whales for commercial gain.

Unfortunately, time is short – the "deal" will have been presented at an IWC meeting in early March and will go to the full Commission in June. We urge the Committee to demand that the United States' position on whales, whaling, the IWC, and most importantly, on the current deal, be provided forthwith and that any future funding of NOAA's IWC program be contingent on their providing complete and satisfactory answers as well as maintaining the historic U.S. leadership role in protecting whales and opposing commercial whaling.

Ms. MILLWARD. Thank you very much for allowing me to testify today.

My name is Susan Millward, and I am the Executive Director for the Animal Welfare Institute. I will be addressing activities under the Department of Justice and the Department of Commerce.

We wish to commend the OJT for awarding a grant to the Association of Prosecuting Attorneys for its new program of training technical support and other assistance for COPS research, members of the law enforcement community, and others to enhance the prosecution of animal abuse and animal fighting crimes. We are proud to support this effort and to have been APA's partner for the first national training conference upon which the new program is built.

We respectfully urge the Subcommittee to provide $720,000 to the Bureau of Justice's assistance to national animal cruelty and fighting initiatives and to continue its interest in addressing animal-related crime. The connection between animal abuse and other forms of violence has been firmly established and animal abuse is occurring everywhere in the U.S., and certain acts are felonies in 46 states and the District of Columbia. But a felony in one state may still be a misdemeanor in another, making vigorous enforcement of the law and prosecution of violators key, which is where the Association of Prosecuting Attorneys' program comes in.

APA recognizes that preventing and prosecuting these crimes not only benefits animals, but the entire community by reducing overall levels of violence. The APA's program provides training, publications, technical assistance, and on-line resources, and it has assembled an advisory council to identify issues, strategies, and resource needs. Support of the APA's program sends a very strong message to prosecutors and law enforcement that crimes involving animals are to be taken seriously and pursued vigorously.

This recognition raises the issue of tracking such crimes. The animal protection community has long urged the FBI to include animal cruelty in its crime reporting system enabling the tracking of these offenses, a better understanding of the practices associated with animal abuse, and the characteristics of the perpetrators, and identification of when and where such crimes occur, thus facilitating more effective interventions. Yet, animal abuse statistics are recorded under the category of "other", making them inaccessible for retrieval and analysis.

In response to a request from this Subcommittee and the former Chairman, Frank Wolf, the FBI acknowledged substantial benefits could be achieved through the inclusion of animal cruelty data in its reporting system, but it has not sought to capture and report it in a usable form despite the link, ironically first identified by the FBI, between animal cruelty and other crime and other behavior common among serial killers.

A simple solution would be to add "animal" to the victim segment of the incident report. No new data elements would be created, and no segments would be expanded. We respectfully ask the Subcommittee to direct the FBI to give serious consideration to this simple proposal.

While we support funding worthwhile programs, such as those of the DJA, we cannot support funding for programs whose outputs

conflict with the interest of the American people. The United States stands on the brink of the dismantling of one of the cornerstone measures in American conservation and leadership, the moratorium on commercial whaling. Despite assurances by the current administration to find a planned transparency and that the commercial whaling moratorium is a necessary conservation measure, U.S. influence is now being used to broker an ad hoc deal at the International Whaling Commission which would allow for a resumption of commercial whaling and legitimize the commercial whaling of Japan to conduct it in the guise of scientific research and permit the expansion of the international trade in whale products.

The U.S. delegation to the whaling commission claims that the U.S. position on the deal has yet to be determined, but it both initiated the process and was the leading proponent of finding a compromise for the whalers. This deal is not acceptable to our organization or, we think, the vast majority of American citizens. We strongly oppose killing whales for commercial gain.

Time is short. The deal will be presented to the whaling commission in June. We urge the Committee to demand that the United States position on whaling and its opposition to the current deal be provided forthwith, and that any future funding of NOAA's IWC program be contingent on the provision of complete and satisfactory answers, as well as maintaining the historic U.S. leadership role in protecting whales and opposing commercial whaling.

Thank you.

Mr. SCHIFF. Thank you very much for your testimony, and I think you raise a number of good issues that we need to follow up on. And the suggestion in terms of the FBI database and how they report and track is worth pursuing.

And I am also very interested in what you had to say about the whaling issues. It reminds me of a very powerful advertisement on preservation of whales that talked about how every part of the whale was used for some different purpose, but the very end tag line was nothing is wasted but the whale itself, which I thought was a very powerful message.

Ms. MILLWARD. Right. And nowadays, actually, they do not need to use any part of the whale any longer.

Mr. SCHIFF. I am not surprised. Well, thanks for your testimony.

Mr. Honda?

Thank you again.

Ms. MILLWARD. Thank you very much.

Mr. SCHIFF. Our next witness is Tracy Velazquez of the Justice Policy Institute. Ms. Velazquez, welcome.

WEDNESDAY, APRIL 14, 2010.

JUSTICE POLICY INSTITUTE

WITNESS

TRACY VELAZQUEZ, JUSTICE POLICY INSTITUTE

Testimony by Tracy Velázquez, MPA
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United States House of Representatives Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies
April 14, 2010

Thank you, Chairman Mollohan and members of the Subcommittee on Commerce, Justice, Science, and Related Agencies for inviting me to testify before you today on the proposed 2011 budget for the Department of Justice (DOJ). My name is Tracy Velázquez, and I am the Executive Director of the Justice Policy Institute (JPI), a Washington, D.C.-based think tank dedicated to reducing society's reliance on incarceration and promoting effective and just solutions to social problems. The President's proposed FY2011 DOJ budget asks for $29.2 billion. This is on top of $4 billion provided to DOJ through the American Reinvestment and Recovery Act (ARRA), much of which will continue to fund activities through 2011 and beyond. Although the budget has some specified funding for intervention, treatment, and Second Chance Act re-entry programs that may help slow the revolving door back into prison, it also allocates over half a billion dollars to hire or retain police officers through the Byrne Justice Assistance Grants (Byrne Grants) and Community Oriented Policing Services (COPS), and will increase federal prison spending through the Bureau of Prisons (BOP). The proposed budget also cuts funding for critical juvenile justice and delinquency prevention programs.

I am here today to encourage you to consider the impact of the proposed Department of Justice (DOJ) budget on state and local budgets, incarceration rates, public safety, and individual lives now and in the future. We believe, and research has shown, that positive investments in people, rather than more spending on prisons and policing, are what will maintain safety in the long run. As it stands, this budget is likely to increase state incarceration rates and costs, maintain the disproportionate and harmful impact of the justice system on communities of color, and fail to create the stronger communities that will result in sustained improvements in public safety.

Faced with substantial budget deficits, states are looking for ways to reduce their prison populations while protecting public safety. This budget does not support these critical efforts. As described below, the proposed pattern of funding will likely result in increased costs to states for incarceration well above the increased funding for law enforcement, with marginal public safety benefits. Research shows that the most cost-effective ways to increase public safety, reduce the number of people in prisons and jails, and save money, are to invest in preventative and community-based programs and policies that positively impact youth and adults and create more substance use and mental health treatment services in the community. Given space limitations, I will primarily address adult justice issues in my testimony today. Please know that JPI is a member of the National Juvenile Justice and Delinquency Prevention Coalition, and we support its budget recommendations related to juvenile justice and specifically the Office of Juvenile Justice and Delinquency Prevention and the Juvenile Justice and Delinquency Prevention Act.

Redirect money from policing to treatment. Under the Administration's proposal, Byrne Grants would receive over $500 million in federal funds in FY2011 for law enforcement activities, including many that are shown to increase prison populations. This is in addition to over $2 billion in Byrne Grants awarded through ARRA, which can be spent over a four-year period and are not included in the FY11 budget. Reinvigorating this program is likely to further increase the prison population and associated costs to states, without a significant drop in crime.

Byrne grants can be used for a number of different purposes, including multi-jurisdictional task forces, prevention and education, technology and evaluation, and prosecution. While grants are available for all of these purpose areas, recent history shows that most of the money goes to law enforcement, rather than prevention, drug treatment, or community services. In particular, this funding has often been used to create drug task forces. Recent research shows that increasingly these task forces have been making arrests for misdemeanor offenses rather than felonies, as was their original intent. At the same time, a greater percentage of these arrests are resulting in a prison sentence, rather than probation or referrals to treatment.[1] If this funding increases, the likely result will be more people in prison, many of whom would benefit more from access to drug treatment.

The Administration has requested another $690 million for law enforcement services, including $600 million to hire and train more police under the Community Oriented Policing Services (COPS) initiative. This is despite evidence from the U.S. Government Accountability Office that COPS does little to improve public safety. Specifically, in 2005, the GAO found that other factors accounted for the majority of the decrease in crime between 1993 and 2000.[2] At the same time, the hiring of additional law enforcement personnel through COPS grants was partially to blame for the 45 percent growth in the prison population over 7 years in the 1990s and the 76 percent increase in state corrections spending.[3] While crime fell dramatically during this time, prisons were not filled with people convicted of violent offenses, but rather drug offenses. Research shows that localities that spend more on law enforcement have higher drug imprisonment rates than localities that spend less.[4] This emphasis on the "supply side" of the drug problem has not been successful in reducing drug use: the rate of current illicit drug use among persons aged 12 or older in 2007 (8 percent) has remained relatively stable since 2002.[5]

The effect of federal funding for increased police through COPS in the 1990s had a significant impact on communities of color, which are often a target for enforcement and incarceration. Reviving this program will likely increase the disproportionate contact communities of color

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[1] William Rhodes, Christina Dyous, Meg Chapman, Michael Shively, Dana Hunt, Kristen Wheeler, *Evaluation of the Multijurisdictional Task Forces (MJTFs), Phase II: MJTF Performance Monitoring Guide* (2009) www.ncjrs.gov/pdffiles1/nij/grants/228942.pdf

[2] United States Government Accountability Office. "COPS Grants Were a Modest Contributor to Declines in Crime in the 1990s (October 2005)." www.gao.gov/highlights/d06104high.pdf

[3] U.S. Department of Justice, Bureau of Justice Statistics, *Corrections Populations at a Glance*, http://ojp.usdoj.gov/bjs/glance/tables/corr2tab.htm; National Association of State Budget Officers, State Expenditure Reports, www.nasbo.org

[4] Phil Beatty, Amanda Petteruti, and Jason Ziedenberg, *The Vortex: The Concentrated Racial Impact of Drug Imprisonment and the Characteristics of Punitive Counties* (Washington, D.C.: Justice Policy Institute, 2007).

[5] Substance Abuse and Mental Health Services Administration, Office of Applied Studies (2008). *Results from the 2007 National Survey on Drug Use and Health: National Findings.* Rockville, MD.

have with the criminal justice system due to concentrated policing in neighborhoods with a high Latino and/or African American composition.

While focusing resources on law enforcement rather than prevention or treatment is likely to result in increased prison populations without necessarily improving public safety, investing in treatment in the community has a greater positive impact on public safety. A Washington State Institute of Public Policy study found that for every dollar invested in drug treatment in the community, there is a savings of $18 in crime-related costs. Comparatively, investing a dollar in incarceration, yields only 37 cents in returns related to public safety.[6] Prioritizing treatment over incarceration benefits everyone and will lead to reduced costs in the future rather than more.

Fund substance abuse and mental health treatment through health, not justice systems. For FY2011 the Administration combined previous drug and mental health court funding into one section, adding problem solving courts to the grant program. These courts will receive $57 million in funding, the same level as the FY10 enacted budget for the individual grants.

The federal government's interest in treatment as an option for people with substance abuse or mental health problems who are involved in the criminal justice system is a step toward developing a public health response to drug use and supporting alternatives to incarceration for people with low-level offenses. However, these courts are still a long way from a public health approach. Some evidence indicates that specialty courts may even "widen the net" of people involved in the criminal justice system -- people who previously may have been given diversion or been released without charge for certain offenses, may now be entwined in the system due to the "problem solving court" option available to judges. Furthermore, some individuals who would not have been incarcerated at all are redirected to these specialty courts, which use sanctions that include jail time for not meeting the terms of the court. Our prisons are already filled with people with substance abuse and mental health problems; specialty courts for these people may exacerbate the problem.[7] In addition, drug and specialty courts also tend to be very expensive, and may result in a false sense that addiction and mental illness can be satisfactorily addressed by the justice system.

Rather than perpetuating a practice that ensnares people battling addiction or mental health problems in the justice system, offering more diversion and treatment outside the criminal justice system would help people receive the right services and likely prevent their contact with the criminal justice system in the future. Despite continuing unmet treatment needs -- 2008 NSDUH data show that over one third (39.5 percent) of the 2.5 million Americans with co-occurring serious mental illness and substance abuse disorder received no treatment at all -- funding for community mental health services block grants has been flat or decreasing. The number of people served by State mental health authorities is growing, and with the current economic downturn will likely rise further. There is a modest increase in substance abuse prevention and treatment in the SAMSHA budget, but not enough to truly tackle this issue. And the President's budget also calls for a decrease in the SAMSHA Jail Diversion program that successfully diverted over 3,300 people from

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[6] Aos, Steve, Polly Phipps, Robert Barnoski, and Roxanne Lieb. 2001. *The comparative costs and benefits of programs to reduce crime*. Olympia: Washington State Institute for Public Policy.

[7] Amanda Petteruti and Nastassia Walsh, *Jailing Communities: The Impact of Jail Expansion and Effective Public Policy Strategies* (Washington, DC: Justice Policy Institute, 2008). http://www.justicepolicy.org/content-hmID=1811&smID=1581&ssmID=73.htm

incarceration to community services. Shifting resources towards treatment and prevention will provide far greater long term public safety benefits at less cost, and will also enable people to live healthier and more productive lives in the future.

Refuse to fund policies that are ineffective and create barriers to success. While the federal government has in the past allocated some funding to encourage states to come into compliance with the Sex Offender Registry and Notification Act (SORNA), which is part of the Adam Walsh Act, the institutionalization of this funding through an explicit $20 million appropriation is "throwing good money after bad." As a number of reports and studies have highlighted, there is little correlation between keeping children safe from sexual violence and the policies that are contained in SORNA.[8] About 93 percent of sexual assaults of young children are by family members or acquaintances. Additionally, registration, notification, and other policies aimed at people in the community who have a sex offense conviction on their record can reduce public safety by making it hard for them to meet even basic needs such as employment and housing.

Using federal dollars to entice states to come into compliance with SORNA will likely make many state policymakers feel they "must" enact the SORNA provisions of the Adam Walsh Act, particularly if they are also threatened with the loss of Byrne Grant funding if they do not comply. However, these additional funds would only cover a small percentage of what it will cost states to come into compliance with the Adam Walsh Act. As evidenced by there being only one state (Ohio) that has come into compliance with the SORNA, many states are struggling with both the provisions of the Act (including the inclusion of juveniles on the registry and the use of a tier-based system relying on conviction rather than risk, for example) and the costs associated with its implementation.

Expansion of sex offense registries, community notification laws and other punitive policies related to sex offenses will have a marginal impact at best in making children and the general population safer. However, it will increase the number of people who cannot meet their basic needs (housing, employment, etc.), and weaken the foundation on which people achieve positive life outcomes and stay out of prison.

Fund alternatives and diversion over incarceration. The Federal Bureau of Prisons (BOP) currently confines more than 200,000 people. The additional $628 million over last year's enacted budget for the BOP and judicial security will result in new prisons and more people who rely on the imprisonment of others for their livelihood. Included in the budget is a plan to purchase two new prisons, one of which will be a super-maximum security facility in Illinois for the people currently held at Guantanamo Bay, Cuba.[9] The United States already spends more than $800 million on federal incarceration.

At the same time that crime rates are at a 30-year low, the U.S. still leads the world in incarceration.[10] States have shown that decreasing their incarceration rates does not necessarily

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[8] Justice Policy Institute, *Registering Harm: How Sex Offense Registries Fail Youth and Communities* (Washington, D.C., 2008) www.justicepolicy.org; Tracy Velázquez, *Pursuit of Safety: Sex Offense Policies in the United States* (New York: Vera Institute of Justice, 2008), www.vera.org

[9] Kevin Johnson, "2011 budget gives federal prisons $528M," *USA Today*, February 4, 2010. www.usatoday.com/news/washington/2010-02-03-prison-budget_N.htm

[10] *World Prison Brief*, International Centre for Prison Studies, Kings College, London, U.K., www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_stats.php?area=all&category=wb_poprate

lead to an increase in crime. The requested increase in prisons is not based on crime trends; if Congress uses the money to build more prison beds, it reduces the incentive for the U.S. to reduce the number of people that we incarcerate. Building more prison beds is likely to be a self-fulfilling prophesy: If you build it, they will come. Adding two new prisons and a thousand contract beds to the BOP will lead to higher prison populations and expenses, without significantly improving public safety.

In addition, this infusion of funds is out of step with state efforts to reduce prison populations and cut spending on corrections, and sets a bad example for continued positive investments in intervention, prevention, and alternatives. As evidenced by recent reports by organizations like the Pew Center on the States, states are currently working on innovative ways of reducing the number of people in their prisons and maintaining public safety. While federal officials say there is little they can do to cut prison spending, there are specific options around early release and use of sentencing guidelines; in addition, the inevitable capital expenditures on more new prisons would be far better spent helping build stronger communities and healthier individuals.

The budget proposes only a fraction of the total amount spent on prisons for the Second Chance Act, which helps people leaving prison to successfully re-join communities and stay out of prison. Research shows that nearly two out of every three people released from prison will be re-arrested within three years of release.[11] Most people currently in prison will get out some day. It makes fiscal and logical sense to ensure that once they are out, they never return.

Invest in strong safe communities, not policing and prison. As Congress considers how to spend scarce federal dollars to improve public safety, it should remember that the most cost-effective ways to reach that goal are programs and policies that build and strengthen communities. In addition to investing in treatment in the community, Congress should invest more in job programs and training (outside law enforcement and corrections), evidence-based prevention and intervention programs for youth and families, and alternatives to incarceration. Congress should also invest additional money in the Second Chance Act, which will help people leaving prison to stay out of prison and contribute to their communities. Congress should also increase funding for better evaluation, training, and technical assistance so that jurisdictions continue to improve practices and learn more about what really works to reduce crime and incarceration rates.

In the U.S. Department of Education budget, $210 million is proposed for "Promise Neighborhoods." Using the Harlem Children's Zone as inspiration, this program has the potential to produce lasting improvements in communities around the country, through integrated education, health, employment and social services – all of which are tied to reductions in justice involvement. By rejecting overspending on policing and prisons, Congress could fund programs like this at a higher level, improving life trajectories and public safety at the same time.

Through investments in treatment, social and human services, education and jobs instead of incarceration and law enforcement, not only will there be immediate impacts in terms of public safety, dollars spent, and increased employment, there will also be long-lasting effects that will keep communities safe and prosperous for years to come. Thank you.

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[11] Patrick A. Langan and David J. Levin, Recidivism of Prisoners Released in 1994 (Washington, D.C.: Bureau of Justice Statistics, 2002) www.ojp.gov/bjs/pub/pdf/rpr94.pdf

Ms. VELAZQUEZ. Thank you very much. And thank you, Mr. Chairman, and members of the Committee for the opportunity to testify before you today.

I am here as the Executive Director of the Justice Policy Institute, a research and policy organization working to reduce incarceration in America, to express our disappointment with the proposed Department of Justice Budget. In our view, this budget will perpetuate the misplaced priorities and ineffective policies of our criminal justice system.

Rather than helping financially strapped state and local governments, increased spending on prisons and policing will swell their ranks and costs and incarcerations. Rather than attacking the racial disparities existing in the systems, this budget will certainly magnify them. Instead of investing in juvenile justice improvements and programs to serve at-risk groups, this budget will only further the cycle of incarceration that has characterized this country's history for the past three decades.

The administration has requested almost $700 million on top of a billion dollars from ARRA for law enforcement services through the COPS program. At a time when crime rates continue to fall, there is no legitimate rationale for spending scarce Federal dollars on over-policing.

The other day I heard an ad on the radio for a local college which advised listeners to train for law enforcement since that is where the Federal Government was putting its jobs money. If a goal of this expansion is to create jobs, there are a host of other professions we could invest in that would have a greater impact on public safety. There were no ads for addiction counselors, even though most people in jail and prison meet the criteria of substance abuse addiction. There were no ads for teachers, though most people in jail and prison do not have a high school diploma. There were no ads for social workers, even though many families are struggling in communities that offer limited opportunities.

By investing in more policing rather than in people and effective services, we are guaranteeing that we will be paying for more prisons for years to come.

There is well-deserved praise for Senator Webb's Second Chance Act which helps people leaving prison re-integrate into communities. Making it after prison is difficult, especially in a tough economy, for having a conviction on your record is a resume ticket to a rejection pile. And while we do support this funding for re-entry, it is equally urgent for you to focus your spending away from areas that will grow the number of people with convictions.

Our research shows that more policing results in more arrests for people with low level, non-violent drug offenses. Even well-meaning programs like Drug Court, can widen the net of criminal justice control as a lack of community treatment pushes police and judges to funnel people through the justice system. Likewise, mental health courts are a poor substitute for community-based mental health care, which is unavailable and unaffordable to many Americans.

Back in 2006 Congress passed the Adam Walsh Act. JPI strongly urges you to strike from this budget funding to induce states to comply with this Act. While we all want to keep our families, and

especially our children safe, Jenny sex offender registries, particularly by including these on them, is counterproductive to public safety and expensive for states.

Finally, we urge Congress to consider the public safety impact that can be gained elsewhere in the budget. For instance, for every dollar invested in drug treatment in the community, there is a savings of $18 in crime-related costs. And funding for community and mental health services block grants has not risen in years. If we could increase high school completion rates by one percent, researchers say the U.S. could save over a billion dollars a year in reduced crime costs.

With the inclusion of $210 million in the U.S. Department of Education Budget for Promise Neighborhoods, it is clear that the Administration does understand the value of community investment. This program in particular has the potential to produce lasting improvements in communities around the county through integrated education, health, employment, and social services, all of which are tied to reductions in justice system involvement. By rejecting over-spending on policing and prisons, Congress and the Administration could fund programs like this at a higher level, improving life trajectories and public safety at the same time.

Inasmuch as the budget expresses our vision for the future, we urge you to reject a future that trades jobs for imprisonment and, instead, uses its resources to create a healthier, more prosperous, and safer society through positive investment in people and communities.

Thank you.

Mr. SCHIFF. Thank you very much. I want to ask you what the status is of efforts to provide drug treatment on demand for people who are incarcerated. And maybe you can address how you think the Feds are doing on it and the states, it seems insanely counterproductive not to have drug treatment available for any inmate with a substance abuse problem. When you release someone with a substance abuse problem back into the general population, you should be surprised, I think, when they don't recidivate.

Ms. VELAZQUEZ. Right. It is a challenge, both for mental health care and substance abuse. And, you know, obviously, we prefer people got their services before they had justice system involvement. But it can be effective if it is well done. And what we have also seen is that some states are beginning to look at making sure people are connected with services when they leave a prison or jail.

I think that some changes to the way the Medicaid works, that would keep people from falling off Medicaid when they are incarcerated, and Social Security, would also help, because you have sort of a doughnut hole there when they leave, oftentimes, before they get reconnected to services, which is where we see a lot of people end up recidivating.

Mr. SCHIFF. I am pretty sure I have heard from some of my constituents about the prohibition on people who have a felony conviction being able to live in government subsidized housing. When you have young people released from custody who were living with one of their parents or both their parents or grandparents, they now have a conviction. They are ineligible to live with their family without jeopardizing the family's subsidized housing.

How much of an issue is that? Is there anything——

Ms. VELAZQUEZ. I think it is a really large issue. And part of the problem is that different localities all do it differently. And, you know, what we would like to see is the Federal Government at least say—right now you can have an arrest on your record and in 39 states, you can be barred from public housing.

So what happened to innocent until proven guilty? So even if your arrest is later cleared up, they can deny you access to public housing, and your family, as well. So, you know, we would really like to see the Federal Government at least put up a ban on barring people from public housing if they don't have a conviction, and certainly create more uniformity so that unless there is sort of a pressing public safety issue, to really create some standards that would not eliminate people from the ability to access public housing when they need it most.

Mr. SCHIFF. Mr. Honda.

Mr. HONDA. Good morning, and thank you. I was interested in your comment on COPS. And a lot of the comments I don't disagree with it, but do you think that there is something good in almost every program that we have, essentially, with state and local government we have cut them way back. They are going to need as much help as they can get from the Feds, because it didn't happen overnight.

And so are there programs that you are pointing to that are successful that addresses your issues that were funded by COPS?

Ms. VELAZQUEZ. Well again, what happens at the local level is quite variable. And, you know, our concerns with COPS, and to an extent, with Byrne/JAG is, for instance, multi-jurisdictional task forces, which the Rand Foundation found in their report, are increasingly catching people with misdemeanor offenses and incarcerating them. And that's not a good use, in our mind, of public resources.

I mean, I think one of the things that some communities have done is in terms of creating gang intervention programs, as opposed to gang suppression programs. So we have seen some of that. But a lot of it is really, you know—we talked with someone in the Mayor's Office in Baltimore. And they are planning to increase their patrols in Baltimore, above and beyond what they've traditionally been. And we just want to insure that if you can picture in any area, if you have a lot of resources, eventually you are no longer looking at the most pressing public safety issues, but you are keeping busy. And we do not want to have policing at a level that you start to see over-policing in areas, particularly areas where they traditionally have majority minority communities which queue people up into the system. And often those are people who need treatment more than they need incarceration.

Mr. HONDA. So what we are looking at is best practices that would be word-smithed into the authorization area, and then have them look at some other way of——

Ms. VELAZQUEZ. I think that would help. I also just think it is a lot of money. I mean, they have a billion dollars that they got from COPS for ARRA, two-thirds of which is still available. And the reality is I know you have to make tough choices. And we feel that investments in things like addiction treatment and mental

health treatment actually give you a better bang for your buck in terms of public safety.

Mr. HONDA. Now, you know, I don't disagree. I think that when you are talking about addiction and we talked about another arena of activity that would probably have more than—well, we have compartmentalized everything so that nothing seems to be interacting with each other.

Ms. VELAZQUEZ. Yeah. I agree. And, you know, we would love to see some sort of a public safety impact statement for things like—you know, I think the Promise Neighborhood Programs will have a very large public safety impact. And I don't think that is figured in to when people consider the benefits of it. And likewise when you look at education funding or other kinds of funding. I think that the public safety impact is throughout the budget, and some of those ways I think will promote a stronger community and a stronger America in the future.

Mr. HONDA. Then we probably should be looking at how our state's law enforcement folks trained in community policing and, you know, refocusing on that. But, you know, statements, you know, you have to do this or that, and I was just looking for something that, given that——

Ms. VELAZQUEZ. Right. And I agree. I think that there are some best practices, especially around the Byrne/JAG grant that, you know, we would like to see implemented.

Mr. HONDA. Thank you, Ms. Velazquez.

Ms. VELAZQUEZ. Thank you.

Mr. SCHIFF. Thank you very much. We appreciate your testimony.

Ms. VELAZQUEZ. Thank you, Mr. Chairman.

Mr. SCHIFF. Thank you.

And our last witness on this panel is Lorraine Cole, Dr. Lorraine Cole of YWCA USA. Dr. Cole, thank you for being with us.

Mr. HONDA. Is she going to lead us in the song, or what?

Mr. SCHIFF. What's that?

Mr. HONDA. Nothing. I thought she was going to lead us in a song.

Mr. SCHIFF. In a song? I don't think so.

WEDNESDAY, APRIL 14, 2010.

YWCA USA

WITNESS

LORRAINE COLE, PhD, YWCA USA

Dr. Lorraine Cole
YWCA USA
Statement for Member and Outside Witness Hearing on FY 2011 CJS Appropriations

Statement by Lorraine Cole, Chief Executive Officer of the YWCA USA

Re: Member and Outside Witness Hearing of the Subcommittee on Commerce, Justice, and Science on the Fiscal Year 2011 Budget

April 9th, 2010

Good morning and thank you Chairman Mollohan and Ranking Member Wolf, and members of the Subcommittee for the opportunity to testify today. My name is Lorraine Cole, and I am the Chief Executive Officer of the YWCA USA. As Congress begins to work on the appropriations and priorities for the Fiscal Year 2011 federal budget, I am here to speak about one priority in particular under the jurisdiction of this subcommittee: the critical need for federal investment in violence against women programs and services. The need is real, and often urgent. The YWCA supports the President's funding request of $460.7 million for funding for violence against women programs in the Department of Justice. Allow me to draw specific attention to the transitional housing programs: At a minimum, the YWCA is supportive of the President's request for $25 million. But in light of the combination of high demand and outdated facilities, I urge this committee to consider providing even greater resources for this activity. Based on information we have received, and because the full authorization amount for the transitional housing program is $40 million, we urge the committee to at a minimum support President's level for transitional housing and to preferably fully fund the program. Fully funding the program will ensure additional resources are available to meet the critical demand for improvements, renovation, repair, and construction of transitional housing facilities.

The YWCA USA is a national not-for-profit (501(c)(3)) membership organization dedicated to social service, advocacy, education, leadership development and racial justice. We represent more than 2 million women and girls, and can be found in many communities in the United States. With nearly 300 local associations, we serve thousands of women, girls, and their families annually through a variety of programs and services, including violence prevention and recovery programs, housing programs, job training services, and more. Our clients include women and girls escaping violence, low-income women and children, elderly women, disabled women, and homeless women and their families. Critical to the YWCA mission is the promotion of peace, justice and freedom and dignity for all women.

The YWCA is one of the largest providers of violence prevention programs and services, as well the largest provider of battered women's shelters in the country. Safe and affordable housing is a critical component of safety an economic security for battered women and their children. Ongoing changes in federal housing policy and local housing markets directly impact the availability and accessibility of this vital housing stock. Consequently, it is absolutely necessary for key community players, including non-profit organizations, private foundations and units of state and local government, to develop a coordinated response to the construction and renovation of transitional housing and emergency shelter needs of battered women and their families. The

YWCA understands the role it and its membership can play in helping to improve and expand housing opportunities for abused women and their children.

Of nearly 300 YWCA USA local affiliated associations, approximately one-third have domestic violence services and housing facilities that provide direct support to women and their children. In YWCA transitional housing programs, women and their children stay for a variety of periods ranging from nightly, weekly and monthly arrangements up to two-year periods and while in the program receive services such as case management, parenting and life skills support, employment and educational assistance, and substance abuse recovery support. YWCAs assist victims of violence and their children in fleeing violence and rebuilding their lives. And as a result, we have witnessed the important role transitional housing programs can and do play in the lives of these women and children. Let me cite one example:

"Anne", a young mother with six small children (ages 6 weeks, 2, 3, 4, 5, 6), arrived to the YWCA shelter of Richmond, Virginia, frightened and confused, and carrying only one suitcase. "I'm 22 and have six small children; I am trapped in an abusive relationship," she shared. As a teenager, she had run from her abusive father. Later, she found herself trapped in a series of relationships with physically and mentally abusive men. Anne and her children could not envision a life without violence. Their daily life was filled with challenges, as Anne worked 10-hour shifts and was often separated from her children. The YWCA provided counseling and case management for this family. She was able to participate in a transitional housing program and enroll her children in school and preschool, including free YWCA preschool for her younger children. Today, her children are thriving, and Anne remains connected to the YWCA, returning for counseling and meetings with her case manager as needed. While YWCA programs have helped many women and children like Anne and her family escape lives dominated by fear and terror, the need that exists throughout the country exceeds our capacity to help.

Generally speaking, long before the current economic downturn, it had been estimated that domestic violence impacts one in three women in the United States of America, affecting women across all racial/ethic groups, socioeconomic backgrounds, age groups, religions, educational attainment and geographic locations. The current economic downturn has exacerbated an already alarming situation. Financial pressures can escalate emotional eruptions of abusive behavior. When abusers are out of work, there is more opportunity to abuse. When victims fear losing their jobs, they doubt their ability to leave their abuser and provide for themselves and their children.

In the fall of 2009, the National Network to End Domestic Violence conducted the National Census of Domestic Violence Services which surveyed 1,648 (or 83%) of identified domestic violence programs in the United States and Territories to obtain a snapshot of the number of adults and children seeking domestic violence services in a 24-hour period (September 15, 2009). According to the programs surveyed, in only 24 hours, 9,280 requests for services and assistance by domestic violence victims went unmet due to a shortage of resources. 60% of the unmet requests were from victims of domestic violence seeking emergency shelter or transitional housing (5,537 requests). To extrapolate this data, if 9,280 victims were unable to receive assistance in one day, 3,387,200 requests for domestic violence go unmet each year. And if 5,537 victims were unable to receive shelter in one day, multiplied over the course of one year, at least 2,021,005 requests for emergency shelter or transitional housing go unmet. And, given that not

all victims utilize domestic violence programs and services, the number of victims in need of help is likely much higher than reported in the study.

With the increased demand for shelter and services, coupled with constrained resources, victims have fewer options available for escaping and seeking help. When a woman is ready to leave an abusive relationship, housing in a safe supportive environment becomes her immediate need. Subsequently, affordable housing and supportive services become long-term needs for victims, necessary to remain safe, recover from the abuse, rebuild their lives, and become economically self-sufficient.

Women also are at risk for homelessness both when they immediately leave their abusers and as a result of discriminatory practices they often experience in securing and maintaining housing. According to the United States Conference of Mayors 2008 Hunger and Homeless survey, 28% of cities cited violence as a cause of family homelessness.

President Obama's budget request to Congress recognizes that facility supply does not meet the great demand, particularly during this stressful time. The YWCA is thankful to the President for his budget request of $25 million for transitional housing programs and we strongly support this request. Yet, we urge this committee to recognize that the critical need in this area is greater than the President's request, and to therefore fully fund the transitional housing program at the authorized level of $40 million. We sincerely ask you to support the additional funding which will allow the YWCA, and other national and local organizations, to more successfully meet the housing needs of victims of violence. Because many housing facilities for victims of violence that are managed by YWCA local organizations were built in the 1920s and 1930s, the state of disrepair is critical and the need for facility improvement is severe.

This Congress has on many occasions recognized the value of transitional housing for victims of violence. The Violence Against Women Act of 2005 (VAWA) included vital programs to provide housing to victims of domestic abuse. In particular, the Transitional Housing program supports critical interim housing programs. VAWA will need to be reauthorized sometime in the near future. During deliberation of this reauthorization, we encourage your enthusiastic support for approaches that deal with the outdated and insufficient facilities, and the higher demand for assistance. Additionally, Congress recognized last year the need for renovation and construction federal funds to help with the national housing stock for victims of domestic violence and their children when it made available $50 million through the American Recovery and Reinvestment Act for this purpose.

On behalf of YWCA local associations nationwide and the many women and children we serve, we thank you for your continued commitment and work to end violence against women and children. We also greatly appreciate and value the President's commitment to the issue, which was demonstrated by the Administration's Fiscal Year 2011 budget request.

Thank you for the opportunity to testify here today.

Your attention and assistance are appreciated.

Ms. COLE. Every 15 seconds in the United States a woman is hit, slapped, kicked, or punched by a man that she knows.

Good morning, Mr. Congressman, Congressman Honda and Members of the Subcommittee. And I thank you for the opportunity to testify today. I'm Lorraine Cole. I'm CEO of the YWCA USA. And as Congress begins its work on the appropriations priorities for the 2011 budget, I want to call to your attention one priority in particular. The critical need for transitional housing programs for victims of domestic violence.

President Obama's budget request to Congress recognized that the supply of transitional housing facilities does not meet the great demand. The YWCA appreciates the $25 million requested for transitional housing for funding for violence against women programs at the Department of Justice; however, the critical need in this area is greater than the President's request. We urge the Subcommittee to fully fund the transitional housing program at the authorized level of $40 million.

Of nearly 300 YWCAs nationwide, about one-third have domestic violence services with housing facilities. When a victim of domestic violence leaves her abuser, her immediate need for herself and her children is the safety of an emergency shelter. The stay in an emergency shelter is typically limited to no more than 30 days, but most women need more time to re-establish their lives and move toward self-sufficiency.

Transitional housing programs can provide living accommodation for an extended period ranging from six months to two years. And YWCA transitional housing programs also provide legal services, life skills, child care, job assistance, and other vital support.

The YWCA in Wheeling, West Virginia, for example, shelters 2,000 domestic violence victims each year, but it can only accommodate five women in its transitional housing facility. And that YWCA provides the only transitional housing in the entire northern panhandle of the state. This means that many women are forced back into abusive situations, a scenario recurring far too often nationwide. Last year the National Network to End Domestic Violence reported that about 5,537 requests for shelter or transitional housing went unmet within just one 24-hour period.

The Department of Justice reports that grant requests for transitional housing for domestic violence far exceed the available funds each year. In fiscal year 2009, 261 applications were received requesting over $62 million. In fiscal year 2010, it is expected that only 55 to 60 grants will be awarded. And so our request for full funding at the $40 million level is modest compared to the need.

A young woman who escaped to the YWCA in Wheeling West Virginia with three children eight times during a three-year period was able to enter their transitional housing program. She began working full time, became a full-time student, graduated and saved enough money to qualify for her own Habitat for Humanity's home where she lives today with her three children.

In the four minutes I have spoken to you today, 16 women have been victimized in this country. The need for additional resources is clear.

Thank you for your commitment to this issue.

Mr. SCHIFF. Dr. Cole, thank you for all your work and that of YWCA chapters all over the country. We have some extraordinary ones in my district, and they do fantastic work.

Mr. Honda?

Mr. HONDA. Well, let me add my thanks, also. And the YW does really extensive work on also identifying children who are abused working through the schools. And I think that that is one of the areas that we probably need to engage public schools a little more aggressively so that we can help dissipate that whole chain of events that happens to youngsters and families. So again, thank you for your work.

Ms. COLE. Thank you. We have just celebrated our hundred and fiftieth anniversary. We are the oldest and largest women's organization in the country.

Mr. SCHIFF. Fantastic. I guess Mike remembers well when you were founded. Thank you, Dr. Cole.

We'll take a brief recess while we——

Mr. HONDA. I wish I had paid attention.

Mr. SCHIFF [continuing]. While we get the next panel ready. Thank you.

[Recess.]

Mr. HONDA. [Presiding] Good morning. I guess you all know the format. Witnesses have four minutes of testimony. We have an hour, and we'll stick to the four minutes and then it may just be longer. So kick me underneath the table.

So let's see, SEARCH. Kelly Peters is not here?

Ms. PETERS. That is me.

Mr. HONDA. Gregory, you are so eager to testify.

Mr. KEPFERLE. I'm eager to go. No. That is okay. Ladies first.

WEDNESDAY, APRIL 14, 2010.

SEARCH

WITNESS

KELLY PETERS, SEARCH

SEARCH
The National Consortium for Justice Information and Statistics

Francis X. Aumand III
Chairman

Ronald P. Hawley
Executive Director

Prepared Testimony of Kelly Peters, Deputy Executive Director
SEARCH, The National Consortium for Justice Information and Statistics

I. Introduction

I am Kelly Peters, Deputy Executive Director of SEARCH. Thank you, Mr. Chairman and members of the Subcommittee for the opportunity to speak to you today and for your past support. The efforts of your outstanding subcommittee staff are also greatly appreciated. SEARCH has requested a $500,000 earmark from the Department of Justice, Byrne Discretionary Grant Program to be included in the Commerce, Justice, Science, and Related Agencies Appropriation bill for the SEARCH Justice Information Sharing Technical Assistance Program.

SEARCH is a state criminal justice support organization comprised of governors' appointees from each state. Each state pays dues annually. SEARCH's mission is to promote the effective use of information and identification technology by criminal justice agencies nationwide.

II. Past SEARCH Programs

SEARCH has a well-earned record for providing on-site technical assistance and training to state and local criminal justice agencies in the planning, development, implementation and management of information sharing activities for over forty years. This record and our qualifications were recognized by the U. S. House of Representatives in Resolution 851 passed on November 17, 2009. Because of these qualifications, SEARCH has been a key partner with the U.S. Department of Justice and member of the Global Information Sharing Initiative (Global) working to develop the tools and resources needed by these agencies. This participation uniquely positions SEARCH with expert knowledge of the design, use and implementation of these resources.

For more than 20 years, SEARCH operated the highly regarded National Technical Assistance and Training Program, the only no-cost service for small- and medium-sized criminal justice agencies to assist them in: (1) enhancing and upgrading their information systems; (2) building integrated information systems that all criminal justice agencies need; (3) promoting compatibility between local systems and state, regional and national systems; (4) developing and delivering high-tech anti-crime training; and (5) providing computer forensic technical assistance support.

However, in recognition of the rapid advancements in information sharing technology, SEARCH has updated and improved our program offerings and proposes to implement a new program, the SEARCH Justice Information Sharing Technical Assistance Program.

III. The SEARCH Justice Information Sharing Technical Assistance Program

The SEARCH Justice Information Sharing Technical Assistance Program would support Congress and the Administration's goals in reducing crime and recidivism. SEARCH proposes to use the funding to provide direct assistance to state and local criminal justice agencies in the Sacramento area and throughout California where those activities can influence and assist in the effective implementation of information sharing systems by law enforcement, courts, correctional agencies and other state and local criminal justice agencies throughout the nation. The technical assistance will help agencies plan for and implement the standards, tools and resources developed by the U.S. Department of Justice in partnership with Global to support standardized information sharing across the country. The program will contribute to the overall safety of our communities by making sure decisions made by our law enforcement, courts, correctional agencies and others are based on access to timely, secure and accurate information. Through the program, SEARCH will provide needed expertise to allow these agencies to leverage scarce resources in these economically challenging times. All of this will be done with a fundamental focus on safeguarding privacy and civil liberties.

Over the past several years, the U.S. Department of Justice has effectively developed numerous standards, templates, policies and tools to facilitate information sharing. While these tools represent great strides in facilitating consistent information systems and practices across agencies nationwide, they are complicated to understand and implement. Thus, many state and local agencies require expert assistance to adopt them, and they typically do not have the staff expertise or funding to support such assistance.

Congress and the Administration have focused renewed attention on solving prevailing problems in the justice arena: youth and gang violence; jail and prison crowding; successful reentry and second chance act programs; evidence-based policing; and tracking potential terrorists, arsonists and bombers, to name a few. While there are many policy and operational considerations in dealing with these issues, one that cannot be overlooked is the information sharing that is critical to the effectiveness of these programs. Without state and local automated information sharing capabilities, these programs will be greatly hampered in meeting their goals and objectives. If information sharing is improved affectively, it often creates opportunities to hire or deploy more line officers through resource efficiencies.

Because SEARCH works nationally, we will be able to replicate successful implementation strategies in California and from one state or locality and disseminate and transfer those strategies to other states and localities. This unique program not only helps state and local agencies work more efficiently and effectively through the deployment of advanced information sharing techniques, but it also creates a foundation for a national information infrastructure for interoperable justice systems.

IV. SEARCH Technical Assistance Examples

During the past year, SEARCH has provided on-site and in-house technical assistance to California agencies that has helped improve information sharing, reduce administrative costs, enhance operational efficiencies and better protect data that is shared.

SEARCH is helping Marin County, California, develop a secure solution for law enforcement and fire safety personnel to share critical event information instantly and accurately. SEARCH is examining the network security in a multi-disciplinary public safety environment to ensure law enforcement has access to criminal justice information while protecting the information from unauthorized users.

SEARCH is helping the California Department of Justice meet national standards for information sharing. The Department requested SEARCH help assure the system – as designed – complied with the National Information Exchange Model (NIEM) developed by the U.S. Department of Justice (DOJ) and the Global Justice Information Sharing Initiative. Compliance with NIEM is a requirement under several DOJ grant programs and is designed so that systems developed around the country will adhere to standards that will enable them to share information.

SEARCH is helping Napa County, California, replace several major justice agency systems with a new system. The goals of the effort are to improve public safety decision-making effectiveness, county administrative efficiency, and reduce overall costs in implementing new information sharing systems. SEARCH is assisting Napa with all phases of its process, including planning, comprehensive definition of needs, development of technical architecture and adherence to procurement best practices.

SEARCH develops resources for the rest of the country through the work it does in California. For example, SEARCH visited Los Angeles County, California, to do a thorough assessment and case study of its intelligence sharing processes. In a detailed publication that was developed as a result of this analysis, other states, large counties and regional consortia will be able to understand how Los Angeles has set up its intelligence sharing solution and what lessons learned can be transferred to their own environment.

V. Intended Use of Funding for Fiscal Year 2011

For FY11, SEARCH is requesting $500,000 for the SEARCH Justice Information Sharing Technical Assistance Program. This request reflects continuing high demand for technical assistance from state and local criminal justice agencies in California and throughout the nation.

If SEARCH is provided with the requested funding, SEARCH intends to utilize the funds to address goals in its information sharing work. Specifically, SEARCH intends to: (1) support through technical assistance the adoption of national law enforcement and public safety information technology standards; (3) contribute to the development of new and emerging law enforcement and public safety standards; (4) develop specific information sharing requirements

for the re-entry of prisoners into society following incarceration; and (5) improve agencies' ability to measure and manage their information sharing initiatives.

VI. The President's FY 2011 Budget and Byrne Grant Programs

I would also like to take this opportunity to address the President's FY 2011 budget that was released on February 1st. The budget provides no funds for the Byrne Discretionary Grant Program. This approach has been used by the President in the budget proposals for many years, but fortunately Congress has recognized the inappropriateness of the approach and restored it to acceptable levels. Hopefully Congress will again recognize that the needs met in the past by this funding continue today and will again restore it to an adequate level.

I would also ask for enhanced funding for the Byrne Competitive Grant Program. Through the Chairman's leadership, the FY08 Omnibus Appropriations Act established the competitive grant process for programs of national significance to prevent crime, improve the administration of justice, and assist victims of crime. The process is administered by the Office of Justice Programs (OJP) and national program organizations have been selected to congressional objectives. However, the total amount of grant funding provided to all of the competing national programs has never exceeded $40 million nor been able to fund even half of the worthy proposals received in response to the grant solicitation. The President's FY11 budget provides $30 million for this program. However, we believe that funding in the range of at least $65 million is the minimum necessary to permit a workable and effective competitive grant program on a national scale. Otherwise, the under-funded program greatly reduces its chance for success.

Finally, I want to call your attention to a new program for state and local law enforcement assistance. This program, "*Justice Information Sharing and Technology,*" is intended to support critical information sharing activities of the Department of Justice and its Global partners. SEARCH is encouraged to see the recognition for this program need and encourages its funding at the proposed level of $15 million. SEARCH believes the program will be extremely valuable to justice information sharing nationwide.

VII. Conclusion

Congressional support for the SEARCH Justice Information Sharing Technical Assistance Program is vital. The federal investment of $500,000 can be leveraged many times over by contributing to the ability of state and local criminal justice agencies to provide timely, accurate and compatible information throughout the nation.

On behalf of SEARCH, its governors' appointees, and the thousands of criminal justice officials who participate in the SEARCH network and who benefit from SEARCH's efforts, I thank you for your time. It has been a pleasure appearing here today.

Ms. PETERS. Well, good afternoon. And thank you, Mr. Chairman and Members of the Subcommittee for the opportunity to appear here today and for your support over the years.

I am Kelly Peters. I am the Deputy Executive Director of SEARCH. SEARCH is a non-profit justice support organization created by the state and comprised of state governors' appointees. Each state pays dues annually. And we are headquartered in California.

SEARCH's mission is to promote the effective use of information and identification technologies by justice agencies. We requested a $500,000 earmark for the SEARCH Justice Information Sharing Technical Assistance Program.

For over 40 years, SEARCH has earned a stellar reputation for providing impartial, on-site technical assistance and training to state, local, and tribal justice agencies in planning, implementing, and managing their information sharing efforts. This House of Representatives recognized our work just this past November in the form of House Resolution 851. SEARCH has also been a key partner with the U.S. Department of Justice and a founding member of the Global Justice Information Sharing Initiative.

For over 20 years SEARCH has operated the National Technical Assistance and Training Program, which provides no-cost support for small- and medium-sized justice agencies. We assist them with implementing effective information sharing systems that are also compatible with other local, state, regional, tribal, and national systems. And that program also delivers high-tech crime investigative training to our nation's investigators. We have reached over 28,000 justice practitioners through this program.

This year, recognizing the rapid developments in technology and information sharing, the lack of technical resources that the state and locals are facing, and the enhanced Federal Grant funding to the field, particularly through the Recovery Act, SEARCH has updated and improved our program offerings and proposes to implement a focused local program for California. This program will assist state and locals in California, but also create tools, resources, and models for use in other jurisdictions.

And the need for funding really is clear. Congress and the Administration have a renewed focus on justice problems that we have discussed here today: Youth and gang violence, jail and prison crowding, successful reentry programs, Second Chance Act programs, evidence-based policing, and successful tracking of potential terrorists, arsonists, and bombers. And quite clearly, a strong information sharing backbone is critical to support better decision-making in all of these areas that I just mentioned, which in turn means improved public safety.

And, meanwhile, over the past several years, the U.S. Department of Justice has developed numerous tools and models and standards and strategies to assist with information sharing. But, quite frankly, these tools are very complicated to use and implement. Many state and local agencies require expert technical assistance to adopt them. And SEARCH can provide that expertise while simultaneously preventing wasteful use of taxpayer dollars.

Furthermore, SEARCH helps states develop privacy policies governing the collection and use of information and to protect indi-

vidual privacy and civil liberties in a network environment. SEARCH is doing work all over the country on information sharing initiatives, from helping the California Department of Justice meet national standards for information sharing to working with West Virginia's Kenowah County's prosecutor's office in collecting an automated prosecutor case management system to assisting Marin County, California, develop a secure network solution for the law enforcement and fire agency to working with the city of Virginia Beach and partner agencies in Hampton Roads region to create a regional plan for their interoperable communication and to working with Hawaii to develop privacy policies for their statewide information sharing initiative. Ultimately, in all the work that SEARCH does, it develops resources for the rest of the country by replicating successful implementation strategies and transferring those strategies to other states and locals.

Finally, on a related note, I want to share with you SEARCH's support for another program in the CJS appropriations bill, the Byrne Competitive Grant Program. We support the goal of distributing funds on a competitive basis to national programs that can demonstrate compelling use for that funding. But those programs should have a chance to compete for meaningful amounts. And SEARCH believes that funding in the range of at least 65 million is the minimum necessary to permit a workable and effective competitive grant program on a national basis.

So in conclusion, Congressional support for the SEARCH Justice Information Sharing Technical Assistance Program is vital to leveraging the heavy Federal grant investment in information sharing initiatives, and creating a foundation for success in public safety decisionmaking. And investment of 500,000 will be leveraged many times over by sharing the results realized with the rest of the nation those best practices that we've been talking about.

So on behalf of SEARCH, its governor's appointees, and the thousands of justice officials who participate in the SEARCH network and who benefit from SEARCH's efforts, I thank you for your time and opportunity to appear here today. And I would be happy to answer any questions you have.

Mr. HONDA. Thank you. Five minutes.

Ms. PETERS. Oh, did I? I timed it. It was four. I'm sorry.

Mr. HONDA. No. No.

Ms. PETERS. I apologize.

Mr. HONDA. No. I am only teasing you. So if you work in California, then I suspect that—how is that working out, creating models for the rest of the other states. And we have it there. And my sense is that you are like an umbrella for the entire state and you try to bring it all together and have some coherence between and among all these programs. So asking about interoperability is the subset of all that.

Where are we in the State of California in terms of that drive to have all the parts of the states become interoperable, they don't run into each other, and is there an issue around the availability of broad band that allows folks to travel up and down without interference with others or competing with the private industry area?

Ms. PETERS. Excellent question. And you know your broad band stuff. I would say generally, in California, there are several major,

major efforts under way. Certainly, in L.A. County and the San Francisco Bay area and Sacramento and then state-wide with the Department of Justice to develop information sharing capabilities.

I think the really good news is the work that has been spearheaded by the U.S. Department of Justice to help develop standards has educated the field. I think that most of these efforts, although we're not done with information sharing and interoperability, these efforts are being synchronized so that we are creating capabilities that will interplay and interact with each other as agencies build their information sharing systems.

In terms of interoperability, the broad band issue is huge. We have been following what's happening with the D-Block Spectrum. It's absolutely critical that we can get that out and developed to public safety agencies, because they need that type of capability—that bandwidth that broad band provides to accomplish their important law enforcement efforts. Right now, for example, the killer app in policing and public safety is being able to share video. You need a big pipe to be able to share that information. And until that spectrum is built out and allocated to public safety agencies, I think they will continue to face some challenges in doing so.

So I guess in general, California, I think all the efforts are moving along in a synchronized way. There's a lot of work to go. And we are certainly all following that broadband issue and hoping to make some inroads on that in the very near future.

Mr. HONDA. Okay. I would be interested in getting some sort of report back that sort of speaks to what the gaps are in those areas among the counties within the state.

Ms. PETERS. We would be happy to do that for you.

Mr. HONDA. Thank you.

Ms. PETERS. We will follow-up with you. Thank you. Thank you for your time.

Mr. HONDA. The CEO of Catholic Charities, Gregory Kepferle. I appreciate your enthusiasm. Good morning.

WEDNESDAY, APRIL 14, 2010.

CATHOLIC CHARITIES

WITNESS

GREGORY KEPFERLE, CATHOLIC CHARITIES

Gregory R. Kepferle, CEO, Catholic Charities of Santa Clara County, San Jose, California

Testimony
To
House of Representatives
Committee on Appropriations
Subcommittee on
Commerce, Justice, Science and Related Agencies

April 14, 2010

Thank you Chairman Mollohan and Members of the Committee.

My name is Gregory Kepferle. I am CEO of Catholic Charities of Santa Clara County in San Jose, California, and I thank you for the opportunity to testify on the need for continued and expanded funding for community-based juvenile justice prevention and intervention programs to reduce the number of at-risk youth involved with the juvenile justice system. This includes supporting community-based gang prevention and intervention, alternatives to incarceration, second-chance programs, mentoring, as well as community-based services within juvenile halls. At Catholic Charities we work to help people of all cultures and beliefs who are in poverty become self-reliant with a goal of cutting poverty in half by 2020. Key to reducing poverty is actually preventing poverty. To prevent poverty we need to help our children and youth develop resiliency, especially those most impacted by gangs and involved in the juvenile justice system. These youth are from some of our poorest neighborhoods and while they face multiple challenges to a successful future, we see first hand how they can succeed against the odds....with the help of caring adults and proven models of asset-based services.

For example, a youth named Aaron lives in the Washington Community which is one of the most impoverished and gang impacted communities in San Jose. He had all the indicators of being gang impacted. He hung around youth who were gang involved and made very bad decisions. One day, he got stabbed and realized he was living a very risky lifestyle. Catholic Charities staff from the Washington United Youth Center were the only friends to visit him in the hospital. He turned to the Washington United Youth Center for help and staff helped him slowly change his life around through relentless support. He finished high school and now two years later after the incident he is going to college and is on his second term of the City of San Jose Youth Council for district 3.

I am here today to testify to the critical need nationwide to invest in programs that serve promising youth like Aaron. Catholic Charities of Santa Clara County provides a continuum of prevention and intervention programs with very high success rates; but we are now faced with the potential elimination of our main youth center and major cuts to some these programs. I will discuss: A) the local context and trends, B) an overview of our programs, C) the concrete differences that they are still making in the lives of many of our youth and families, and D) the need for Congress to make important investments in our nation's youth.

A. Context and Trends

It helps to understand the environment the youth are in. San Jose is reported to have more than 250 street gangs. A number of youth in our program come from families involved in gangs

for several generations. 88% of the youth we serve through prevention and intervention services are Latino, 7% Asian, 1% African American, 2% Anglo, and 2% other; with 66% male and 34% female. 25.4% of the population of Santa Clara County is below the self-sufficiency threshold (Step Up Silicon Valley Action Plan Report, 2009). High school drop out rates are at 20.2% and at 30.3% for Latino students and 41.6% for African American students in Santa Clara County (Step Up Silicon Valley Action Plan Report, 2009). Santa Clara County had a higher than average juvenile felony arrest rate of 15.2 per 1000 in 2008 with 2,996 youth arrested vs. a rate of 14.1 per 1000 for California, with Latino youth arrested at more than twice the state rate at 26.8/1000 youth in the county vs. 14.9/1000 in California (kidsdata.org 4-6-10). On the positive side, juvenile violent crime in San Jose showed a decrease of 14% in 2008, and gang violence has declined by 26% over the last two years (FY 2008-2009 BEST Final Evaluation Report, City of San Jose).

B. Program Overview

Catholic Charities serves over 9,000 children and youth in Santa Clara County, including the following programs specifically for at-risk youth: 1) youth probation and vocational employment services, 2) intervention and prevention services, 3) Friends Outside juvenile hall visitation and family services, and 4) youth centers.

1. **Youth Probation Program and Vocational Employment Services** offers intensive case management, education and job training, tattoo removal and drug & alcohol therapy to "high-intense" gang-impacted youth on the specialized "Gang" Unit of Juvenile Probation. Services also include weekly individual coaching and counseling session, home and school visits, and advocacy with school officials. Case managers present parent workshops and advisory sessions to help the parents support the youth as they establish goals.
2. **Intervention and Prevention Services** provides gang mediation, intervention with street gangs, volatile situations and gang violence, services to at-risk youth, truancy outreach and support, and works with community partners to conduct ongoing prevention/intervention and outreach to identify youth who exhibit high-risk behaviors, including gang involvement, conflict/violence, school absence, substance abuse, and other negative behaviors. Prevention Services includes Young Women and Men's Empowerment Programs. Prevention programs focus on healthy decision-making, youth asset development as well as issues such as anger management, dating violence, teen pregnancy, substance abuse, and gangs, through support groups and peer education, as well as community gang awareness trainings, parent workshops and home visits, to help youth and their families develop a more positive lifestyle. Services are provided at five high schools, two middle schools, Washington United Youth Center and the truancy abatement center. Thanks to funding from the federal Communities Empowering Youth initiative, Catholic Charities created a youth development curriculum that is available free nation-wide to all youth service providers (available in English and Spanish at www.catholiccharitiesscc.org/services/youth/cey.htm).
3. **Friends Outside**, a 55 year old program that recently became part of Catholic Charities, provides services to those in jail, including incarcerated youth, and their families through the efficient delivery of services to meet the immediate needs of Santa Clara County inmates and those recently released from correctional facilities, including from juvenile hall. The Jail Services program at Friends Outside provides services inside the county jails and juvenile hall to help maintain links between incarcerated adults and youth and the outside world. By providing these services we help incarcerated youth take care of their problems, ease tensions inside the

hall, and make much needed referrals to programs inside the hall and in the community. Staff and volunteers visit juvenile hall 3 to 4 times a week.

Friends Outside also provides youth with after-school programs, educational advocacy, summer camps, mentoring and much more to youth ages 7-17 who have been impacted by parental or familial incarceration. The program strives to break the cycle of intergenerational incarceration by providing a variety of programs and services that provide opportunities and engage youth in school and in their communities for youth impacted by incarceration. Key goals are to provide mentorship, stability and positive role models; empower youth to believe in themselves, their abilities and their potential; encourage academic success; foster positive relationships with their teachers, parents and peers; increase coping skills; develop stronger communication skills; reduce school drop out rates; and build self-esteem. Services include: youth groups, tutoring, juvenile hall services, transitional support for re-entry youth, case management for first time offenders, mentoring, and summer camp.

4. **Youth Centers**: Catholic Charities also runs two youth centers: Washington United Youth Center for the City of San Jose and El Toro Youth Center for the City of Morgan Hill. The centers are more than places for recreation and educational enrichment including homework assistance and computer labs, they are key elements of crime prevention strategies and community hubs in which families and neighbors gather to celebrate, learn, and struggle together to better their communities. The Washington United Youth Center in particular is a safe haven from the fear of violence on the streets, and is a beacon of hope for the community, providing the opportunity for gang-impacted youth to develop skills to survive and thrive in their community. However, due to budget cut backs at the City of San Jose, it is in danger of closing completely.

C. The Difference the Programs Make in the Lives of Youth

We rigorously measure our outcomes both through quantitative and qualitative measures. We track success through several measures: school attendance, change in development assets (developed by the Search Institute and locally implemented through Project Cornerstone), re-involvement with the juvenile justice system, as well as quality measures. Catholic Charities Truancy Program had a significant 78% success rate of youth increasing their school attendance. Catholic Charities Support and Enhancement Services for youth on probation exceeded all local outcome goals, with no subsequent arrests, and 80% of youth referred from the Gang-Specialized Unit of Juvenile Probation now attending high school, studying for the GED or enrolled in educational/vocational programs. For youth involved in Catholic Charities program for gang prevention and intervention, self-assessments indicated 76% of the youth reported positive changes in development assets, while the agency achieved 219% of its contracted services as measured by an independent evaluator (FY 2008-2009 BEST Cycle XVIII Final Evaluation Report, City of San Jose).

But the youth we work with are more than statistics. "Elie" (not his real name) is a member of a five generation gang, one of two oldest and largest gangs within San Jose. He attempted to commit suicide and was referred by probation to Catholic Charities for intense case management and drug counseling. He is now enrolled in a three-times-a-week drug and alcohol therapy, attends a community continuation school, is very close to completing his community service hours and has agreed to remove all of his visible 32 tattoos on his hands, lower arms, ears and neck. His THC - levels of marijuana are going down and he is determined to work hard, attend summer school at a community college, and do everything it takes to attend a local high

school for his senior year. Elie has a dream of attending his high-school prom and graduating from a "normal" high-school next year.

At Catholic Charities our mottos are that we provide a hand up, not a hand out and that we change lives for good. Based on what I have seen, our staff are not just changing lives, but saving lives. So how do they do it? What works?

What we know works:

1. Caring adults that are culturally competent, consistently present and nonjudgmental. This includes staff but also requires strong parent involvement.
2. Intensive skilled case management by trained professionals who provide boundaries and guidance about the consequences of their choices, both the positive and the negative. We provide the youth with the tools to choose their future.
3. Coordination among community service providers, education professionals, probation, law enforcement, and the family to eliminate bureaucratic barriers, break down programmatic silos and negotiate conflicting priorities.
4. Wrap around services that makes sure the resources are there with follow up support: mental health, drug and alcohol treatment, education, job training, parent workshops, and access to other community resources.
5. A safe structured environment where the youth can express themselves without fear of judgment while being given clear expectations for positive behavior.
6. A continuum of care from prevention, to early intervention, to intensive engagement.
7. Faith, hope, and love. My staff members tell me these kids come from a place of no hope. The only life they know is gang life. We know change is possible. At Catholic Charities, we believe in the youth that they have the power within themselves to succeed. We empower them to be positive role models for their peers and family members. We plant the seeds of hope that a better future is possible for them. And we care. Staff have deep compassion for the youth and their family members -- a real sense of caring for the person, going above and beyond what a given government contract may require. But we can't do it without your help.

D. Investing in Our Nation's Youth: Recommendations for Congress

Saving our kids needs to be a national priority. We can't abandon our youth to the hard life of the streets or the jails. It costs too much... in human lives and in real dollars. A year in a state juvenile detention facility in California costs over $252,000 per youth according to the Little Hoover Commission, while the Santa Clara County juvenile ranch enhanced youth program costs $131,870.85 per youth (National Council on Crime and Delinquency report July 24, 2009) vs. only $1,271 per youth for community-based prevention and intervention services a year (FY 2008-2009 BEST Cycle XVIII Final Evaluation Report, City of San Jose). So one dollar a year invested in community-based prevention and intervention and alternative services saves taxpayers $100 to $200 a year.

Mr. Chairman, our recommendations to the Appropriations Committee are to save money by

1) maintaining and increasing funding for juvenile justice programs including a priority of investing funding in early prevention and intervention including center-based programs, as

well as funding proven community-based alternatives to incarceration, community-based services within jails and with families; and community-based re-entry services; and
2) reducing the bureaucratic barriers to funding and services for faith-based and community organizations, by encouraging greater flexibility in funding at the local level, and expanding partnerships with national intermediaries.

Finally, while we tend use jargon and talk about "at-risk youth", "gang-impacted youth", etc., we need to remember these young men and women are persons, human beings worthy of dignity and respect and compassion with enormous potential for good in our community.

Together we can change lives for good.

Thank you.

Mr. KEPFERLE. Chairman Honda, Members of the Committee. My name is Greg Kepferle. I am CEO of Catholic Charities in Santa Clara County in San Jose. And I thank you for the opportunity to testify for continued and expanded funding for community-based juvenile justice programs.

Aaron Carrera lives in one of the most impoverished and gang-impacted communities in San Jose. He had all the indicators of being gang impacted. He hung around with youth that were gang involved and made very bad decisions. One day, he got stabbed.

Catholic Charities staff from the Washington United Youth Center were the only friends to visit him in the hospital. None of his gang-banger buddies. He turned to us for help, and he changed his life around through relentless support. He finished high school, and now, two years later after the incident, he is going to college and is on a second term upon the city of San Jose's Youth Council.

There is a critical need nationwide to invest in promising youth like Aaron. The Catholic Charities U.S.A. network serves 8.5 million Americans each year, including 134,553 youth served through juvenile justice programs in 63 agencies. Locally, they offer continuing prevention and intervention programs with a very high success rate. But we are now faced with the potential elimination of our main youth center.

It helps to understand the environment these youth are in. San Jose is reported to have more than 250 street gangs. A number of youth in our program come from families involved in gangs for several generations. Low incomes, high dropout rates, and minorities with twice the average arrest rate.

Catholic Charities serves over 9,000 children and youth in Santa Clara County, including programs for at-risk youth, youth probation and vocational employment services, gang intervention and prevention, juvenile hall visitation and family services, including mentoring and reentry and youth centers.

We rigorously measure outcomes both through quantitative and qualitative measures. We track success through school attendance, change in developmental assets, re-involvement with the juvenile justice system, as well as the quality measures. Based on what I have seen, our staff are not just changing lives, but saving lives.

So how do they do it? What works? What we know works: caring adults that are culturally confident, consistently present, and non-judgmental; intensive skilled case management by trained professionals; coordination among service providers; wrap-around services; a safe, structured environment; a continuum of care from prevention to early intervention for intensive engagement; and finally, faith, hope, and love.

My staff members tell me these kids come from a place of no hope. The only life they know is gang life. We know change is possible. At Catholic Charities we believe in the youth, that they have the power within themselves to succeed. We plant the seeds of hope, and we care. The staff have deep compassion for the youth and their family members, going above and beyond what a given contract may require. But we can't do it without your help.

Saving our kids needs to be a national priority. We can't abandon our youth to the hard life in the streets or jails. It costs too much in human lives and in real dollars. A year in the state juvenile de-

tention facility in California costs over $252,000 per youth versus only $1,271 per youth for community-based prevention and intervention services a year. One dollar a year invested in community-based prevention and intervention and alterative services saves taxpayers $200 a year.

Mr. Chairman, our recommendations to the Appropriations Committee are to save money by, first, maintaining and increasing funding for juvenile justice programs, including a priority of investing funding in early prevention and intervention, as well as funding proven community-based alternatives to incarceration. And secondly, reducing the bureaucratic barriers to funding and services for faith-based community organizations.

Finally, while we tend to use jargon and talk about "at-risk youth", "gang-impacted youth", et cetera, we need to remember these young men and women are persons, human beings worthy of dignity and respect and compassion with enormous potential for good in our community. Together, we can change life for good. Thank you.

Mr. HONDA. Thank you. Since you are local, I have an advantage, I guess. Given what you have said, and making the dollars go further, and what other community groups are you working with to make that dollar go further and what kind of coordinations are you looking at that will extend that dollar further out into the community and so that that network will go further out and help these young people? What are some of the things that—what are the dynamics that are going on in our communities that keeps this issue about youth gangs so high on our radar screen that we don't seem to have a handle on it?

Mr. KEPFERLE. So the two questions, one, the partners, and then some are the dynamics.

The partnering—we are part of the Mayor's Gang Prevention Task Force in San Jose that Mayor Chuck Reed chairs. And a number of other service providers are part of that, as well as the probation and the D.A.'s office and we have school representation on there, as well, California Youth Outreach and the Firehouse. At our Washington Youth Center, we also partner with a number of community-based groups, the neighborhood associations, Strong Neighborhood Initiatives, those other organizations. And then also, in the Franklin McKinley school district, with the school district itself, doing an intensive outreach, block by block, neighborhood by neighborhood, based on the Harlem Children's model. And we're hoping to apply to the Promise Neighborhood Grant for that.

So there are a lot of community partners working together. The question is, okay, how effective are we, because this issue still seems to be continuous there. One of the things that we are seeing is in the last two years, the number of violent gang incidences have started to drop. And, you know, there could be a number of explanations for it.

Is it because—some people will say, "Well, it is because more kids are being locked up." Which is true. The Latino youth are being locked up at twice the rate of the youth on average.

Others are saying, "Well, it is because of the effectiveness of the intervention and prevention programs."

I am not sure that we have the full evidence for that matrix or that continuum right from that enforcement side and the prevention side. What we do know works is the prevention side. So why are we still having the issues with the kids? One of the things that we see is with kids that are struggling with—some of the things that we are seeing is kids that have learning disabilities are dropping out of school or are not engaged in school. So that the dropout rate with kids with learning disabilities and minority, what is their sense of hope? What is their sense of promise? Who is the caring adult in their life? What sort of engagement do they have with their parents? And what are the pro-social factors within the community?

So what we are seeing is that with these kids that are coming to us, they are often more attracted to the gangs, like the wannabe's, right, because here is somebody that, at least, seems to be looking out for them. Here is a group that they can belong to. And if they are struggling with issues of identity and belonging—a good Erik Erikson model—they are trying to find a home for themselves. We need to provide that alternative to the gang.

Mr. HONDA. I would be interested in some written response to the coordination that you are doing with juvenile courts, probation, the schools, and how much responsibility is being placed upon the principals of those schools that are part of that network.

Mr. KEPFERLE. All right.

Mr. HONDA. That might be beyond your scope of responsibility, but it may be information that we can use to replicate that kind of combined effort. The other agencies did get some funding. And I am just curious how you guys are going to be sharing those funding so that you focus back on the youngsters and of keeping those school kids in sight.

Mr. KEPFERLE. I would be happy to provide that written information for you.

Mr. HONDA. Thank you very much.

Mr. KEPFERLE. Thank you.

Mr. HONDA. National Space Grant Alliance. Mary Sandy. Right? Welcome.

WEDNESDAY, APRIL 14, 2010.

NATIONAL SPACE GRANT ALLIANCE

WITNESS

MARY SANDY, NATIONAL SPACE GRANT ALLIANCE

Statement of Ms. Mary Sandy
Chairman of the National Space Grant Alliance and
Director, Virginia Space Grant Consortium
on behalf of the National Space Grant Alliance
Subcommittee on Commerce, Justice, Science
April 14, 2010

Mr. Chairman and distinguished Members of the Subcommittee, thank you for allowing me to provide testimony on behalf of the National Space Grant Alliance (NSGA) as you consider funding priorities relevant to the FY 2011 Commerce, Justice and Science and Related Agencies Appropriations Bill. I am Mary Sandy, Virginia Space Grant Director and Chair of the National Space Grant Alliance. For FY 2011, the NSGA requests the FY 2010 appropriated amount of $45.6 million and the following language: *National Space Grant College and Fellowship program.*--For this program, the Committee provides $45,600,000 to fund 42 states or jurisdictions at $900,000 each and 10 states or jurisdictions at $700,000 each. This amount includes an administration fee of approximately $800,000 for NASA."

I speak to you today in support of NASA's National Space Grant College and Fellowship Program (Space Grant). The National Space Grant program, which was established under Title II of the NASA Authorization Act of 1988, is comprised of 52 Space Grant consortia located in every state of the country, the District of Columbia, and the Commonwealth of Puerto Rico. **Through the national network of 867 colleges, universities, industry, nonprofit, government and other affiliates, Space Grant supports and enhances science, technology, engineering, and mathematics (STEM) education, research and outreach programs through three major components: (1) Education and Workforce Development; (2) Research Enhancement Programs and (3) Public Understanding and Participation in NASA-related Science and Technology Programs. Together we are working to meet the nation's critical workforce needs in science, engineering and technology while fostering research and innovation at our institutions of higher education.**

In an effort to bring national coherence to our efforts, the Space Grant Directors formed the National Space Grant Alliance. NSGA is a non-profit national organization that works to: (a) galvanize support and enthusiasm for aerospace-related research and education; (b) ensure that Space Grant has an appropriate level of financial and programmatic support; and (c) align Space Grant's education, research, and workforce development activities with NASA's mission to "inspire the next generation of explorers, scientists and engineers – as only NASA can."

Funding invested by the nation in the Space Grant program yields a rich return on investment in America's science and technology future and in matching funding as well. Last year state programs provided an additional $1.2 nationally for each dollar invested by NASA. In Virginia, we leverage NASA's investment by about 5 to 1 in cash and in-kind contributions.

Recently, NASA Administrator Charles Bolden testified before the Subcommittee and in his testimony stated: "In FY 2011, NASA will continue to strongly support the Administration's STEM priorities and will continue to capitalize on the excitement of NASA's mission to stimulate innovative solutions, approaches, and tools that inspire student and educator interests

and proficiency in STEM disciplines." The NASA Space Grant network is a well established and innovative grassroots initiative that is doing just that.

Space Grant undertakes a variety of hands-on research, training and education programs:

- College-level fellowships and scholarships as well as internships with NASA Centers and industry are a key part of our program. Last year 4,670 students received direct Space Grant funding through 500 colleges and universities; 103 of those colleges were Minority-Serving institutions. In Virginia, we awarded $334,100 in scholarship funding to 81 students and provided paid NASA and industry internships for 221 students with Space Grant and contributed funding.

- Last year 21,503 students participated in all higher education projects and activities; 21 percent were minorities and 40% were female. In Virginia, 50% of higher ed participants were female and 31% were minorities. Administrator Bolden also stated, "...the Agency aims to increase both the use of NASA's resources and the availability of opportunities to a diverse audience of educators and students, including women, minorities, and persons with disabilities." Space Grant addresses this need by engaging the entire spectrum of our nation's citizens in STEM education, workforce development and research.

- Eighty-six percent of Space Grant Consortia have active student-led flight projects ranging from rocket and balloon missions to CanSats and Cubesats. Such real world missions are outstanding learning and workforce development opportunities for students and important opportunities for faculty as well. In 2007, 2200 students and 300 faculty mentors from 190 institutions were engaged in flight projects. About 90 projects across 25 consortia indicated partnerships with industry and/or NASA Centers. In Virginia, 227 students and 27 faculty participated in student-led flight payload or design projects in 2009.

- Space Grant investments led to 147 new or revised STEM higher education courses. In Virginia three courses related to Geospatial Technology studies were revised in 2009.

- Space Grant funded research initiatives that led to 11 patents last year. The program proactively assists high-potential young faculty in their advancement toward becoming NASA Principal Investigators and effective partners with NASA centers and contractors. In 2009, VSGC applied for one patent.

- In 2008, 17,220 teachers received training via Space Grant programs and 196,813 citizens were engaged through 288 public programs. The Virginia Space Grant engaged 2914 precollege students, 140 parents and 230 teachers in 2009 and reached 323,800 citizens through radio programming.

Longitudinal tracking shows that 82% of Space Grant student awardees are now in active STEM careers with NASA, industry and academia (40%) or pursuing advanced STEM degrees (42%).

Space Grant also improves STEM education and encourages students to choose a course of study that will lead them to careers in aeronautics, space and related STEM fields. One of Space

Grant's primary activities is to provide resources to enable students to engage in study and research projects that would not otherwise be available to them without Space Grant support.

Space Grant is a proven program with a 20-year history of cultivating interest for and careers in science and technology. NASA looks to Space Grant for the next generation of scientists and without this program as a lead, the nation's future competitiveness in STEM areas will be at risk.

Space Grant is helping the Administration reach its STEM education and workforce goals as well as NASA's education goals.

I believe that Space Grant has achieved what most other science agencies have not:

- Created strong partnerships between university faculty, colleges, K-12 and business communities in the states.
- Mobilized and immersed engineering, science and technology faculty in education initiatives.
- Utilized NASA resources to inspire and motivate the next generation of scientists, engineers and explorers.

To be clear, Space Grant is not requesting an increase this year in funding. Rather, we are requesting to keep the FY 2010 appropriations level of $45.6 million. We understand this is a difficult time due to economic constraints which is why we are asking to maintain the Space Grant program at the FY 2010 funding level. The President's budget request is at $27.7 million which represents a 39.25% decrease of $17.9 million to our current appropriation.
Without this support, Space Grant will be forced to: (1) reduce affiliates, (2) cutback on programs currently being funded in states, (3) decrease its contribution to workforce development, (4) reduce student scholarships/fellowships support, and (5) lessen the ability to convince leaders of the impact and importance of Space Grant in the nation's research and education agenda.

In summary, Space Grant is delivering a remarkable number of high quality educational experiences for a very small NASA investment. Space Grant is a sound investment in America's future and should be expanded, not reduced.

To give you a better picture of Space Grant, I'd like to touch upon the Virginia Space Grant Consortium, where I am the Director, and cite a few of our accomplishments.

Virginia Space Grant Consortium
FY 2009 Impact Summary – April 1, 2008 through March 31, 2009

The ***Virginia Space Grant Consortium (VSGC)*** is committed to promoting excellence in education, workforce development, and research in STEM areas. VSGC is comprised of five Virginia universities, NASA Langley Research Center, NASA Wallops Flight Facility, the state community college system, state education agencies, museums and other organizations representing diverse STEM interests. As such, the VSGC acts as an umbrella organization coordinating and developing: (1) NASA-related research, (2) K-20 educational opportunities, and (3) Public outreach throughout the Commonwealth and often nationally. Established in

1989, VSGC works with NASA and its partners to build the state's educational infrastructure and expand student skills in STEM to meet the nation's workforce needs. With proactive membership participation and a highly collaborative approach, VSGC has made a meaningful difference in education, workforce development, research and technology applications, as well as public scientific literacy in the Commonwealth and through national initiatives as well.

Higher Education – VSGC awarded **$334,100** to **81** individuals, including undergraduate, graduate, teacher education and community college students. Our newly established STEM bridge program for college freshmen and sophomores target underrepresented minorities who demonstrate high academic achievement in STEM areas. In addition:

- VSGC sponsored **15** female undergraduate students through the Old Dominion University (ODU) Early Engineering Advantage program and **9** ODU students for the Pre-calculus Refresher program for incoming freshmen.
- Through a National Science Foundation (NSF) award, VSGC partnered with three community colleges to coordinate the **Geospatial Technician Education Through Virginia's Community Colleges (GTEVCC)** program that established sustainable academic pathways in geospatial technology.

Real World Missions – Over **92** students were engaged in VSGC aerospace mission and design programs, which offered a valuable hands-on educational experience. These design programs included: microgravity flight missions, sounding rocket payloads, research balloon payloads with NASA Langley and Wallops Flight Facility. In addition, faculty and students participated in the following programs:

- **Rock-On!**, a one-week national workshop that engaged **70** university faculty and students at NASA Wallops where they learned to build sounding rocket payloads. *Rock-On!* was sponsored by the VSGC and the Colorado Space Grant Consortium.
- **National FAA Design Competition for Universities managed by VSGC** that has engaged **151** students and **23** faculty from U.S. colleges and universities in airport operations and maintenance, runway safety/runway incursions, and environmental interactions of airports and airport management and planning.

Paid Internships – VSGC manages the Langley Aerospace Research Summer Scholars (LARSS) program which provided **184** students with paid internships at NASA Langley Research Center. Through the Geographic Information Systems (GIS) Internship program, **31** students were placed at NASA Langley and NASA Johnson Space Center. **Six** students were sponsored for the NASA Academy program.

Research and Technology – Research missions, applications and infrastructure programs offer excellent opportunities for VSGC to collaborate with NASA centers, universities, community colleges, industry, state government, and member affiliates. Current research activities include the Ralph Steckler/Space Grant Space Colonization Research and Technology Development Opportunity program that currently engages **15** students and **6** faculty in designing an innovative, manned planetary rover. Two additional focus areas in support of NASA–relevant research are:

- VSGC's New Investigator Program that funded **5** faculty members with seed research funding.

- The **Virginia Geospatial Extension** program, for which VSGC is a partner, is serving as a hub for increased synergy among Cooperative Extension, universities, community colleges, state natural resource agencies and other partners.

Precollege Education – Several innovative programs managed by VSGC engaged **464** middle and high school students, **140** parents and **230** teachers in STEM programs in 2009. These include:

- Virginia Aerospace Science and Technology Scholars;
- Governor's Academy for Innovation, Technology and Engineering;
- Gear-Up; and
- Teacher Professional development programs that provide resources such as GIS/GPS teaching and learning tools.

VSGC provides program support for **NASA's National Global Climate Change Education (GCCE)** initiative designed to enhance student and teacher literacy about the science surrounding Global Climate Change and Earth System Science. The Virginia Department of Education is a VSGC member and key partner that helps to extend the reach of this initiative to Virginia school divisions. All programs are carefully aligned with state Standards of Learning and complement NASA's educational goals.

Informal Education and Public Outreach – VSGC's public and informal education programs support STEM efforts as well as interdisciplinary public awareness programs. These programs are often undertaken with affiliate member museums like the Virginia Air and Space Center (VASC) and the Science Museum of Virginia. VSGC sponsored an informal science education club **"Cosmic Kids"** for **250** precollege students at the VASC and provided robotics kits for use in the museum's summer science camps for **1,200** students. VSGC also supported StarDate daily radio programming that reached **323,800** listeners in Virginia. VSGC has actively participated in Aerospace Day at the Virginia General Assembly for the past five years to raise awareness of the importance of aerospace in the state and nation's economic and scientific competiveness among other countries.

The VSGC strongly supports NASA's National Space Grant program goal of participating in a national network of institutions with a shared interest in aerospace education and research. The fifty-two state-based Space Grant Consortia and their 800 + affiliates offer a large natural network that furthers the development of innovative programs in STEM areas.

We are very proud of our accomplishments and have our eyes set on future goals of greater student achievement and continued innovative STEM programming. Our goal is simple: to educate and maintain a pipeline of highly qualified scientists and engineers for NASA and our high technology industries that will keep our nation globally competitive.

Thank you for the opportunity to appear before you today.

Ms. SANDY. Thank you. Mr. Chairman, and distinguished members of the Subcommittee, thank you for allowing me to testify today on behalf of the National Space Grant Alliance, which is a coalition of 52 Space Grant Programs, one in every state, plus Puerto Rico and the District of Columbia. I am Mary Sandy. I direct the Virginia Space Grant Consortium and also chair our Space Grant Alliance.

For fiscal year 2011, the Alliance is requesting $45.6 million, the same amount that was appropriated in fiscal year 2010; however, every space grant program in every state could make constructive use of additional funding. Let me tell you why Space Grant is important.

First, we have an established functioning, viable grassroots network in every state in this country. The network has a proven track record of identifying, attracting, supporting, educating, and training students and young professionals in much-needed STEM fields: Science, technology, engineering, and math. The network consists of 867 colleges, universities, plus industries, non-profits, governmental organizations, and other affiliates, all of us working together to strengthen STEM education, build that pipeline of needed scientists, engineers, technologists, those workers, and building research capabilities at our nation's universities.

Secondly, Space Grant offers a broad variety of and a very unique set of programs and experiences for students and for faculty. Last year, 4670 students received college level scholarships and fellowships and were placed in paid internships with NASA centers and industry. That is a very key part of our program. In addition, 86 percent of our Space Grant programs have student-led flight programs. And I can tell you from experience, these kinds of programs that range from rocket and balloon missions to small satellites, very small satellite flights, like Landsat and Cubesat are just the best kind of real-world educational experience for the students. They build very strong connections with NASA personnel and industry personnel, as well. In 2007, 2200 students and 300 faculty were actively involved in these kinds of projects. And those numbers have been growing over the past two years.

Through Space Grant, a hundred and forty-seven courses in STEM were either brought out new or revised. And in addition, nearly 19,000 elementary and secondary teachers received professional development and participated in our program. And nearly a hundred and forty-five thousand students were actively involved in the Space Grant Program.

A third point I'd like to make is that Space Grant has a fine record of working with and reaching under-represented minority students in STEM activities. Last year 21,500 students participated in higher education programs. Of these, 21 percent were from under-represented groups, and 40 percent were female. Space Grant is engaging the entire spectrum of our nation's citizens in STEM education or course development and research.

And the outcome of these Space Grant activities is dramatic, because we do longitudinally track our higher education students. Right now, 82 percent of Space Grant student awardees are either in active STEM careers with NASA or with industry, or are pursuing advanced STEM degrees.

As I said earlier, we are requesting $45.6 million in support. Without this support Space Grant would be forced to reduce its affiliates, cut back on our programs, decrease our contributions to workforce development, decrease the number of scholarships and fellowships we are able to give, and it would diminish our ability to serve as leaders in our state for STEM education and workforce development.

In summary, Space Grant is delivering a remarkable number of high quality educational experiences for a very small investment. For every dollar that NASA invests in Space Grants, our state programs return an additional dollar and twenty cents. And I can tell you in Virginia we leverage every dollar five to one.

Space Grant is a sound investment in America's future and should be expanded, not reduced. I wish that I had more time to talk about our program in Virginia, because I'm very proud of it, and it has been very successful, but I've included statistics in our written testimony.

Thank you for the opportunity to be here today and to appear before you.

Mr. HONDA. Thank you very much. The stats are important for me, because it gives me a more refined picture of the folks that are working with you and for whom you are working. And what is it that you do that keeps you on the edge in terms of reinventing yourself and becoming even more acquainted in finding youngsters and seeking out women who have, or young ladies, who are in middle school or younger to engage them in—are there groups that you work with that are non-traditional groups like Shift and other groups?

Ms. SANDY. Yes. Certainly, we work with under-represented minority groups to a large extent. But to address the middle school level that you just talked about, in Virginia we have several innovative programs. One is the Governor's Academy for Innovation and Technology and Engineering. And in that program, we bring seventh and eighth graders in for technology exploration Saturdays that involve NASA personnel and industry personnel from Northrop Grumman, Canon, and other organizations. And it is a chance for them to really do hands-on technology based activities and learn about the careers and opportunities that are available for them.

So we take that group, and we pipeline them into summer academy-type experiences in ninth and tenth grades, and then into specific curriculums at the high school level, and then we help to pipeline them again into community college and higher education experiences. And those have been tremendously successful activities.

We also work with a Gear-up Grant from the Department of Education. It begins at sixth grade. And I could go on and on. But we are always looking for innovative problem-based, real-world kinds of activities where we can engage students and show them successful role models and help track them, too, along their pathway.

Mr. HONDA. Great. Thank you so much.

Ms. SANDY. Thank you.

Mr. HONDA. National Wildlife Federation, Jaime Matyas. Did I say it right?

Ms. MATYAS. Good afternoon. Jaime Matyas.

Mr. HONDA. Matyas.

Ms. MATYAS. I can be almost anybody. Good morning.

Mr. HONDA. You want to put your name tag over that one there, or just set it aside. Thank you. Not that I would not call you Jaime. But it's Jaime.

Ms. MATYAS. It is Jaime. My Spanish has improved, though, after the last number of years.

WEDNESDAY, APRIL 14, 2010.

NATIONAL WILDLIFE FEDERATION

WITNESS

JAIME MATYAS, NATIONAL WILDLIFE FEDERATION

Jaime Matyas
Executive Vice President and Chief Operating Officer
National Wildlife Federation

Testimony on Environmental Education and Climate Change Education at NOAA, NSF and NASA and the Need to Enact Comprehensive Climate Change Legislation

For the Subcommittee on Commerce, Justice, Science & Related Agencies
Committee on Appropriations
U.S. House of Representatives

Mr. Chairman, members of the Subcommittee, on behalf of the National Wildlife Federation (NWF), our nation's largest conservation advocacy and education organization, and our more than four million members and supporters, I thank you for the opportunity to submit this testimony which includes funding recommendations for the National Oceanic and Atmospheric Administration (NOAA), the National Science Foundation (NSF) and the National Aeronautics and Space Administration (NASA). While NWF supports numerous programs under the jurisdiction of this Subcommittee, the purpose of this testimony is to recommend levels of funding for specific environmental education and climate change education programs that we believe are vital to NWF's mission to inspire Americans to protect wildlife for our children's future.

This Subcommittee has taken a leadership role in funding environmental education and especially climate change education at the federal level. In addition to growing NOAA's Office of Education, the Subcommittee initiated new Climate Change Education programs at NASA in FY 2008 and at NSF in FY 2009. While we appreciate the Subcommittee's leadership, we believe that the overall federal investment in environmental education and climate change education programs nationwide – pennies per capita – is woefully inadequate. The National Wildlife Federation also supports climate change education and environmental education programs across the federal agencies at the U.S. Forest Service, Environmental Protection Agency, U.S. Department of Education and U.S. Department of the Interior.

Summary of Recommendations:

Agency	Program	FY 2011 Recommendation	FY 2010 Level
NOAA	Bay Watershed Education and Training (B-WET)	$16.0 million	$9.7 million
NOAA	Environmental Education Initiatives, including Environmental Literacy Grants	$20.0 million	$14.0 million
NOAA	Climate Change Education	$10.0 million	n/a
NSF	Climate Change Education	$30.0 million	$10 million
NASA	Climate Change Education	$15.0 million	$10 million

Funding for these programs is supported broadly through the Campaign for Environmental Literacy's *Green Education Budget* and the conservation community's *Green Budget* documents.

The Need for Environmental Education and Climate Change Education
As our nation moves towards a clean energy economy and creates new "green jobs," we must ensure that our education infrastructure keeps pace. Senate leadership and President Obama have stated their desire to comprehensive climate change legislation this year, a priority that the National Wildlife Federation strongly supports. To be successful as a nation under a new clean energy economy, we must have an environmentally literate citizenry that has the knowledge to find new, innovative solutions to protect our planet. While public awareness and concern about global warming continues to rise, the vast majority of the public does not understand how climate change works, how it impacts their lives and careers, and how their decisions and actions contribute to it. Consider the following examples:

- Survey research shows that most Americans do not know what the carbon cycle is or understand what actually causes global warming. They do not know how most electricity is generated or the importance of healthy forests and oceans in generating oxygen and absorbing carbon dioxide.
- Less than half of the population recognizes that the cars and appliances they use contribute to global warming, and eight out of 10 parents admit that they know "little" to "nothing" about the specific causes of climate change.
- The average high school student fails a quiz on the causes and consequences of climate change (nearly 82 percent of participants affirmed, incorrectly, that "scientists believe radiation from nuclear power plants cause global temperatures to rise.").
- In addition, most students don't see themselves at risk: Only 28 percent believe it's very likely that climate change will affect them personally in their lifetimes.

Educating Americans about climate change is a significant opportunity for our nation to prepare today's leaders, and the leaders of tomorrow, to implement the solutions created by a comprehensive climate change bill. Unfortunately, some still mistakenly see environmental protection programs as a costly burden on prosperity. In fact, the challenge posed is an entrepreneur's dream. Addressing global warming will generate millions of good new jobs and put the U.S. at the exciting forefront of a new clean energy economy. The successful transition to this new green economy hinges on education.

National Oceanic and Atmospheric Administration (NOAA):

Environmental Education Initiatives and Environmental Literacy Grants
The National Wildlife Federation supports funding NOAA's Environmental Education Initiatives at $20.0 million in FY 2011, including $18.0 million for Environmental Literacy Grants. NOAA's Office of Education oversees several Environmental Education Initiatives, the largest initiative being the Environmental Literacy Grants (ELG) program which helps to establish new partnerships that deliver educational materials to thousands of teachers and students. The ELG program enables NOAA to partner with the top science centers, aquaria, and educators in the country to educate the public about vital issues around our changing planet. It also allows NOAA to leverage the vast array of climate science being undertaken to increase

public understanding and the quality of education. These funds are awarded on a competitive basis and are increasingly used to build capacity at the national and regional levels.

Funding NOAA Environmental Education Initiatives at $20.0 million, including $18.0 million for Environmental Literacy Grants, will enable NOAA's Office of Education to implement the education recommendations in the President's U.S. Ocean Action Plan, particularly the goal to strengthen collaboration among public and private sectors, states and regions, scientists and educators, and the federal agencies. Funding would also further leverage the existing capabilities of formal and informal education partners through competitive grants and coordinate regional education efforts. These funds are important to NOAA because they represent virtually all of the discretionary funds available to the Office of Education for addressing annual NOAA education goals as called for in the America COMPETES Act. In FY 2010, Congress funded NOAA's environmental education initiatives at $14.0 million.

Bay Watershed Education and Training Programs

The National Wildlife Federation supports funding NOAA's Bay Watershed Education and Training (B-WET) program at $16.0 million in FY 2011. Administered by NOAA since 2003, the B-WET program offers competitive grants to leverage existing environmental education programs, foster the growth of new programs, and encourage development of partnerships among environmental education programs within watershed systems. B-WET's rigorously evaluated programs are implemented by region, which allows the unique environmental and social characteristics of the region to drive the design of targeted activities to improve community understanding, promote teacher competency, and enhance student interest and achievement in science. A fundamental goal of the program is to demonstrate how the quality of the watershed affects the lives of the people who live in it. B-WET supports programs for students as well as professional development for teachers, while sustaining regional education and environmental priorities. B-WET awards have provided environmental education opportunities to more than 100,000 students and 10,000 teachers. With an increase in funding in FY 08, B-WET expanded from the Chesapeake Bay, California, and Hawaii to also include the Pacific Northwest, the northern Gulf of Mexico, and New England. An increase of $4.3 million in FY 2011 will enable this successful program to expand to additional watersheds in the Great Lakes and Alaska. An increase in funding of $6.3 million in FY 2011 will enable this successful program to grow in existing sites and expand to additional watersheds.

Climate Change Education Grant Program

The National Wildlife Federation supports the creation of a new Climate Change Education Grant Program at NOAA, funded at $10.0 million in FY 2011. Implementation of comprehensive global climate change policies being considered by Congress will require coordinated and effective federal efforts to help improve broad public understanding of the core ecological, social, and economic concepts and principles involved in climate change mitigation and adaptation. NOAA's Office of Education has legislative authority for such education initiatives through the America COMPETES Act (PL 110-69, Sec. 1502). Funding in FY 2011 for a new Climate Change Education Grant Program will enable NOAA to leverage the vast array of climate science being undertaken at the agency as part of developing strategies for addressing the gaps between the state of climate change education and the state of public climate change literacy. Grants would contribute to improving the climate literacy of the nation's

citizens, students, workforce, policy makers, and decision makers by systemically and strategically strengthening climate change education in formal and informal education at all age levels.

National Aeronautics and Space Administration (NASA):

Climate Change Education Grant Program

The National Wildlife Federation supports funding NASA's Climate Change Education Grant Program at $15.0 million in FY 2011. In FY 2008, Congress appropriated funds for the first time to address climate change education by providing funding for climate change education grants through NASA. In August 2008, NASA announced a Request for Proposals for a first-ever competitive grant program seeking applications from educational and nonprofit organizations to use NASA's unique contributions to climate and earth system science. The goals of the program include: improving the teaching and learning about global climate change in elementary and secondary schools and on college campuses, increasing the number of students using NASA earth observation data/NASA earth system models to investigate and analyze global climate change issues, increasing the number of undergraduate students prepared for employment and/or to enter graduate school in technical fields relevant to global climate change, and increasing access to high quality global climate change education among students from groups historically underrepresented in science. The National Wildlife Federation recommends that the NASA climate change education program be primarily used for grant-making purposes, and focus not only on education about climate science, but also advance education that focuses on the connections and relationships between climate change, the economy, energy, health, and social wellbeing.

National Science Foundation (NSF):

Climate Change Education Grant Program

The National Wildlife Federation supports funding NSF's Climate Change Education (CCE) Grant Program at $30.0 million in FY 2011. Climate change education (and research) has been identified as a Presidential priority area for NSF. While public awareness and concern for climate change continues to rise, the vast majority of the public remains demonstrably illiterate about how climate change works, how it impacts their lives, and how their decisions and actions contribute to it. Yet climate change education (CCE) is newly emerging as a field, with few materials, curricula, models, standards, or professional development opportunities to fill the void. Furthermore, CCE is inherently interdisciplinary, and as a result, it often falls through the cracks in traditional science education.

NSF initiated the Climate Change Education grant program with an FY 2009 appropriation of $10.0 million from Congress (with the same appropriated in FY 2010). This program is aimed at improving K-12 to graduate education in climate change science and increasing the public's understanding of climate change and its consequences. It is catalyzing activity at the national level and helping to develop the next generation of environmentally-engaged scientists and engineers by supporting awards in the following areas: increasing public understanding and engagement; development of resources for learning; informing local and national science, technology, engineering, and mathematics (STEM) education policy; preparing a climate science

professional workforce; and enhancing informed decision-making associated with adaptation to and mitigation of climate change impacts. These emerging priorities lie at the intersection of social/behavioral/economic and Earth system sciences.

NSF has wisely chosen to use these funds to tackle some of the most pressing issues in the critical but still unformed field of CCE: strategies for scaling up and widely disseminating effective curricula and instructional resources, assessment of student learning of complex climate issues as it translates into action, addressing local and national STEM educational standards and policy for teaching CCE, and professional development in climate change literacy for policy decision makers at all levels (local to national). The FY 2009 funding was only able to fund 10 projects. Congress should significantly expand this grant program in FY 2011.

Enacting Comprehensive Climate Change Legislation

Global warming represents the world's gravest danger to people and wildlife and threatens to undermine decades of on-the-ground conservation and sustainable development progress around the globe. As the broad agreement among scientists continues tell us, to avoid the worst effects of global warming we must limit additional warming to no more than 2 degrees Celsius over pre-industrial levels. According to the Nobel Prize-winning Intergovernmental Panel on Climate Change (IPCC), we have a reasonable chance of meeting this objective if developed countries, such as the United States, as a whole cut their emissions by 25-40 percent below 1990 levels by 2020 and by 80-95 percent below 1990 levels by 2050.

More recent findings, since the publication of the IPCC scientific assessment in 2007, suggest that the need for action is ever more urgent. Earlier this month, scientists from around the world gathered in Copenhagen to discuss their most recent findings and concluded that the worst-case scenarios found in the 2007 assessment were being realized and even exceeded. The melting of Arctic sea ice has been found to be vastly outpacing previous predictions, new studies have revised projections of sea level rise dramatically upward, and there is rapid new release of methane from thawing permafrost and deep sea ice. Simply put, science mandates that there is no excuse for inaction and we must act as swiftly as possible to reduce greenhouse gas emission as deeply as possible.

Therefore, that the National Wildlife Federation's (NWF) top priority is enactment of comprehensive climate change that invests in transforming America to a new clean energy economy. This legislation must reduce domestic global warming pollution as swiftly as possible by 2020 and by over 80 percent by mid-century in order to protect wildlife and future generations from the most destructive impacts of climate change. Designed and implemented correctly, such legislation can also provide the financial resources needed to invest in new clean energy solutions, protect the public from rising energy prices, and safeguard America's natural resources from the impacts of global warming.

Conclusion

Providing federal support for environmental and climate change education is a critical strategy in securing our new clean energy future and preparing the next generation for the challenges and opportunities ahead. Thank you again for providing the National Wildlife Federation with the opportunity to provide testimony.

Ms. MATYAS. Mr. Chairman, on behalf of the National Wildlife Federation and our more than four million members and supporters, I thank you for the opportunity to testify today. My name is Jaime Matyas. I am the Executive Vice President, Chief Operating Officer of the National Wildlife Federation. And Congressman Honda, I want to start by thanking you for your personal ongoing leadership and support of environmental education funding.

Well, National Wildlife Federation supports numerous programs under the jurisdiction of the Subcommittee. The purpose of this testimony today is to recommend funding levels for specific environmental and climate-change education programs at the National Oceanic and Atmospheric Administration, the National Science Foundation, and the National Aeronautics and Space Administration. These are programs that we believe are vital to NWF's mission to inspire Americans to protect wildlife for our children's future.

NWF's top legislative priority in Congress is to pass comprehensive climate-change legislation. And as we address climate change and transition to a clean-energy economy, we must insure our education infrastructure keeps pace and that America remains competitive globally. To do this, we must invest in education.

We applaud the Subcommittee for its leadership in creating new climate-change education programs at NASA in fiscal year 2008 and at NSF in fiscal year 2009. In our experience, teachers need resources, training, and support to effectively, accurately, and objectively teach this complex issue, which is so central to the future of their students.

The conservation and environmental education communities urge the Subcommittee to grow these programs in fiscal 2011 by funding NSF climate-change education program at $30 million, NASA at $15 million, and to create a new climate-change education program at NOAA funded at $10 million.

We very much appreciate the recent increases for NOAA's environmental literacy grants program, and urge the Subcommittee to grow it to $20 million in fiscal year 2011. We also urge increased funding for the NOAA Bay Watershed Education and Training Program, or BWET, to $16 million in fiscal year 2011. Both of these programs have strong support as evidenced by the March 19 passage of H.R. 3644 on the House floor, the Ocean Coastal and Watershed Education Act. The goal of this legislation is to formally authorize both of these NOAA programs. The bill passes by bi-partisan vote of 244 to 170 and has the support of more than 125 organizations ranging from National Wildlife Federation to National Science Teachers' Association to Trout Unlimited.

In the past 12 years an impressive base of research has been developed that demonstrates the positive effects of environmental and nature-based education on improving academic performance and overall student learning. The data collected from many peer-reviewed sources included improved statewide test results, higher scores in science and math, higher student interest in science, fewer discipline problems in the classroom, and more even playing field for students in under-resourced schools.

There is no question that environmental education is a significant and useful tool for advancing STEM education in the U.S. to

provide our nation with needed intellectual capital such as scientists and engineers who will continue the research and development essential to the economic growth of our country.

Again, thank you for your ongoing leadership of environmental education funding, and thank you again for the opportunity to testify before you today.

I have submitted written testimony providing further details about the programs referenced, and welcome any questions.

Mr. HONDA. Okay. Thank you. I'm still the only one here. This is good for me. So you have all these programs that you are running. How do we get the consciousness of individuals throughout this country, not just here on the Hill or no the east coast or the west coast, but in areas where traditionally you would have policymakers that come back and say, you know, "This is not manmade," or, you know, "It is partly manmade," and they don't see a need or a sense of urgency. How would these programs move youngsters to become our agents of change, because they're the ones that told me, "No, dad, that is recycling here, and wet paper, you know, garbage goes," and just push that pressure up to policy makers for which that could be looked at more anxious about being on time?

Ms. MATYAS. The citing that you mentioned of the importance of youth being the active engagers of the adults in decision-making roles is an important element of many of the programs referenced here. The need, as you identified, can be achieved, as we have seen, with recycling and other efforts by expanding an education effort at elementary, middle, and high school levels to raise the education level—that knowledge and inspire and equip kids to actually urge their adults in their lives to make a difference. We have seen a number of cases—college students, for example—actually coming to Washington, D.C., to raise concern about their future and empowerment.

In addition, coalitions among conservation, education, jobs, and other organizations is an important element. A number of the efforts at National Wildlife Federation engaged at a state and national level is enhanced by unlikely partners at all of these junctures, again, to raise awareness to equip children, to equip educators to understand the problems, to understand science and math and then to understand the changes that can be brought about as a result.

Mr. HONDA. And the greater media of the print and electronics? I am not sure that we see enough of instructional kinds of information that is coming out that should make us stop chopping vegetables and looking at what is going on.

Ms. MATYAS. Yes.

Mr. HONDA. Are there activities within these programs that we are looking at that move towards more instruction of the community here that we have?

Ms. MATYAS. Absolutely. In fact, one of the programs that is an international program that National Wildlife Federation and over 250 schools are a part of in this country just in the last several months, it's called Eco Schools. I can submit a formal record of the program.

But it is a program that requires involvement of the school, of a portion of the student body—50 percent of the organizing com-

mittee for each of these schools needs to be made up of students. The other portion is administration, parents, and members of the community. And it is all about raising awareness, doing energy audits, curriculum development, to not only improve the school's knowledge, curriculum, energy use, but of the entire community. There is an education benefit. There is a community organizing benefit. There are absolutely cost savings benefits from energy and water use that those schools, then, can reapply and reinvest actually in curriculum and educator training and other needs.

Mr. HONDA. Thank you.

Ms. MATYAS. Thank you very much.

Mr. HONDA. It just seems like more activity needs to be done to integrate all the stuff so that we're not compartmentalizing our instruction, our activities but trying to bring it together so that when we say "STEM", it is not only engineers, it is every child should have that understanding so that they become a more conscious consumer of goods and information.

Ms. MATYAS. We share that belief.

Mr. HONDA. Thank you. Having said that, we are going to go smaller, and the American Society for Biochemistry and Molecular Biology, Mr. Gregory Petsko. You all got different names on. Is that a requirement in science?

Mr. PETSKO. No, but it probably ought to be.

Mr. HONDA. Welcome, Gregory.

WEDNESDAY, APRIL 14, 2010.

AMERICAN SOCIETY FOR BIOCHEMISTRY AND MOLECULAR BIOLOGY

WITNESS

GREGORY A. PETSKO, AMERICAN SOCIETY FOR BIOCHEMISTRY AND MOLECULAR BIOLOGY

Testimony
Dr. Gregory A. Petsko
President, American Society for Biochemistry and Molecular Biology
Presented before the
House Appropriations Subcommittee on Commerce, Justice, and Science
February 11, 2010

Good Afternoon. I am Greg Petsko, President of the American Society for Biochemistry and Molecular Biology, which has about 12,000 members, from every state in the Union.

I am honored to be here to express our strong support for the President's request for the National Science Foundation for FY 2011. Since in the overall budget so many agencies and programs have received smaller increases than NSF's—or none at all—we are encouraged that the Administration continues to demonstrate that it understands how important science is as an underpinning for this country's continued economic growth and prosperity. Nevertheless, we hope the Congress will view the President's request as a floor, not as a ceiling, when considering funding levels for the agency in the coming months.

ASBMB considers NSF to be one of the most underfunded agencies in the Federal government. NSF funds the majority of academic research in a wide variety of disciplines. NSF-sponsored research gave us the laser, and the whole field of nanotechnology. NSF also receives far more proposals than it can fund. For example, in reviewing NSF data, we see that in Fiscal Year 2009 NSF was able to fund about 34,800 research grants, a 28 percent success rate. Thus, barely 1 in 4 research grants were funded. And of course this includes stimulus funding as well.

NSF projects that in 2011, the agency will fund 39,600 research grants. Although this is almost 5,000 more grants than the agency funded in 2009, the success rate drops to 20 percent, or 1 in 5 applicants. Thus, there is a huge group of researchers out there who could be funded if money was available. Sadly, unless Congress acts, this tremendous pool of talent will continue to languish.

We are of course very appreciative that the President has proposed an almost 8 percent increase, almost $500 million, bringing the NSF budget to $7.424 billion. However, in a perfect world, we would like to see the budget increased to $7.68

billion, to conform to the recommendation of the Federation of American Societies for Experimental Biology (FASEB). This would allow funding for several programs we believe need additional support which I will describe momentarily.

ASBMB usually views the NSF budget as a whole, since our members receive funding from a number of different programs, not just the Biological Sciences (BIO) Directorate. Nevertheless, we are pleased that the BIO Directorate goes up almost as much as the agency overall, because certain programs within BIO are even more underfunded than the agency as a whole.

The Chemistry Division of the Mathematics & Physical Sciences Directorate fares somewhat less well, with the President proposing less than a 6 % increase there. We hope Congress can make sure that this Division gets a bit more money when the agency budget is finalized.

However, the two areas where we consider it vital that adjustments be made are in Education and Human Resources, and Major Research Instrumentation.

The President is proposing only a 2.2% increase for Education and Human Resources in 2011. I don't need to go into the many reasons why science education is so important; these have been amply detailed in reports going back at least to the 1980s and "A Nation at Risk"; they have been most lately described in "Rising Above the Gathering Storm." It is sad that the problems so eloquently described in "A Nation at Risk" are still with us in large measure today. It is our hope that we as a nation can actually begin to provide a level of funding for science education that does justice to the eloquent titles of these reports. Speaking personally, I love doing research, but training the next generation of scientists is the most important thing I do.

A second area where we have concern is the flat funding for the Major Research Instrumentation program. Funding for advanced instrumentation in most universities is in serious trouble, as agencies struggle to maintain funding for research programs and cut back in other areas that are, unfortunately, exceptionally vital to a robust research enterprise. We hope Congress can address this problem as well.

Finally, we encourage NSF, as it studies how to spend its increase, to avoid the siren song of new initiatives that have grandiose names but that in the end merely serve to take money away from NSF's strength—the core research funding found in its various programs, divisions and directorates. These core research programs may not be glamorous and new sounding, but they are where the vital work of this

agency – fostering innovation and creating new knowledge and new industries - is best exemplified and carried out.

Thus, to summarize, Mr. Chairman, our overall impression of the President's proposed NSF budget is good. The increases are needed and welcome, and we certainly applaud the President for finding the money for an increase in these extraordinarily difficult budgetary times. That having been said, we hope the Congress can do a little better, in the areas I mentioned, to build upon the momentum created by the stimulus package of 2009 and 2010. We risk frittering away those gains otherwise.

I am happy to take any questions you might have. Thank **you.**

Mr. PETSKO. Thank you very much. Good afternoon. For those of you unfamiliar with my society, it represents about 12,000 scientists and students from every state in the Union. It is a member of FACEB. You'll be hearing from them shortly.

I am honored to be here to express our strong support for the President's request for the National Science Foundation for fiscal year 2011. Since in the overall budget so many agencies and programs have received much smaller increases than the NSF or none at all, we are encouraged that the Administration's continuing to demonstrate that it understands how important science is as an underpinning for the country's continued economic growth and prosperity. Nevertheless, we hope the Congress will view the President's request as a floor, not a ceiling when considering funding levels for the agency in the coming months.

ASBMB considers NSF to be one of the most underfunded agencies in the Federal Government. NSF funds the majority of academic research in a wide variety of disciplines. NSF sponsored research gave us the laser, gave us the whole field of nanotechnology. I could give you lots of other examples.

NSF also receives far more proposals than it can possibly fund. For example, in fiscal year 2009, NSF was able to fund about 25,000 research grants, and that is about a 28 percent success rate. That means about one in four research grants were funded. And, of course, that includes stimulus money for that year. And NSF projects that in 2011 the agency will fund about 39,600 research grants, and although that is an increase over what the agency funded in 2009, the success rate actually drops to 20 percent, only one in five applicants getting funded. Thus there is a huge group of researchers out there who could be funded if money were available. Sadly, unless Congress acts, this tremendous pool of American talent is going to languish.

We are, of course, very appreciative that the President has proposed an almost eight percent increase, almost $500 million dollars, bringing the NSF budget to $7.424 billion; however, in a perfect world, and we all know there is no such thing, we would like to see the budget increased to 7.68 billion to conform to the recommendation of FASEB, which, again you'll hear about in a moment. This would allow funding several programs we believe need additional support.

ASBMB usually views the NSF budget as a whole since our members receive funding from a number of different programs, not just the Biological Sciences Directorate. Nevertheless, we are pleased that that directorate goes up almost as much as the agency overall, because certain programs within Bio are even more underfunded than the agency as a whole.

The Chemistry Division of the Mathematics and Physical Sciences Directorate fairs somewhat less well. The President proposed less than a six percent increase there. We hope Congress can make sure this division gets a little bit more money when the agency budget is finalized.

However, the two areas where we consider it vital that adjustments be made are in education and human resources and major research instrumentation. The President's proposing only a 2.2 percent increase for education and human resources in 2011. You have

heard from two previous witnesses about the importance of education. I don't have to go into other reasons why science education is so important. And these have been detailed by reports that go back to the 1980's and are called things like "A Nation at Risk" and "The Gathering Storm." They have been most recently described in "Above the Gathering Storm." It's sad that the problems that were so eloquently inscribed in those reports are still with us in large measure, and it is our hope that we, as a nation, can actually begin to provide a level of funding for science education that does justice to its importance. Speaking personally, I love doing research, but training the next generation of scientists is the most important thing I do.

A second area where we have got concern is flat funding for the major research instrumentation program. Funding for advanced instrumentation in most universities is in serious trouble, and instrumentation is vital for a robust research enterprise. We hope Congress can address this problem, as well, when it writes the final budget.

Finally, we want to encourage NSF, as it studies how to spend this increase, to avoid the siren song of new initiatives that have grandiose names, but in the end merely serve to take money away from what we think is NSF's strength, the core research funding found in its various programs, divisions, and directorates. These core research programs may not seem as glamorous and they may not sound as new, but they are where the vital work of this agency, fostering innovation and creating new knowledge and new industries, is best exemplified and carried out.

But to summarize, Congressman Honda, our overall impression of the President's proposed NSF budget is good. But the increases are needed and welcome. We certainly applaud the President for finding the money for an increase in these extraordinarily difficult budgetary times. That said, we hope Congress can do a little better in the areas I mentioned to build upon the momentum created by the stimulus package in 2009 and 2010. We risk frittering away those gains, otherwise.

I am happy to take any questions you have. Thanks.

Mr. HONDA. Thank you. And I think you have described some of the aftermath of non-attention that has gone on. I have been here since 2001. So I think it started somewhere around there where the attention and the resources and funding have dissipated or went to zero. And I think that the President has taken the opportunity to indicate where his priorities are by putting real money and showing that—and I think that it is good that we keep saying, "But it is still not enough."

You mentioned "Nation at Risk" and "Rising Above the Gathering Storm," both which concluded that our students are not achieving compared to the other countries. I would like your reaction to this comment. First of all, neither one of them went into the characteristic of the population that we are looking at. They have not looked at the changes that our country has gone through and adjustments we have made. Third, and we end up keeping the pressure on the victims that we have identified as being the perpetrators of that.

Where is that change? And you said "level of funding." Where does "level of funding" work in this whole picture of trying to address our youngsters' educational experience?

Mr. PETSKO. To be honest with you, I might have written those reports a little differently, because I think we need to distinguish more than we sometimes do between training the next generation of scientists, which is very important, and increased science literacy for the general population, which I actually think is even more important and which gets short shrift.

I think making the general population more literate is something that needs to be done early in K–12 and high school education. But I also think that all aspects of science, both scientific literacy for the general population and training our next generation of scientists, depend most heavily on people getting a hands-on experience with what it is like to do science as early as possible. If they have not gotten it by the time they get to college, they ought to get it there, because it is only in the doing of science that you really understand what makes it what it is and that you gain an appreciation for its power as a way of finding out things about the world.

I work on trying to cure Parkinson's and Lou Gherig's Disease. And in my lab there are 22 senior scientists, graduate students and post-doctorates. Working alongside them are 15 undergraduates—freshmen, sophomores, juniors, seniors, and that is much more important than actually training the graduate students and post-docs, getting those 15 undergraduates hands-on experience with doing research. I couldn't do that if NSF didn't give us money to fund those students in the summer months, for example.

That is the sort of thing that an agency like NSF can do at the individual level. When you get down into the lower grades, it is a much tougher problem. Not working in that educational sphere, I hesitate to offer a comment, except that my own belief is that it is only hands-on doing of science that really gives people an appreciation for what it is all about.

Mr. HONDA. And thank you. I would agree with you on that. It could be re-written in a different way. And a discussion on the facilities our youngsters have been taught in, I am wondering whether that is not archaic, that is not keeping up with the times and the way we learn anyway. And with nano coming along, we learned that things change when you get too small, even characteristics. So the rules change. All that—simple principles to understand is not being reflected, I think, in the way we take our instruction and try to have that daily instruction work so that youngsters are not awed into thinking that it is too complicated, but rather the daily occurrence that you only understood——

Mr. PETSKO. I actually agree with you. I think we need to rethink the way we talk about these things in an educational sense. I teach freshman chemistry, which as the biggest course on campus, has hundreds of pre-meds. And I could teach that course with exactly the same book and exactly the same notes that I used when I took the course 40 years ago. That is not right. We have got to change that. And I have, in fact, been part of a committee formed by the Howard Hughes Medical Institutes and the American Association of Medical Colleges trying to figure out how to change that.

We have got to fix that, because as you say, the things that have happened have changed the way we think about things, the way we talk about things, the way we do things. Our education of scientists is not reflecting that as fast as we need to be. Our education of lay people in science is not reflecting that.

Mr. HONDA. We demand our technology to be agile, but we don't demand that of our public education system.

Mr. PETSKO. Well put.

Mr. HONDA. Thank you so much. I appreciate your thoughts and your insights.

Mr. PETSKO. Thanks for listening.

Mr. HONDA. The American Society of Plant Biologists. Now we are going to get more specific. Sally Mackenzie. Welcome.

WEDNESDAY, APRIL 14, 2010.

AMERICAN SOCIETY OF PLANT BIOLOGISTS

WITNESS

SALLIE A. MACKENZIE, Ph.D., AMERICAN SOCIETY OF PLANT BIOLOGISTS

American Society of Plant Biologists

Official Written Testimony for Fiscal Year 2011 Budget
Submitted to the Subcommittee on Commerce, Justice, Science, and Related Agencies
Committee on Appropriations
United States House of Representatives
Washington, DC

Submitted by
Dr. Tuan-hua David Ho, President, American Society of Plant Biologists
&
Dr. Sally Mackenzie, Member, American Society of Plant Biologists

March 26, 2010

On behalf of the American Society of Plant Biologists (ASPB) we submit this testimony for the official record to support the requested level of $7.424 billion for the National Science Foundation (NSF) for Fiscal Year (FY) 2011. The testimony also highlights the importance of biology, particularly plant biology, as the nation seeks to address vital issues including climate change and energy security. ASPB would also like to thank the Subcommittee for its consideration of this testimony and for its strong support for the basic research mission of the National Science Foundation.

Our testimony will discuss:

- Plant biology research as a foundation for addressing food, fuel, climate change, and health concerns;
- The rationale for robust funding for the National Science Foundation while maintaining a well proportioned science portfolio with support for all core science disciplines, including biology; and
- The rationale for continued support for NSF education and workforce development programs that provide support for the future science and technical expertise critical to America's competitiveness.

The American Society of Plant Biologists is an organization of more than 5,000 professional plant biologists, educators, graduate students, and postdoctoral scientists with members in all 50 states and throughout the world. A strong voice for the global plant science community, our mission—achieved through work in the realms of research, education, and public policy—is to promote the growth and development of plant biology, to encourage and communicate research in plant biology, and to promote the interests and growth of plant scientists in general.

Food, Fuel, Climate Change, and Health: Plant Biology Research and America's Future

Plants are vital to our very existence. They harvest sunlight, converting it to chemical energy for food and feed; they take up carbon dioxide and produce oxygen; and they are almost always the primary producers in ecosystems. Indeed, basic plant biology research is making many fundamental contributions in the areas of fuel security and environmental stewardship; the continued and sustainable development of better foods, fabrics, and building materials; and in the understanding of basic biological principles that underpin improvements in the health and nutrition of all Americans. To go further, plant biology research can both help the nation predict and prepare for the impacts of climate change on American agriculture, and make major contributions to our nation's efforts to combat a warming climate.

In particular, plant biology is at the interface of numerous scientific breakthroughs. For example, the interface between plant biology and engineering is a critical frontier in biofuels research. Similarly, the interface between plant biology and chemistry contributes to biofuel production, as well as the identification of novel, bioactive compounds for medical use. With the increase in plant genome sequencing and functional genomics, the interface of plant biology and computer science is essential to our understanding of complex biological systems ranging from single cells to entire ecosystems.

Despite the fact that basic plant biology research – the kind of research funded by the NSF – underpins so many vital practical considerations, the amount invested in understanding the basic function and mechanisms of plants is relatively small when compared with the impact it has on multibillion dollar sectors like energy and agriculture.

Robust Funding for the National Science Foundation

The American Society of Plant Biologists encourages the Subcommittee to fund the National Science Foundation at robust levels that would keep the Foundation's budget on a doubling path over the next several years.

The FY 2011 NSF budget request would fund the NSF at $7.424 billion in FY 2011, keeping the Foundation budget on a path for doubling. ASPB enthusiastically supports this request and encourages proportional funding increases across all of the science disciplines funded by the NSF.

As scientific research becomes increasingly interdisciplinary with permeable boundaries, a diverse portfolio at the NSF is needed to maintain cutting-edge research and innovation. The most pressing problems of the 21st Century will not be solved by one science or method, but by numerous innovations across the research spectrum. This funding enables the scientific community to address challenging and basic cross-cutting research questions regarding climate change, sustainable food supply, energy, and health, all of which are impacted by or involve basic research in plant biology supported by the NSF. This idea is reflected in the National Research Council's report "A New Biology for the 21st Century: Ensuring the United States Leads the Coming Biology Revolution."

The NSF Directorate for Biological Sciences (BIO) is a critical source of funding for nonbiomedical research, supporting innovative research ranging from the molecular and cellular levels to the ecosystem and even biosphere levels. Much of this funding has been provided to individual investigators; however, the NSF has also supported major research programs over the longer term. These investments continue to have significant pay offs, both in terms of the knowledge directly generated and in deepening collaborations and fostering innovation among communities of scientists.

The BIO Plant Genome Research Program (PGRP) is an excellent example of a high impact program, which has laid a strong basic research foundation for understanding plant genomics as it relates to energy (biofuels), health (nutrition and functional foods), agriculture (impact of climate change on agronomic ecosystems), and the environment (plants' roles as primary producers in ecosystems). *The American Society of Plant Biologists asks that the PGRP continue to be a separate funding line within the NSF budget, as in years past, and that the PGRP continues sustained funding growth over multiple years to address 21st Century Biology issues. For FY 2011 ASPB asks that PGRP be funded at the highest possible level.*

Without significant and increased support for BIO and the NSF as a whole, promising fundamental research discoveries will be delayed and vital collaborations around the edges of the disciplines will be postponed, thus limiting the ability to respond to the pressing scientific problems that exist today. Increased funding for the NSF with proportional increases throughout the Foundation will also serve as a catalyst to encourage young people to pursue a career in science. Low funding rates throughout the NSF can be discouraging to early career scientists and dissuade them from pursuing a career in scientific research.

Continued Support for NSF Education and Workforce Development Programs

The National Science Foundation is a major source of funding for the education and training of the American scientific workforce. The NSF's education portfolio impacts students at all levels, including K-12, undergraduate, graduate, and postgraduate. Importantly, the Foundation also offers programs focused on outreach to and engagement of underrepresented groups.

The Integrative Graduate Education and Research Traineeship (IGERT) program is just one example of NSF's commitment to education. IGERT is successful in fostering the development of novel programs that provide multidisciplinary graduate training. As discussed above, it is at the intersections of traditional disciplines that the greatest opportunities for scientific advancement can be found. *The American Society of Plant Biologists encourages expansion of the IGERT program in order to foster the development of a greater number of innovative science leaders for the future.*

Furthermore, *ASPB urges the Subcommittee to revitalize and expand NSF's fellowship programs— such as the Postdoctoral Research Fellowships in Biology, the Graduate Research Fellowship (GRF) and the Faculty Early Career Development (CAREER) programs*—and, thereby, to provide continuity in funding opportunities for the country's most promising early career scientists. Additionally, such continuity and the broader availability of prestigious and

well-supported fellowships may help retain underrepresented groups in the science, technology, engineering, and mathematics (STEM) fields. *ASPB further encourages the NSF to develop "transition" awards that will support the most promising scientists in their transition from postdoctoral research to full-time, independent, tenure-track positions in America's universities.* The NSF might model such awards after those offered by the NIH and initially championed by private philanthropies, such as the Burroughs Wellcome Fund and the Howard Hughes Medical Institute.

ASPB urges the NSF to further develop programs aimed at increasing the diversity of the scientific workforce by leveraging professional scientific societies' commitment to provide a professional home for scientists throughout their education and careers to help promote and sustain broad participation in the sciences. ASPB is also concerned over the proposed change to consolidate the Historically Black Colleges and Universities Undergraduate Program, the Louis Stokes Alliances for Minority Participation program, and the Tribal Colleges and Universities Program into the Comprehensive Broadening Participation of Undergraduates in STEM program. Discreet focused training and infrastructure support programs for Hispanic Serving Institutions, Historically Black Colleges and Universities, and Tribal Colleges and Universities remain vitally important. These institutions are key producers of members of the STEM workforce, *therefore ASPB recommends that distinct funding amounts be specified for Hispanic Serving Institutions, Historically Black Colleges and Universities, and Tribal Colleges and Universities within the proposed Comprehensive Broadening Participation of Undergraduates in STEM program.*

Finally, as this Subcommittee oversees the White House Office of Science and Technology Policy (OSTP) appropriations, *ASPB asks that the Subcommittee direct OSTP to coordinate interagency development and implementation of a strategy to address the recommendations made in the National Research Council's (NRC) report "A New Biology for the 21st Century: Ensuring the United States Leads the Coming Biology Revolution."* The report accurately lays out the current status, potential and challenges for "New Biology" and how increased efforts in these areas can address major societal and environmental challenges. The National Science Foundation has a critical role to play in an interagency strategy and initiative in this area, as do other agencies such as the Department of Energy, the U.S. Department of Agriculture, and the National Institutes of Health.

Thank you for your consideration of our testimony on behalf of the American Society of Plant Biologists. Please do not hesitate to contact the American Society of Plant Biologists if we can be of any assistance in the future.

Dr. Tuan-hua David Ho
President
American Society of Plant Biologists
Washington University, St. Louis, MO

Dr. Sally Mackenzie
Member
American Society of Plant Biologists
University of Nebraska, Lincoln

Ms. MACKENZIE. Thank you. Mr. Chairman, Members of the Subcommittee, I, likewise, am here to express gratitude for the funding proposed for the National Science Foundation. And I appreciate the opportunity to speak.

So I am Sallie Mackenzie. I am a professor of plant genetics and the Director for the Center for Plant Science Innovation at the University of Nebraska, Lincoln. And I am here today representing the American Society for Plant Biologists. In my own career, the National Science Foundation has had tremendous impact not only in providing research funding to my own lab over the past 20 years, as well as allowing us to sponsor professional meetings of members of our research group, but, most importantly, by insisting without compromise on a U.S. scientific research environment that is both diverse and inclusive of women at all levels.

The ASPB, American Society for Plant Biologists, is an organization of more than 5,000 researchers, educators, graduate students, post-doctoral scientists, not only in the 50 states, but throughout the world. Our mission is to promote the growth of plant biology, communicate research in plant biology, promote the interests of plant scientists in general, and although many of our members are focused on plants, basic plant research, we are keenly aware of the applied ramifications of our findings.

As you realize, plants are vital to our very existence in providing food, feed, the oxygen that we breathe. But research in plant biology is making fundamental contributions in sustainable development of better food, fabrics, building materials, currently our fuel security, our environmental stewardship, and in understanding basic biological principals that underpin improvements in health and nutrition and all Americans.

But the amount of funding invested in basic plant research is relatively small when compared with the impact this research has on the multi-billion dollar sectors of our nation's economy, primarily in energy and agriculture. The fiscal year 2011 NSF budget overview released in February would fund the NSF at $7.4 billion in fiscal year 2011, and ASPB enthusiastically supports this request and encourages proportional funding increases across all of the science disciplines supported by NSF.

The NSF Directorate of Biological Sciences, known as BIO, is a critical source of funding for non-biomedical research. It supports discoveries ranging from molecules to cells, ecosystems to biosphere. Within BIO the plant genome research program has profoundly influenced our understanding of bio-fuel crop, human nutrition, the impact of climate change on agriculture, the roles of plants in ecosystems.

ASPB asks that the plant genome research program continue to be in separate funding lines within the NSF budget as in years past, and that sustained funding growth continue for this program. We also ask that the PGRP be funded at the highest possible level in fiscal year 2011.

NSF is also a major source of funding for the education and training of American scientific workforce. NSF education portfolio impacts students at all levels in the science pipeline, as you were hearing just a minute ago, and also offers programs focused on outreach and engagement of under-represented groups.

ASPB encourages further development of the NSF education and training program, such as post-doctoral research fellowships in biology, graduate research fellowships, faculty early career development programs. ASPB is committed to cultivating success in underrepresented groups in plant biology; therefore, it is important to us that NSF maintain strong support for programs dedicated to broadening participation. With this in mind, we have concerns about the proposed consolidation of minority serving programs into the comprehensive broadening participation of undergraduates in the STEM program. If this new program does move forward, we would like that the Subcommittee consider insuring distinct funding amounts for Hispanic serving institutions, historically black colleges and universities, and tribal colleges and universities within the comprehensive program to insure that these institutions remain key producers of members of the STEM workforce.

Finally, if the Subcommittee oversees the White House Office of Science and Technology Policy appropriations, ASPB asks that the Subcommittee direct OSTP to coordinate interagency development and implementation of a strategy to address the recommendations made in the National Research Council's report entitled, "A New Biology for the Twenty-first Century, Insuring the United States Lead the Coming Biology Revolution". The report accurately lays out the current status, potential, and challenges for new biology, and how increased efforts in these areas can address major societal and environmental challenges. The NSF has a critical role to play in an interagency strategy initiative in this area, as do other agencies, including the Department of Energy, U.S. Department of Agriculture, and the National Institutes of Health.

So to conclude, sustained funding growth for the NSF and its biodirectorates is of critical importance to the plant biology community and ASPB members. The promise of such funding growth would lend encouragement to the hardworking undergraduate, graduate students in my own lab and across the country to continue on in science. But, more importantly, support for the NSF ultimately will lead to promising discoveries with vital applications to energy independence for this country, human health, agriculture and our environment, which will also help assure America's competitiveness.

Thank you for listening to my remarks.

Mr. HONDA. Well, thank you for sharing your remarks. You had a comment there that you were recommending a separate funding for an activity. I forgot what the activity was, but——

Ms. MACKENZIE. For the plant genome research program.

Mr. HONDA. And why is that?

Ms. MACKENZIE. The plant genome research program was the program that was initially envisioned to allow us to do a lot of the genomics research and up to date that has meant a comprehensive sequencing of the genomes of many of our major crop plants. The corn genome, the soybean genome, all emerged from that program. The amount of information and the power that comes from that information, the scientific power, is immense per dollar spent. So it has been extremely productive and valuable for the plant science community in allowing us to understand and identify the genes that are going to be critical components for improvement of our

crops, both for biofuels, as well as for water use efficiency, as well as for nutrition.

Mr. HONDA. Should I just move my mouth? I was just wondering if you had any thoughts on arabidopsis information? Whatever the hell that means.

Ms. MACKENZIE. Thank you for bringing that up, because that is an important issue.

Mr. HONDA. No, I am only messing with you.

Ms. MACKENZIE. So the thing is that when we began the plant genome program, of course there is an immense amount of information that derives when we do genomics research——

Mr. HONDA. Right.

Ms. MACKENZIE [continuing]. Just like the human genome. And this has been a critical need. Where do we keep that information? How do we store it? And how do we disseminate it as quickly as possible? The problem is that right now we have a certain amount of funding to get the initial data, but there is not sustained funding to maintain those databases that allow that recurrent access to all of the scientists, essentially of the world, who need access to those data. So it is critical both that arabidopsis research continue, arabidopsis is the model plant species we sequenced first, it actually is the model that we used to, it would be like a mouse for studying the human genome. It is the model that tells us the most fundamental information about plants.

Mr. HONDA. I thought it was the fruit fly.

Ms. MACKENZIE. It would be very similar to the fruit fly in studying animal biology. And understanding how to maintain these databases is going to be critical. I mean it is, if we lose that information once we have gained it, or if we cannot disseminate it quickly, then we essentially impede the ability to be innovative, as innovative as possible.

Mr. HONDA. So you are saying that we do not have a method? Or we just do not have a place?

Ms. MACKENZIE. We do not have a mandate for sustainable funding to allow that to continue. So we have the database in place. There is widespread dissemination of information. But there is a critical concern that that requires sustained funding to allow that database to be maintained year in, year out, and to be infused with new data, with the new innovations, with new collections of information that will sustain it and implement and broaden our understanding as we go further.

We started out with genome sequence. We moved to protein collections. We have now moved to metabolic collections of information. These are huge collections of information and the database, maintaining a database that will integrate that information is going to be critical to the whole piece. And then remember that we are integrating not only arabidopsis, corn data, soybean data, there are a lot of plants out there that we care about economically in this country.

Mr. HONDA. And so maintaining all that data, you are saying that we have to have sustainable funding for the activities——

Ms. MACKENZIE. Yes.

Mr. HONDA [continuing]. That create that data.

Ms. MACKENZIE. And part and parcel to that will be to maintaining the infrastructure for the data——

Mr. HONDA. So you do not want to separate the data storage and maintenance from the creation of more information.

Ms. MACKENZIE. That is correct. But in addition, if you were to simply fund NSF without mentioning the plant genome program then there is nothing that actually even directs the effort toward either the production of those data or the maintenance of it, which is why we ask for it to be a separate line.

Mr. HONDA. Is there any place where we can place all this scientific information, whether it be the plant, or the information you are talking about, whether it is stem information that we gather from the grass that we gave out, because we do not have that either. Is there one massive repository of information where scientists, and students, or the general community can access that information, or is that——

Ms. MACKENZIE. Yes.

Mr. HONDA. Is that what we would need? Or we just want something that——

Ms. MACKENZIE. Yes.

Mr. HONDA [continuing]. Is more specific?

Ms. MACKENZIE. So the databases are in place, they grow daily.

Mr. HONDA. Okay.

Ms. MACKENZIE. And they are integrated. You can find human genome data and fruit fly genome data and plant genome data all available. However, it is the maintaining of that process, those databases have to be funded each year.

Mr. HONDA. Okay. It sounds like, the President has committees that probably can advise him to do that also, and have something from the, his committees that advise him on, like, OSTP, and other committees that get together and hit him with it.

Ms. MACKENZIE. Yes.

Mr. HONDA. Okay.

Ms. MACKENZIE. True. But here we are discussing the funding to NSF and that critical line item is important.

Mr. HONDA. Okay. Thank you very much.

Ms. MACKENZIE. Thank you.

Mr. HONDA. We appreciate it. Federation of American Societies for Experimental Biology, Dr. William Talman. Welcome.

WEDNESDAY, APRIL 14, 2010.

FEDERATION OF AMERICAN SOCIETIES FOR EXPERIMENTAL BIOLOGY

WITNESS

DR. WILLIAM T. TALMAN, PRESIDENT-ELECT

Testimony of
William T. Talman, M.D., President Elect
Federation of American Societies for Experimental Biology

On
FY 2011 Appropriations for the National Science Foundation

Before the
House Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies
Congressman Alan B. Mollohan, Chair
Congressman Frank R. Wolf, Ranking Member

February 11, 2010

Mr. Chairman, Mr. Wolf and members of the Subcommittee, thank you for the opportunity to testify today, and for your ongoing commitment to innovation in science. My name is Bill Talman, and I am the President-Elect of the Federation of American Societies for Experimental Biology. My organization represents 23 biomedical research societies with a combined membership of well over 90,000 individual scientists and engineers – we are the largest life science organization in the United States. Today, I am here on their behalf to request an FY 2011 budget for the National Science Foundation (NSF) of $7.68 billion.

As you know, NSF is the only federal agency supporting research and education in all disciplines of science, engineering, and mathematics and is the principle source of federal support for research in many fields. No other agency has the ability to support interdisciplinary collaborations as effectively, and these collaborations have enabled many important advances in science.

I am a biomedical scientist and a neurologist practicing medicine at a VA hospital, but I come before you not on behalf of biology alone, but in full support of adequate funding for all fields of science. The world we live in is vastly improved by the research of scientists, engineers, and mathematicians studying a broad range of topics. It is also abundantly clear to me that the work we do in medicine and life sciences has been tremendously enriched by discoveries in physics, mathematics, chemistry and engineering. To provide just one example, the rapid development of imaging techniques including Magnetic Resonance Imaging (MRI), Positron Emission Tomography (PET), and Computerizes Tomography (CT) has revolutionized my specialty (as well as many others), saving lives, improving care, and reducing costs by preventing unnecessary surgery and guiding those that are performed, expediting therapeutic intervention, eliminating the need for dangerous testing, and avoiding unwarranted admission to hospital.

This year, Congress provided a generous and much needed investment in fundamental science when it included NSF in the *American Recovery and Reinvestment Act* (ARRA). This legislation enabled federal science agencies to start ground-breaking research projects, upgrade facilities and equipment at research institutions across the country, and expand the scope of important ongoing work. The majority of the ARRA allocation for NSF was spent on research, primarily

on high-quality proposals for which funding was not previously available. These awards supported research in areas such as nanotechnology, climate change, development of new drug delivery systems, and other interdisciplinary studies that will transform our understanding of the world around us and generate new technologies. As we know from past experience, these projects will provide jobs and foster commercial activity throughout the broader economy.

Timely, valuable, and in great demand, ARRA funds are doing much to advance knowledge in all fields of science. However, unless preparations are made to *continue* this support, newly funded research projects will be halted and jobs will be terminated. To truly fulfill the promise of our investment, we must renew our commitment to sustained, predictable growth in research funding. This is an essential element in restoring and maintaining both national and local economic growth and vitality, as well as retaining this nation's prominence as the world leader in science and technology.

The competition to receive an NSF research grant is fierce – and with good reason. NSF has a history of identifying scientific talent early and funding some of the most promising research. A total of 187 U.S. and U.S.-based researchers – 56 in physics, 48 in chemistry, 41 in economics, and 42 in medicine – have been funded by NSF early in their careers before going on to win a Nobel Prize. NSF plays a significant role in advancing medical research – in fact, one of these Nobel Prizes was awarded for work that led to the development of magnetic resonance imaging (MRI), which is now a key diagnostic tool in hospitals around the world.

Some of the current work is equally as amazing. For example, in conjunction with the Department of Energy and the National Eye Institute, NSF helped to fund a team of ophthalmologists, engineers, neuroscientists and other experts to create the first ever artificial retina. This device has been shown to restore some level of sight to those who have lost vision due to retinal disease. By 2011, the research team expects to start clinical testing on a version that will allow for reading and face recognition. Another example of NSF-funded projects with medical application is research on the origin, structure and function of naturally occurring nanocapsules. Ongoing work to understand these molecules is providing scientists with the information needed to engineer them for medically relevant tasks. Some day, these tiny capsules may be used to deliver chemotherapy directly to cancer cells, correct genetic mutations, or extract toxins on a cellular level.

NSF is also committed to achieving excellence in science, technology, engineering, and math education at all levels. NSF supports a wide variety of initiatives aimed at preparing science teachers, developing innovative curricula, and engaging students in the process of scientific discovery. One of many NSF programs to prepare future scientists, the Integrated Graduate Education Research and Training (IGERT) program, supports 125 doctoral degree programs that foster collaborative and interdisciplinary training in emerging scientific domains. IGERT trainees have produced several important scientific and technological breakthroughs, including more efficient fuel cells, one of the first steps toward sustainable and renewable energy generation, as well as novel media systems and rehabilitation methods to speed the recovery of patients who have experienced a stroke. In this way, NSF helps to ensure that its tradition of creative thinking in science, engineering, and mathematics continues in the next generation of researchers.

Since it was established in 1950, NSF has fueled innovation, energized the economy, and improved health and quality of life for all Americans. NSF's strategic plan will ensure that the U.S. remains a world leader in science and engineering, even as these fields continue to evolve. In the years ahead, funding for NSF will allow the agency to accelerate discovery, promote transformational, interdisciplinary research projects, and foster innovative approaches to science education and training at all levels.

Thank you for the opportunity to offer FASEB's support for NSF. I would be happy to answer any questions the committee has at this time.

Dr. TALMAN. Thank you, Mr. Honda. Thanks very much. I really appreciate having an opportunity to testify before you, and to represent FASEB. And through this opportunity to reach the Subcommittee and the general Committee as well. FASEB, if you do not know, is a society, a federation of twenty-three biomedical scientific societies, with 90,000 members. FASEB's members really sincerely appreciate your ongoing commitment to innovation and science, and we respectfully request a fiscal year 2011 budget for the National Science Foundation of $7.68 billion. And as Greg Petsko commented a few moments ago, that is a bit above what the President has recommended, or requested, and we applaud that request. But for the following reasons we support a higher number.

As a biomedical science and neurologist practicing medicine at a Department of Veterans Affairs medical center and at a university hospital, I come before you in full support of adequate funding for all fields of science, not just biomedical science which I represent. It is abundantly clear to me that the work we do in medicine and in life sciences in general has been tremendously enriched by discoveries in physics, mathematics, chemistry, and engineering. And I am pleased to join my colleague, Professor Kate Kirby, who will present in a few moments from the American Physical Society, in appearing before you to support NSF today.

The rapid development of imaging techniques, including magnetic resonance imaging, positron emission tomography, and computerized tomography all were supported through NSF, and they are examples of an intersection between medicine, biomedical research, and the physical sciences. For example, magnetic resonance imaging, or MRI, has revolutionized my own specialty neurology as it has many others. The use of MRI has saved lives, it has improved care, and it has led to reduction in costs that have prevented unnecessary surgery. It has also led to the prevention of unnecessary admissions to hospital. It expedites therapeutic intervention and thus can lead to both diagnosis and care at an earlier time of disease.

In addition, NSF in conjunction with the Department of Energy—and this is an example of its ongoing rather than past achievements—and in collaboration with the National Eye Institute, has helped to fund a team of ophthalmologists. Forgive me, but just without making the assumption, eye doctors, okay? Engineers, and neuroscientists to create the first ever artificial retina. This device is able to restore some sight to those who have lost vision due to retinal disease. By 2011 the research team expects to start clinical testing on a version that will allow for reading and face recognition with this artificial retina.

Last year Congress provided a generous and much needed investment in science when it included the NSF in the American Recovery and Reinvestment Act. The legislation allowed federal science agencies to start groundbreaking research projects, to upgrade facilities and equipment at research institutions across the U.S. And furthermore, the ARRA funding expanded the scope of important ongoing research. The majority of the ARRA allocation for NSF was spent on high quality research proposals for which funding was not previously available. And these awards supported projects related to nanotechnology, which you Mr. Chairman have mentioned, cli-

mate change, and the development of new drug delivery systems. Past experience tells us these funded projects will expand job opportunities and foster commercial activity through the broader economy.

Timely, valuable, and in great demand, ARRA funds are doing much to advance knowledge in all fields of science. However, unless preparations are made to continue this support, many of the newly funded research projects will be halted, and jobs will be terminated. To truly fulfill the promise of our investment we must renew our commitment to sustained, predictable growth in research funding rather than the ups and downs. This is an essential element in restoring and maintaining both national and local economic growth and vitality, as well a maintaining this nation's prominence as the world leader in science and technology.

The competition to receive a research grant from NSF is fierce. It has already been mentioned by Greg Petsko. But that is for good reason. NSF has a history of identifying scientific talent very early in its development, and funding some of the most promising research and research investigators in this country. For example, 187 U.S. and U.S.-based researchers who have won a Nobel Prize were funded by NSF early in their careers.

NSF is also committed to achieving excellence in science, technology, and engineering, and math education, STEM if you will, and supports a wide variety of initiatives aimed at preparing science teachers, which you have already heard about, developing innovative curricula, and training the next generation of scientists. For example, the Integrated Graduate Research and Training, or IGRT program, supports doctoral degree programs that foster collaborative and interdisciplinary training in emerging scientific domains. IGRT trainees have produced several important breakthroughs already, including more efficient fuel cells, one of the first steps toward sustainable and renewable energy generation, as well as rehabilitation methods to speed recovery of patients who have experienced a stroke.

Since it was established in 1950, NSF has funded and fueled innovation, energized the economy, and improved health and quality of life for all Americans. In the years ahead, funding for NSF will allow the agency to accelerate discovery, promote transformational, interdisciplinary research projects, and foster innovative approaches to science education and training at all levels.

Thank you for the opportunity to offer FASEB's support for the National Science Foundation. I would be happy to answer any questions, but I appreciate both your attention and that of the staff. Thank you very much, Mr. Chairman.

Mr. HONDA. Thank you so much, I appreciate it. And since you mentioned Dr. Kirby, we will bring her on with the American Physical Society, and then if there are questions for the both of you we will direct them to both of you.

Dr. TALMAN. Indeed. Thank you, sir.

Mr. HONDA. Thank you. Good afternoon.

WEDNESDAY, APRIL 14, 2010.

AMERICAN PHYSICAL SOCIETY

WITNESS

KATE KIRBY, EXECUTIVE OFFICER

TESTIMONY
of
Dr. Kate Kirby
for
The House Appropriations Subcommittee
on Commerce, Justice and Science

February 11, 2010

Mr. Chairman and members of the committee, thank you for the opportunity to testify today. I am Kate Kirby, the Executive Officer of the American Physical Society, which represents 49,000 physicists in universities, industry and national laboratories. I am pleased to have the opportunity to thank you in person for your past support for the National Science Foundation.

As a former member of academia and a research scientist, I can speak personally about the critical role NSF plays in advancing the frontiers of American science and in training America's next generation of scientists. But I am certain as members of this committee you are already quite familiar with the facts, so I needn't repeat them for you in the limited time I have.

Instead, let me concentrate on two salient issues: the President's FY 2011 budget request for NSF and a problem I see looming on the horizon for NSF in FY 2012, which this Committee could ameliorate in the FY 2011 appropriations bill.

First, for FY 2011, I am heartened by the Administration's continued commitment to doubling the budgets of the NSF, the Department of Energy's Office of Science and the Core Programs of the National Institute of Standards and Technology. The doubling plan for these agencies, initiated by former President George W. Bush and House Speaker Nancy Pelosi in FY 2006, has drawn strong bipartisan support, even during a time when political polarization has grown.

That is no accident. Science and technology have been the drivers of America's economic growth ever since the end of World War II. For decades we have led the world in discovery and innovation, so much so that we have become complacent in our primacy. But today, as you well know, other nations are catching up and in some cases surpassing us.

To sustain our economic growth and to keep high-skilled jobs within our borders, we must commit ourselves to educating the scientific workforce of the future and providing the young scientists of today with the resources they need to keep our nation competitive at the scientific frontiers.

The President's proposed budget in the aggregate would keep us on track to do just that. His requested increase of 6.4 percent for NSF, especially within a budget that keeps much discretionary domestic spending frozen at FY 2010 levels,

reflects the importance of the Foundation's role in achieving those goals. I urge the Committee to support the President's request.

In spite of my general support for the proposed FY 2011 NSF budget, I must express my concern about the wide disparity in the funding recommendations among the Foundation's different directorates. While I appreciate the government's need to focus science on compelling national technological needs, I believe NSF nonetheless must adhere to its primary mission to support basic science, mathematics and engineering across all disciplines in academia.

The proposed budget, which contains a disproportionately large increase for engineering, could substantially alter the balance of NSF's programming. I believe that such a policy change deserves significant scrutiny and debate before it is implemented.

I am pleased, however, that the President's request provides a stronger NSF focus on the biological sciences to help fill gaps in a critical area of research not addressed by programming at the National Institutes of Health.

Let me now turn to a concern about future NSF budgets. As this Committee knows, NSF allocated $2 billion of American Recovery and Reinvestment Act money to new grants, most of which support the training of graduate students. In accord with the terms of the Recovery Act, grantees received three-year funding up front, with no commitment for future-year continuation. Today, it is only the rare graduate student who is able to complete his or her research in three years or less. If an ARRA grant ends precipitously, as the three-year term suggests it will, many graduate students will face serious disruptions in the support of their education.

To address the issue, NSF has suggested that it will need substantial new resources in the FY 2012 budget, well beyond even a 7 or 10 percent increase. In a severely constrained fiscal climate, I am concerned that adequate funding will not materialize.

Therefore, as Judy Franz, my American Physical Society predecessor, recommended to this Committee last year for FY 2010, I urge that $300 to 500 million of the increases in FY 2011 NSF funding be devoted to "one shots," such as new-faculty laboratory renovation, rather than new grants. Although such an approach will not help reduce the current problem of unacceptably low proposal acceptance rates, it will alleviate the shortfall the Foundation will face in FY 2012 for grant continuations. And the precipitous shortfall, in my mind, is the more important issue.

In closing, let me again express my appreciation for the Committee's strong support for the National Science Foundation and more generally for science at NASA and the National Institute of Standards and Technology. I am happy to answer any questions you may have either orally today or in writing in the near future. Thank you for the opportunity to testify.

Ms. KIRBY. Good afternoon. Mr. Honda and other members of the Committee, I thank you for the opportunity to testify today. I am the Executive Officer of the American Physical Society, which represents 48,000 physicists in universities, industry, and national laboratories. I am pleased to have the opportunity to thank you in person for your past support of the National Science Foundation.

As a former member of academia and a research physicist myself, I can speak personally about the critical role NSF plays in advancing the frontiers of American science and in training America's next generation of scientists. Here, I will concentrate on two salient issues. The President's fiscal year 2011 budget request for NSF, and a problem I see looming on the horizon for NSF in fiscal year 2012, which this Committee could ameliorate in the fiscal year 2011 appropriations bill.

For fiscal year 2011 I am heartened by the administration's continued commitment to doubling the budgets of the NSF, the DOE's Office of Science, and the core programs of the National Institute of Standards and Technology. This plan has drawn strong bipartisan support. That is no accident. Science and technology have been the drivers of America's economic growth ever since the end of World War II. For decades we have led the world in discovery and innovation, so much so that we have become complacent in our primacy.

But today, as you well know, other nations are catching up, and in some cases surpassing us. To sustain our economic growth and to keep high skilled jobs within our borders, we must commit ourselves to educating the scientific workforce of the future and to providing the young scientists of today with the resources they need to keep our nation competitive at the scientific frontiers. The President's proposed budget would keep us on track to do just that. His requested increase of 6.4 percent for NSF, especially within a budget that keeps much discretionary domestic spending frozen at fiscal year 2010 levels, reflects the importance of the Foundation's role in achieving those goals. I urge the Committee to support the President's request.

However, I must express my concern about the wide disparity in the funding recommendations among the Foundation's different directorates. While I appreciate the government's need to focus science on compelling national technology needs, I believe NSF nonetheless must adhere to its primary mission to support basic science, mathematics and engineering across all disciplines in academia. The proposed budget, which contains a disproportionately large increase for engineering, could substantially alter the balance of NSF's programming. I believe that this deserves significant scrutiny and debate before it is implemented.

I am pleased, however, that the President's request provides a stronger NSF focus on the biological sciences to help fill gaps in a critical area of research not addressed by the programming at the NIH.

Let me now turn to a concern about future NSF budgets. As this Committee knows, NSF allocated $2 billion of ARRA money to new grants, most of which support the training of graduate students. In accord with the terms of the Recovery Act, grantees received three-year funding up front with no commitment for future year continu-

ation. Today it is only the rare graduate student who is able to complete his or her research in the three years or less. If an ARRA grant ends precipitously, as the three-year term suggests it will, many graduate students will face serious disruptions in the support of their education.

To address the issue, NSF has suggested that it will need substantial new resources in the fiscal year 2012 budget far beyond even a 7 percent or a 10 percent increase. In a severely constrained fiscal climate I am concerned that adequate funding will not materialize. Therefore, as my predecessor recommended to this Committee last year for fiscal year 2010, I urge that $300 million to $500 million of the increases in the fiscal year 2011 NSF funding be devoted to one shots, such as new faculty laboratory renovation, rather than new three-year grants.

Although such an approach will not help reduce the current problem of unacceptably low proposal acceptance rates, it will alleviate the shortfall the Foundation will face in fiscal year 2012 for grant continuations. And the precipitous shortfall in my mind is the more important issue.

In closing, let me again express my appreciation for the Committee's strong support for the NSF and for science at NASA and NIST. Thank you very much for the opportunity to testify, and I would be glad to answer questions.

Mr. HONDA. Thank you. The consistent admonition I hear is thank you for doubling the funding, keep it up, and with the ARRA it is an opportunity to sort of inject some monies that have not been there for a long time. And you are looking at the fourth year, and I think that that is wise. And I think that this is an opportunity for them to also figure out how they are going to be adjusting their game table so that these things will not just be a one-time shot but, you know, there will be some sustainability there. And I hope that while we are getting to the third year, we will have the financial picture of our country somewhat in order so that we can start really looking at some serious long term funding. So I appreciate that.

University Corporation for Atmospheric Research, Richard Anthes.

You were not a weather forecaster, were you, on TV, or anything else like that?

Mr. ANTHES. Yes, I am an old weather forecaster, a former weather forecaster. I can still do a pretty good job. It is nice to see you again.

Mr. HONDA. Welcome.

WEDNESDAY, APRIL 14, 2010.

UNIVERSITY CORPORATION FOR ATMOSPHERIC RESEARCH

WITNESS

RICHARD ANTHES, PRESIDENT

Testimony Regarding the President's FY 2011 Budget Request
Submitted April 8, 2010 to the
Subcommittee on Commerce, Justice, Science, and Related Agencies
U.S. House Committee on Appropriations by
Richard A. Anthes, President
University Corporation for Atmospheric Research

I submit this testimony for the record of the U.S. House Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies on behalf of the University Corporation for Atmospheric Research (UCAR). UCAR is a consortium of 75 universities that that serves the atmospheric and geosciences research and university community. For 50 years, UCAR has managed and operated the National Center for Atmospheric Research (NCAR) for the National Science Foundation (NSF).

On behalf of the geosciences community represented by UCAR, I urge the Committee to support in the FY 2011 Commerce, Justice, Science and Related Agencies Appropriations Act the President's request of $7.424 billion for the NSF, $5.006 billion for the Science account of the National Aeronautics and Space Administration (NASA), and $5.554 billion for the National Oceanic and Atmospheric Administration (NOAA).

President Obama has submitted a FY 2011 budget request to Congress that we believe is strong, appropriate, and good for the country. Following a recent period when science budgets were essentially flat and our status as a world leader in some scientific areas threatened, the scientific investments of the American Recovery and Reinvestment Act of 2009 and the FY 2010 Commerce, Science, Justice, and Related Agencies Appropriations Act enabled us to set the nation's scientific enterprise back on a path for sustainability and growth. We thank the Members of the Committee for your key role in making this possible and urge you to continue this enhancement by supporting the bold statement made by the President's FY 2011 budget request for science.

We are well aware of the serious financial issues facing the country, the President's decision to cap federal discretionary spending, and the difficult choices concerning investments. As you know well, scientific research drives innovation around the world. The jobs involved are some of the most leveraged in this country and critical to the nation's financial recovery and long-term future. For every research dollar invested by our citizens, the return in knowledge, technology, innovative products, and tools that help solve societal problems is many-fold. Science is critical to the country's long-term economic recovery.

Investment in the climate- and weather-related scientific programs of NSF, NASA and NOAA will serve to make the country more resilient to the extreme weather and climate change impacts that are inevitable, provide the underlying knowledge upon which all communities can base climate change adaptation strategies and upon which the country can base an effective national energy strategy, predict the effects of solar storms on global communications, and contribute information relevant to the nation's homeland security and defense. All of this will strengthen the economy.

We are extremely pleased to see the investment that is being made across NSF, NASA, NOAA and other agencies through the U.S. Global Change Research Program, which has been revitalized with stimulus dollars and a healthy increase in FY 2010 appropriations. This upward trajectory, so important to the nation if we are to comprehend and deal with inevitable climate change, should be continued through appropriation of the President's budget request of $2.6 billion, distributed across key federal agencies.

I would like to comment on the budget requests of the following agencies and office:

National Science Foundation

NSF provides approximately 20 percent of the nation's basic research funding and infrastructure through an effective competitive process that ensures that grants are awarded for the best proposals. I urge the Committee to support the President's ongoing commitment to double NSF funding this decade as authorized by the America COMPETES Act of 2007. ***The President's budget request amount of $7.424 billion for NSF in FY 2011 is on track to reach this goal. I urge you to support this overall NSF request and the $955.29 million request for NSF's Geosciences Directorate (GEO).***

GEO provides over 60 percent of all federal funding directed to university-based, basic research in the geosciences. This broad and diverse academic field contributes knowledge that is absolutely necessary to understanding climate change, extreme weather, the dynamics of water resources, solar effects on Earth, space weather effects on global communication, the interactions of Earth's systems, energy resources, geologic hazards, and all aspects of the global oceans. In this most critical moment for the environmental health of our planet and the future of life as we know it, this Directorate is supporting tools and knowledge that are critical to our future.

In the FY 2011 request, GEO continues support for the **NCAR-Wyoming Supercomputing Center Project**, the design and construction of a world-class center for high performance scientific computing in the atmospheric and related geosciences. A major focus will be the integration of more components of the Earth system into global climate models and increased resolution enabling better regional climate predictions. This will result in far more accurate information for stakeholders as they struggle with climate change adaptation planning. The NCAR-Wyoming Supercomputing Center is also a sterling example of a state-federal partnership, with the state of Wyoming contributing some $50 million to the project.

Within the Directorate for Education and Human Resources, I would like to call your attention to the **National STEM Education Distributed Learning (NSDL)** program, the nation's online library for education in science, technology, engineering, and mathematics. National education programs such as this could be leveraged by NSF to provide even more students with interdisciplinary education services that contribute effectively to the education of tomorrow's workforce and an informed citizenry. We appreciate NSF's continued support for the development of such innovative and cutting edge education programs.

National Aeronautics and Space Administration -- Science

In 2007, I co-chaired with Berrien Moore the National Academies of Sciences study *Earth and Science Applications from Space: National Imperatives for the Next Decade and Beyond*, the Decadal Survey of this nation's capacity to observe our home planet with satellites. I would like to strongly reaffirm my support for the vision and specific recommendations laid out in the Survey—the measurements, the science, and the applications to meet societal needs. Until I read the President's FY 2011 budget request for NASA, I was discouraged about this country's commitment to launching the missions we need to meet Earth observing demands now and into the future. If appropriated, the FY11 budget for NASA's Science account, particularly the request for Earth Science within the Science Mission Directorate, will bring us closer than ever to being able to achieve goals established by the broad science community within the Survey. ***I urge the Committee to support the President's FY 2011 budget request of $5.006 billion for the NASA Science account, including $1.8 billion for Earth Science.***

I appreciate that many difficult choices have been made in the NASA budget request and am especially appreciative of the Administration's focus on Earth Science, particularly in the context of the cuts that other areas have received. With climate change well under way, there are few NASA responsibilities more important than observing Earth's environment. A robust observing, modeling, and research program will provide continuity in important observational data and continued advances in models that can synthesize the observations and increase our understanding and predictive capability of the Earth system. These data and the accompanying research programs are critical to the health of our economy, to the sustainability of Earth's life-supporting environment, and to our national security.

Within NASA Science, I greatly appreciate the request of $170 million to rebuild the **Orbiting Carbon Observatory**, the original which was lost on launch in early 2009. This instrument will be designed to make precise, time-dependent global measurements of atmospheric carbon dioxide (CO_2) from an Earth-orbiting satellite. With efforts under way to slow the acceleration of climate change, in part by controlling CO_2 emissions, it is essential that our nation have an accurate way to measure levels of this greenhouse gas on a regional basis.

While we are encouraged by the budget request, we are also aware that mission cost overruns of the past have derailed many launch dates and delayed or cancelled valuable science as a result. I urge Members of Congress to continue to exercise their oversight responsibilities to keep the costs of the Decadal Survey missions under control and based on realistic cost figures from the start. The atmospheric sciences community appreciates that many difficult choices have been made in the NASA budget request.

NASA's Science program plays a central role in understanding our planet and the behavior of the Sun. NASA's overall role in this country's scientific endeavor is so strategic and central to our well-being that the Science account should be one of this nation's highest priorities. With this budget request, it appears that this it is being treated as such.

National Oceanic and Atmospheric Administration (NOAA)

Under the leadership of Administrator Lubchenco, NOAA is currently undergoing major restructuring to develop and meet the needs of two critical programs: the Joint Polar Satellite System (JPSS) and the new NOAA Climate Service. Our community strongly supports both of these programs and understands that much of NOAA's FY11 increase, slated for the National Environmental Satellite, Data and Information Service (NESDIS) line, is targeted to finally resolve the multi-year problem of NPOESS cost and schedule over-runs. ***I urge the Committee to appropriate $5.554 billion for NOAA and $2.2 billion within that for NESDIS, as requested in the President's FY 2011 budget. Furthermore, as NOAA moves forward with the critical JPSS and NOAA Climate Service, I urge you to put the Agency on track towards a $8 billion budget within the next several years.***

Now that the NPOESS partnership between DOD, NASA, and NOAA has dissolved, two separate lines of polar-orbiting satellites are being pursued instead. ***I urge the Committee to ensure that this change in course does not come at the expense of the civilian line of NPOESS. I further urge the Committee to fully fund the President's request of $1.06 billion for NOAA's portion of NPOESS, the JPSS.*** Advancing our satellite sensory capabilities is needed more now than ever, and it is essential if we are going to advance climate research and conduct higher-resolution and regionally-specific climate modeling.

The President's request for NOAA also funds a start for the **Constellation Observing System for Meteorology Ionosphere and Climate-2 (COSMIC-2)** program. COSMIC-2 builds on the great success of the existing, cost-effective COSMIC constellation of six microsatellites, a cooperative venture between the U.S. and Taiwan, which collects high-resolution temperature, moisture, and space weather data across the globe. Using the GPS radio occultation technique, COMSIC-2 will take COSMIC to the next higher scientific and operational level by collecting real-time, global atmospheric temperature, moisture, and electron density data for improved weather forecasting, climate monitoring and research, and space weather studies and prediction.

With its February announcement that it will form a **NOAA Climate Service,** NOAA is at the forefront of federal efforts to put into place the institutions and infrastructure to provide American people, businesses, and communities with climate information, services, and other products. The new Service aims to become a user interface that will provide accurate and timely information about how Americans can adapt strategically to the impacts of climate change. Our community strongly supports NOAA's leadership in this area; we are working with the Agency to ensure that the new Service takes full advantage of the atmospheric observational systems, data sets, and modeling capabilities housed at NCAR and within the larger university community. ***We are convinced that NOAA is going about restructuring to create a climate service in a way that should effectively leverage the Agency's existing climate programs. I ask the Subcommittee to authorize NOAA restructuring in a timely manner to allow swift establishment of the new Climate Service line office.***

I want to thank the Committee for continued support of **Global Learning and Observations to Benefit the Environment (GLOBE)** and ask that you support its inclusion in the NOAA and NASA budgets. This proven, experiential program supports students, teachers, and scientists to

collaborate on inquiry-based investigations of the environment and the Earth system, involving more than 1,000,000 students, 50,000 teachers and 20,000 schools around the world.

In the past, inadequate budgets at NOAA have resulted in too little extramural funding and too little opportunity to leverage the expertise of the university community. In the FY10 bill, the conferees directed that NOAA must "increase extramural research funding in future requests to build broad community support and leverage external funding for mission-oriented research." In this year's request, the Committee's direction was answered. ***I am pleased that the President's FY 2011 budget would provide $173.2 million for the Competitive Research Program within Oceanic and Atmospheric Research and ask that the Committee reiterate this requirement in the FY 2011 funding bill.***

Office of Science and Technology Policy (OSTP)

We realize that NOAA alone cannot establish the broad activities that will eventually comprise the nation's multi-faceted climate service. UCAR has provided specific ideas for these activities to be coordinated through OSTP's National Science and Technology Council and would be happy to share them with the Committee, including four key principles to: (1) involve White House leadership and coordination, (2) couple services and research, (3) solicit and implement external user input, and (4) enable and encourage novel public-private-academic partnerships. ***I urge the Committee to fund OSTP at an FY11 level that enables it to meet the climate service coordination responsibilities that will surely fall to it.***

Conclusion

In a speech at the National Academy of Sciences last April, President Obama stated that, "At such a difficult moment, there are those who say we cannot afford to invest in science, that support for research is somehow a luxury at moments defined by necessities. I fundamentally disagree. Science is more essential for our prosperity, our security, our health, our environment, and our quality of life than it has ever been before."

We agree with the President's statement and encourage the Committee to support the 2011 President's budget request for NSF, NASA, and NOAA. We have life-threatening environmental problems in this nation and around the globe that can be mitigated by the application of scientific research. We have economic difficulties that can be ameliorated over time with investments in scientific research and technology development that spur innovation and efficiency. The decline in our education system that threatens to weaken our workforce can be addressed in part by creative ways in which to introduce future environmental leaders to science, math and engineering. We urge the Committee to support strong investment in this country's scientific infrastructure and goals.

I sincerely thank the members of the Committee for your stewardship of the nation's scientific enterprise and your understanding that the future strength of the nation depends on the investments we make in science and technology today.

Mr. ANTHES. Thanks for inviting me, Mr. Honda. Nice to see you, Dixon, you are looking good. My name is Richard Anthes and I am President of the University Corporation for Atmospheric Research, or UCAR, a consortium of seventy-five North American universities that serve the atomospheric and geosciences research community and university community. This is our fiftieth birthday as well, we have heard other birthdays. And since 1960 UCAR has managed the National Center for Atmospheric Research, NCAR, under support of the National Science Foundation and more recently other agencies.

On behalf of the atmospheric sciences community represented by UCAR, I along with my colleagues who have just recently testified here, strongly support the President's 2011 request for NSF, NOAA, and NASA. This would be record investments in Earth sciences, thereby ensuring that the U.S. stays at the forefront of innovative research and operational systems that are essential for the health of our planet and our citizens.

Jobs in Earth sciences, supported by Earth sciences, are some of the most highly leveraged in this country. The return is many fold in areas of technology, innovative products, and tools that help solve societal problems. And as others have testified, and is pretty obvious, science is essential to the country's long term economic recovery. So I urge the Committee also to support the President's request for the National Science Foundation budget as authorized by the America Competes Act.

NSF's Geosciences Directorate provides over 60 percent of the university-based basic research in geosciences, or Earth sciences. And this broad and diverse academic field contributes knowledge that is absolutely necessary to understanding climate change. And yes, Mr. Chairman, climate change is real. It is getting more certain as every year passes. And if you want to ask me a question later that you asked one of the earlier witnesses about educating the public and how can we do better, I might have an answer.

But there is also, in addition to climate change, the immediate impacts of extreme weather, water resources, dynamics of water resources, solar effects on Earth, space weather effects, and so on. And as we have been reminded by geologic hazards around the world, it seems like this year is going to be a record year for earthquakes in all different parts of the world.

Regarding NASA, we understand that the administration has had to make some tough choices, and in this budget those choices have been made. Until I read the President's 2011 budget I was, as Chairman of the NRC Decadal Survey along with Berrien Moore, discouraged about our country's commitment to Earth sciences. But the fiscal year 2011 budget for NASA's science account, particularly the request for Earth sciences, cheers me up greatly. It brings us closer than others to being able to achieve the goals that we set forth in the decadal survey.

So I urge you to support the President's $1.8 billion request for NASA's Earth sciences, including the $170 million to relaunch the orbiting carbon observatory, which as you know failed on launch about a year ago.

I also urge you to fully fund the President's $2.2 billion request for NOAA's National Environmental Satellite Data and Informa-

tion Service, or NESDIS, including the $1.06 billion request for the new joint polar satellite system which was previously the civilian component of NPOESS. And given NOAA's new responsibilities NESDIS will need to sustain this elevated level of funding into the near future so that it can fix the problems with our operational satellite system that have plagued us for many years. I think they are moving on the right track now.

Regarding the creation of NOAA's climate services, UCAR supports NOAA's plan to restructure its existing climate programs. And we are working with the agency to ensure that the new service takes full advantage of the atmospheric science observational systems, datasets, models, housed at NCAR and other places.

Mr. HONDA. To take advantage of your last minute, why do you not address yourself to what can we do better?

Mr. ANTHES. On climate change education?

Mr. HONDA. Yeah.

Mr. ANTHES. Well, I have been thinking about this. And there have probably been thousands of power point slides given around the world describing why we know climate is changing and why it is warming. And so that is almost overkill. So I tried to say, "Well if I had only three slides and ten minutes to convince an educated person like yourself, but who is not a climate scientist, what three slides, in ten minutes; and how would I use those three slides in ten minutes?"

And I came up with three slides, and I can do it in ten minutes but not today. If you have ten minutes of your time sometime in the future I would be happy to try it out on you. But the essence is that the observations, the most compelling one is the observations of sea surface change, ocean temperatures are increasing over the last twenty-five years. And the oceans do not lie. They do not care about a cold winter in Washington, or a big snowstorm somewhere. They integrate the effects of warming over the entire Earth. And there are only two ways that the oceans can, the sea level can rise. Sea level can rise by a warming ocean, because the water expands, and melting glaciers over land. And both of those are occurring. And so that is one of the three slides, and I do not have time to describe the others.

But I think somehow being able to talk to the public—the public is the ultimate policy maker—that is what we need to do to communicate this very real scientific fact and the impacts it will be having on future generations. Thank you.

Mr. HONDA. Well, I would be interested in the three slides. And with that, I will turn the microphone and the chair over to Congressman Ehlers. And we will take a short break, and then you have the gavel. Oh, you are going to come and testify? Ah, I am sorry.

Mr. EHLERS. Do you want to put me on the Committee?

Mr. HONDA. By the way, Dr. Ehlers is one of the supporters of the many things that we want to see happen.

Mr. EHLERS. Yeah, and just in connection with the previous speaker, it occurred to me that a good campaign for my district would be that I want climate change in the sense that your district's weather would come to my district. That would be very popular in Michigan.

Mr. HONDA. In the words of anti-obesity, fat chance. No, we love to share, do we not? Yeah.

Mr. EHLERS. Okay. Yes, right.

WEDNESDAY, APRIL 14, 2010.

TESTIMONY OF MEMBERS OF CONGRESS

WITNESS

HON. VERN EHLERS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

STATEMENT OF

THE HONORABLE VERNON J. EHLERS
MEMBER
U.S. HOUSE OF REPRESENTATIVES

Hearing on the Fiscal Year 2011 Commerce, Justice and Science
Subcommittee
Committee on Appropriations
Thursday, February 11
H-309 Capitol Building

Thank you, Chairman Mollohan and Ranking Member Wolf, for the opportunity to testify before you today. As ranking member of the Subcommittee on Research and Science Education and, as a member of the House Committee on Science and Technology, I work with my colleagues to support and strengthen several agencies of great importance to our nation's technological innovation capacity. The core of that capacity depends on basic research, and I believe a vigorous research base is crucial to our national economic security. To that end, **I ask you to give high priority to scientific research and development and math and science education in fiscal year 2011 by funding the National Science Foundation (NSF) at $7.4 billion, the National Institute of Standards and Technology (NIST) at $950 million, and the National Oceanic and Atmospheric Administration (NOAA) at $5.6 billion. For NSF and NIST, these amounts would continue a doubling path for funding for these agencies established as early as 2006.**

I recognize that these are large increases at a time when the outlook for many other agencies and programs is significantly more austere in fiscal year 2011. I believe the sustained commitment to basic research and education will be more challenging this year than ever before, but I sincerely thank this Subcommittee for sharing this commitment in the past.

Since 2006, the Administration and many Members of Congress have sought to put the scientific research agencies on a budget doubling path. The timeline of this doubling has varied from five to ten years, but there has been common agreement that sustained funding increases for science and engineering are key to our national economic competitiveness.

Supporting the NSF is critical to maintaining our pre-eminence in science and technology. NSF investments are aimed at the frontiers of science and engineering, where advances in science and technology underpin our ability to meet many of the challenges that America faces today, including securing the homeland, preventing terrorism, fostering innovation and economic development, and educating our children to be able to compete in the knowledge-based, global economy. $7.4 billion for NSF in fiscal year 2011 will continue this important work.

Next, NIST is one of our nation's most critical science organizations. Almost every federal agency and U.S. industry sector uses the standards, measurements, and certification services that NIST labs provide. The future of many cutting-edge technologies depends on the research and technical expertise of NIST.

I ask that you provide $950 million in fiscal year 2011 for NIST. This sum would allow for an increase to the Manufacturing Extension Partnership (MEP) program which helps our small companies compete in the global economy. In the economic downturn, states like Michigan are struggling to reach the state matching requirement to participate in the program. Increasing the federal share of responsibility would help.

Finally, I ask that you consider funding NOAA at $5.6 billion for fiscal year 2011. This amount will strengthen NOAA's important science, forecasts, and efforts to sustain our oceans and Great Lakes.

In summary, I respectfully urge you to give high priority to scientific research and development and math and science education in fiscal year 2011 by funding the NSF at $7.4 billion, NIST at $950 million, and NOAA at $5.6 billion.

My staff and I would be happy to help answer any further questions you have about these priorities as you prepare the subcommittee's appropriations bill. Thank you again for allowing me to testify today.

Mr. EHLERS. I thank you very much for squeezing me in. The schedule has been very tough today and I appreciate you taking the time. I want to thank you for the opportunity to testify before you, and as the Ranking Member of the Subcommittee on Research and Science Education, which we spent all morning at a hearing on, and as a member of the House Committee on Science and Technology, I work with my colleagues to support and strengthen several agencies of great importance to our nation's technological innovation capacity. The core of that capacity depends on basic research. And I believe a vigorous research base is crucial to our national economic security. And given enough time I could certainly justify that broad statement.

But to that end I ask you to give high priority to scientific research and development, as well as math and science education in fiscal year 2011 by funding the National Science Foundation at $7.4 billion; the National Institute of Standards and Technology, better known as NIST, at $950 million; and the National Oceanic and Atmospheric Administration, better known as NOAA, at $5.6 billion. For NSF and NIST these amounts would continue a doubling path for funding for these agencies that was established as early as 2006.

I do not need to remind you that in the early 1990's we did that, established a doubling path for National Institutes of Health, and the Congress has carried that through over the years. The point is simply that they have reached the plateau after the doubling. But there are other areas, particularly NSF and NIST, that also needed doubling, and the Congress and the President have both recognized that by establishing doubling levels.

I recognize that these are large increases at a time when the outlook for many other agencies and programs is significantly more austere in fiscal year 2011. I believe this sustained commitment to basic research and education will be more challenging this year than ever before, but I sincerely thank this Subcommittee for sharing this commitment in the past.

Let us discuss NSF in more detail. Since 2006 the administration and many members of Congress have sought to put the scientific research agencies on a budget doubling path. The timeline of this doubling has varied from five to ten years, but there has been common agreement that sustained funding increases for science and engineering are directly tied to our national economic competitiveness. And also, as I said earlier, you can make a strong case that it is also tied directly to our national security. Supporting the NSF is critical to maintaining our preeminence in science and technology. NSF investments are aimed at the frontiers of science and engineering, where advances in science and technology underpin our ability to meet many of the challenges that America faces today, including securing the homeland, preventing terrorism, fostering innovation, and economic development, as well as educating our children to be able to compete in the knowledge-based global economy. $7.4 billion for NSF in fiscal year 2011 will continue this important work. In March seventy members of the House signed a letter to Chairman Mollohan and Ranking Member Wolf endorsing this request.

NIST is one of our nation's most critical science organizations. Almost every federal agency and U.S. industry sector uses the standards, measurements, and certification services that NIST labs provide. The future of many cutting edge technologies depends on the research and technical expertise of NIST. My request is that you provide $950 million in fiscal year 2011 for NIST. This sum would allow for an increase to the manufacturing extension partnership program which helps our small companies compete in the global economy. And that program has been very, very important to my state, but also to many other states, because they have really brought to the forefront the need for improving our manufacturing work in this nation and how we can produce products that are competitive worldwide in spite of the difference in wages, just because we have the better technology and the better innovation. In the economic downturn states like Michigan are struggling to reach the state matching requirement to participate in the program. Increasing the federal share of responsibility would help, and that is under consideration in the Science Committee right now.

Finally, I ask that you consider funding NOAA at $5.6 billion for fiscal year 2011. This amount will strengthen NOAA's important science forecast and efforts to sustain our oceans and Great Lakes. And you heard from the previous witness about the importance of the oceans.

In summary, I respectfully urge you to give high priority to scientific research and development, and math and science education in fiscal year 2011, by funding the National Science Foundation at $7.4 billion, NIST at $950 million, and NOAA at $5.6 billion. My staff and I would be happy to help answer any further questions you might have about these priorities as you prepare the Subcommittee's appropriations bill. Thank you again for allowing me to testify today.

And let me just also relate this to the testimony of the previous witness, who was talking about Earth sciences. And it is a very personal example, because my son happens to be a geophysicist who had done research and taught at the University of Michigan, as well as Caltech and the University of Washington. And he recently, this is an example of reverse brain drain. He moved to Germany last summer. Got a better offer, better research facilities, and above all more research funding to carry on his research in Germany than he was able to obtain from the National Science Foundation. I am not blaming you or the National Science Foundation for my son's defection, but that, the ability to get appropriate research funding is a very important factor for any scientist. And he took advantage of that opportunity. There were other factors there as well, which I will not get into. But I just wanted to mention that.

Mr. HONDA. Well, I am sure there will be an opportunity for him to come back.

Mr. EHLERS. Yeah, we hope so.

Mr. HONDA. And bring back some important work.

Mr. EHLERS. Yeah, right. Well thank you very much for taking the time to listen to me.

[Recess]

Mr. KENNEDY [presiding]. Good afternoon, everybody. It is a little nicer to be able to sit rather than standing out there. That was my call, just so you know. So we will have witnesses speak for about four minutes. Do we have a, like, light or anything? Or do we just go with the flow? All right, so I am not the bad guy. But if you have a prepared statement, obviously we will take that for the record. And then Tina, maybe what we can do is have you kick us off?

WEDNESDAY, APRIL 14, 2010.

AMERICAN ALLIANCE OF FISHERMEN AND THEIR COMMUNITIES

WITNESS

TINA JACKSON, PRESIDENT

American Alliance of Fishermen and their Communities (AAFC)

"PRESERVING OUR NATION'S FISHERIES FOR ALL AMERICA"
P.O. Box 5490
Wakefield R.I. 02880
401-837-6932
President, Tina Jackson

April 7, 2010

Thank you, Mr. Chair and Subcommittee Members, for allowing me to testify before you today on the proposed budget of NOAA for the FY 2011. I am here today to speak in opposition for any monies to be approved for NOAA's proposed budget on their Catch Share/Sector Program.

1. **Issue of Concern: NOAA's proposed 2010-2011 fiscal budget cuts from fishery research to pay for the proposed catch share program.** NOAA is requesting $36.6 million to implement and expand catch shares but overall is requesting $54 million for catch shares. They intend to obtain the additional funds by cutting core and cooperative scientific research programs which provide data to benefit commercial and recreational fishermen.

A. **Under fisheries research and management, which are core science programs, $6.910 million are being cut from fiscal 2010 appropriations and $750,000 cut from fiscal 2011 appropriations. These funds- a total of $7.6 million-are being transferred towards catch share implementation.**

B. **Under cooperative research, which programs work with fishermen to improve data and have helped provide the most accurate fishery data to date, $5.901 million are being cut from fiscal year 2010 appropriations and $4.565 million cut from fiscal 2011 appropriations. These funds- a total of $10.4 million-are also being transferred towards catch share implementation.**

2. **Problems with this approach to funding: To date, the quality and quantity of NOAA/National Marine Fisheries Service (NMFS) science and research have been demonstrated to be lacking. What is needed, both for conservation and fishing industry purposes, is more accurate science, specifically through cooperative research. To shift funds from proven programs such as cooperative research to fund programs such as catch shares, which scientifically do not help improve the health of fisheries, as per the National Academy of Sciences, but are merely an economic tool, is unjustifiable.**

A. **Core Science Issues:**

(1) NMFS research data upon which 2009 commercial fishing regulations and catch limits were based was found to be "costly and misleading", and NMFS inferences on overfishing and the overfished status of fish stocks to be "based on minimal observations", by a report produced by UMass Dartmouth's School of Marine Science and Technology in conjunction with the Massachusetts Division of Marine Fisheries.

(2) Data collected by the Marine Recreational Fishing Statistical Survey methodology has been deemed to be "fatally flawed" in a report by the National Research Council and to have "serious flaws in design or implementation" by the National Academy of Sciences, yet

continues to be used by NMFS to shut down specific fisheries. In 2006, Congress required NMFS to take specific actions to correct MRFSS data by Jan. 1, 2009, but improvements have not been made in this area.

(3) NOAA fishery research vessel Albatross IV, until 2008, was used to compile NMFS scientific fishery data collection requirements, which in turn were employed to set fishing regulations. The vessel's trawl surveys indicated declining fish populations, particularly from the 1980s onward. In 2000, it was discovered that the cables attached to the fishing net were grossly mismatched, causing the net to be towed lopsided and therefore halfway closed. Furthermore, the net was found to be lifting off the ocean floor- a critical aspect when fishing for groundfish species. The resulting catch limits based on the faulty fish stock data collected directly contribute to current allocations under the proposed catch share management plan.

(4) Some of the current data being used to administer total allowable catch (TAC)/fishing quotas is up to 5 years old.

(5) Current NOAA fishery research vessel Bigelow was designed with too deep a draft to conduct scientific inshore trawl surveys. Therefore, all such surveys must be conducted through cooperative research.

B. Cooperative Research Issues:

(1) Cooperative research has been NOAA's means of attempting to improve the confidence of fishermen in NFMS data and fisheries management. These programs allow fishermen and scientists to work together to complete the objectives of a research project by combining the fishing skills of actual fishermen with the scientific analysis of marine scientists. By far, cooperative research results have been the most accurate fishery statistics to date.

(2) As part of the Northeast Area Monitoring and Assessment Program (NEAMAP) cooperative research program, , the now retired NOAA research vessel Albatross has been scientifically outperformed in identical side-by-side tows by cooperating commercial fishing industry participants on an average of 55-1 in every fishery monitored, leading to the conclusion that the vessel's operation and data collection methods alone cannot be trusted as a reliable source of fishery information and that previous stock assessments used to set catch limits have been wrong. However, it is the data collected by this vessel that is used to determine the fishing regulations now being used by NOAA/NMFS.

(3) Through the NEAMAP study it has also been shown, using the expertise of participating commercial fishermen, that the new NOAA research vessel Bigelow's previous towing speed was too fast to successfully manage the net and collect realistic fish surveys, indicating the need for the practical input of fishermen into the fishery survey processes.

(4) Sea scallops and monkfish are two prime examples of the successes of cooperative research. Prior to cooperative research efforts, both fisheries faced massive closures because NOAA/NMFS science and scientists indicated low stock levels. Cooperative research efforts proved that stocks were much healthier than had previously been believed, helping to remove these species from the overfished list and prevent unnecessary industry and job loss.

(5) Cooperative research has also helped implement conservation ideas originating in fishermen themselves. For instance, in an attempt to catch healthy species while reducing the bycatch of less healthy stocks, fishermen dveloped, along with the University of Rhode

Island, a local gear maker, and Northeast Fisheries Science Center researchers, a trawl net that effectively targets haddock while avoiding other groundfish species. This net, called the Ruhle trawl, or Eliminator trawl, is an example of the successes of combining the practical knowledge of fishermen with scientific testing through NOAA's Northeast Cooperative Research program. To cut the funding of such programs will prevent similar conservation efforts.

3. Problems with the projected catch shares program, which NOAA proposes to fund through cuts in the core science and cooperative research budgets:

A. NMFS data regarding fishermen's catch histories stand to be the basis for individual fishermen's allocations under the catch share program. However, these records have been erroneously kept and have led to grossly incomplete catch histories, prompting NMFS admissions that current records are "far less precise than what is needed" for implementation. Fishermen are finding omissions of up to approximately 40% of their catch histories for certain years monitored. Despite the acknowledgement of these incorrect calculations, NOAA/NMFS have determined not to correct catch history data before catch share implementation, costing individual fishermen and the fishing industry huge financial losses. In the New England region, catch shares are due to take effect May 1, 2010, per Amendment 16, a cause of great concern to industry participants.

B. According to the Magnuson Stevens Fishery Conservation and Management Act 2006, Sec. 303A(6)(d), before the implementation of a fishery management plan involving individual transferrable quotas (ITQs), such as catch shares, a referendum of all affected New England fishermen must be completed and the fishery management plan passed by a two-thirds majority of these fishermen. However, no such referendum has been taken.

C. National Standard 8, as mandated by the Magnuson Stevens Fishery Conservation and Management Act 2006, Sec.301(a)(8), requires that all fishery management plans utilize social and economic data in order to provide for the sustained participation of coastal communities in the commercial fishing industry and minimize adverse economic impact on these communities. While the catch shares system threatens the loss of hundreds of thousands of jobs, no such study has been conducted nor action taken to minimize adverse economic impact taken. Instead, it has been determined that catch shares, through Amendment 16 and further catch share programs, will eliminate 50-70% of the New England commercial and recreational fishing fleet and all the jobs connected therewith. This unnecessary job and infrastructure loss is indefensible.

D. It has been previously stated on Feb. 24, 2010 by Ms. Glackin of NOAA to the House Subcommittee on Insular Affairs, Oceans and Wildlife, that 95% of fishermen have voluntarily applied to catch share sectors in the New England region. This is highly false information- 95% of New England fishermen are opposed to catch shares/sectors. In fact, due to the severe restrictions of the common pool (i.e., non-sector) regulations for the New England groundfishery from 2010 onwards, fishermen were strongarmed into joining sectors for the following reasons: (1) Vessels fishing under sectors/catch shares have no fixed gear requirements. Vessels fishing under common pool regulations do. Common pool vessels must fish using the Eliminator trawl, or Ruhle trawl, described above. The Eliminator trawl was specifically designed for the haddock fishery with the purpose of eliminating other species of groundfish in the net, i.e. it is designed not to catch other types of

groundfish. To require common pool vessels to exclusively use the Eliminator trawl completely hinders all common pool groundfishing vessels from catching groundfish. This has been the strongest NOAA tactic used to coerce fishermen into joining sectors. (2) Vessels fishing under sectors/catch shares can fish in closed areas. Vessels fishing under the common pool cannot. (3) Vessels fishing under sectors/catch shares have no "clock" by which they must fish. Vessels fishing under the common pool do. Common pool vessels will continue to fish under a days at sea program, as is currently in place. However, at present, all groundfishing vessels are charged 2 hours for every 1 hour upon leaving the dock, this time being charged against their 24- hour days at sea allotment. Upon the introduction of sectors/catch shares, common pool vessels will be charged a full 24 hours for every 3 hours of fishing. Incorporating the 24 hour clock into the common pool drastically reduces their days at sea by more than 70%. These considerations put the catch share management system in violation of National Standard 4, as mandated by the Magnuson Stevens Fishery Conservation and Management Act 2006, Sec. 301(a)(4), which states that if it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be fair and equitable to all such fishermen.

E. Prior to the proposed individual catch history based catch shares program, a vessel's value was determined by its number of days at sea. Most fishermen invested substantial amounts of money purchasing extra days at sea and based significant business decisions thereon. To transition into catch shares (ITQs), which are based instead on catch history, nullifies these investments and puts fishermen in the position of financial uncertainty and loss.

F. The estimated cost for each vessel fishing under the sector/catch share program for the required observer coverage and dockside monitoring is estimated to be upwards of $26,000 per vessel per year. Although observer and dockside monitoring costs are to be covered by NOAA for the 2010 fishing year, the estimated costs for all subsequent fishing years are astronomical and must be paid by fishermen themselves. According to National Standards 7 and 8 of the Magnuson Stevens Fishery Conservation and Management Act 2006, Sec.301(a)(7)-(8), fishery management plans should minimize costs and adverse economic impacts on fishing communities to the extent practicable, in order to provide for the sustained participation of such communities in the fishing industry. Clearly, the costs of observer coverage and dockside monitoring required by the catch share management plan, which are to be forced on fishermen from 2011 onwards, do not comply with these standards. To require fishermen to absorb such high costs at their personal expense in order to implement a government directed fishery management program is uncalled for and would result in the elimination of many fishermen from the industry.

G. National Standard 4 of the Magnuson Stevens Fishery Conservation and Management Act 2006, Sec. 301(a)(4) stipulates that allocations under fishery management measures shall be "carried out in such manner that no particular individual, corporation, or any other entity acquires and excessive share of such privileges." Catch shares privatize a public resource and makes fishery quotas available to the highest bidder. Those with access to greater funds will have access to greater amounts of quotas, causing an accumulation of shares of fishing privileges to vest primarily in corporations and wealthier industry leaders, while individuals with less capital lose access to the resource and are forced out of business.

This type of consolidation has been a recurring facet of catch shares programs. This issue, unaddressed, places the currently proposed catch shares system, for all practical purposes, in direct conflict with National Standard 4. More information available upon request.

H. National Standard 5 of the Magnuson Stevens Fishery Conservation and Management Act 2006, Sec. 301(a)(5) mandates that "conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose." Catch shares have been widely recognized as an economic, market- based fishery management tool. They do not help improve overall health of fisheries; they merely serve as an economic tool with minimal conservation effect, if any. This would seem to conflict with National Standard 5.

I. Such drastic economic measures as catch shares (ITQs/IFQs/sectors) would appear to be unwarranted from a conservation perspective. As per Paul Howard's, executive director of the New England Fishery Management Council, report of March 2009 (report available upon request), all but four of the nineteen New England groundfish stocks are not overfished and/or have been completely rebuilt, with the four species in question on the increase. To implement a fishery management plan that causes massive job loss across the nation, but has little conservation impact, in the face of these highest fish stock levels since NOAA/NMFS began keeping records, does not seem to be a balanced approach to equitable fisheries management.

4. Proposed solutions to the problems with NOAA funding allocations, research flaws and catch shares concerns:.

A. Rather than cutting funds from core science and cooperative research programs to finance catch shares, the NOAA budget could focus more of its financial allocation towards developing better fishery science and research. This could be most effectively carried out through a greater emphasis on cooperative research. Cooperative research is not only the most scientifically accurate way to collect scientific data; it is also one of the most cost effective ways of conducting scientific research.

B. If Congress determines that catch share implementation should still be considered, a one year moratorium on catch share implementation would be appropriate. This would allow (1) the time needed for NMFS to rectify their catch histories records before implementing the catch share system, thereby ensuring a fair and equitable basis for individual allocations under the sector system, (2) the time needed for a referendum of all affected New England fishermen to be completed, according to federal law, (3) an independent economic analysis of the transition to catch shares to be conducted, in compliance with National Standard 8, and (4) a consideration of all other National Standard compliance issues.

C. A more workable regulatory system, as an alternative to catch shares, as advocated the American Alliance of Fishermen and their Communities, is a return to Framework 42. This Framework, per Magnuson Stevens Fishery Conservation and Management Act 2006, mandates access to 170,000 metric tons of fish for the Atlantic Coast. Last year, in contradiction to this allocation, Atlantic Coast fishermen were only given 43,000 metric tons. A return to the correct implementation of Framework 42 would result in little or no regulatory discards or bycatch, healthy and sustainable fisheries, and prevention of job loss to fishing industry participants and local economies.

Ms. JACKSON. No problem. First of all, thank you for allowing me to testify today. It is in opposition of NOAA's budget towards the fisheries portion of their request. I have submitted my written testimony to the Committee in regards to the figures and the reasons why their request should be denied.

There are some major concerns within the industry that should be acknowledged. It is very likely that catch shares, which is the portion of the fisheries appropriation that NOAA is asking for, for $54 million I believe, will collapse not only the industry but the infrastructure supported by it. It will cause massive job losses on a level that have been overlooked by most.

Forty-two percent of America's economy comes from coastal communities, just like ours in Rhode Island, across the nation. There is no doubt that catch shares are going to consolidate the fishing fleets, but also upon the collapse of these coastal communities there will be devastating effects on our nation's economy. Who is going to be forced to make up a large portion of that 42 percent but every other American across the nation? Every other taxpayer that is already burdened enough by these tough economic times.

Billions upon billions of tax dollars have already been wasted over a thirty-three years period of failed management plan after failed management plan by their own admission. At what point do we say enough is enough? Do we allow them to continue to waste more money on this agency? Or do we have a responsibility to make the necessary changes to stop the implementation of another program that is bound for failure at the cost of the very livelihoods of the fishermen and their families. And once that is gone, it will not come back. Once a permit is lost, a fishing permit, the fisherman cannot get it back.

We also must look at the catch share programs from around the world that have failed and collapsed the economies of the very countries who implemented them, Iceland in particular. They are scrambling now at this point to gain control of their fisheries back from the corporations that ended up having them due to the privatization.

The United Nations also deemed catch share as illegal under international law, the covenant of civil and political rights, which this country recognizes, and signed onto this covenant in 1992. Why are we not recognizing this international illegality?

NOAA and EDF, a corporate minded environmental group, has been touting the legalities of Magnuson for years. But there are legal standards in Magnuson that they are legally required to adhere to, and they have blatantly disregarded these standards again and again with no consequence to their actions. There have been several misinformed statements to the congressional committees on several issues, such as 95 percent of the northeast fishermen have volunteered for this program. If the referendum was held, as Magnuson requires by law, you would see that 95 percent of the fishermen, northeast and Gulf fishermen, are highly opposed to sectors and catch shares and are in no way eager to implement this program.

Also falsely stated is the idea that NOAA's requested increase is needed for observer ship and dockside monitoring for fiscal year 2011. As every boat owner or permit holder are required to pay in,

they are required to pay for this portion of the program for 2011 with the predicted amounts totaling more than $26,000 per year per boat, again placing a serious financial burden on an already strained profit margin by owners and crew.

NOAA's definition of overfishing is this. When vessels are landing more than the species are reproducing. If every stock in American waters is on the increase, as supported by the latest trawl surveys just released, then overfishing is no longer occurring. If overfishing were occurring every stock would be in decline, and that is certainly not the case.

Also with the inevitable privatization of the industry as a whole. One only has to look at the Alaskan fisheries already having been in catch shares. Since the privatization every stock has been in a decline due to the nature of corporate owners to only care about the bottom line, the almighty dollar. The consolidation was immediate and lost forever, and it is estimated that all the fleets nationwide will be consolidated by 50 percent to 75 percent and that is a loss that is not acceptable.

If this administration is so concerned with jobs then why do our jobs not count? It will cost the government not a single dime to keep fishermen working. And given the questionability on NOAA's science that industry has proven wrong over and over again, it is not understandable as to why consolidation of the fleet is necessary. Last year we lost over $500 million in underharvested fish in the Northeast alone.

Also of concern is the huge shift from days at sea to allocations. It renders every boat worthless, in the respect that the currency was days at sea, it was attached to the boat itself. Now with allocations being attached to the permits, it is completely devaluing the property of the owner and said vessels.

Also, back in the eighties and nineties, the late eighties, early nineties, capital construction fund encouraged fishermen and people to buy boats and to go fishing. Not with a ten- or twenty-year business plan but with a plan that was meant to be a lifetime and into a generation for their sons or possibly selling the business, later down the road. Now that business plan can no longer work for those who invested the hundreds of thousands of dollars that they have in a days at sea program.

Thank you.

Mr. KENNEDY. All right, thank you. It was very comprehensive but maybe we can get into some detail in some of the questions. What perhaps is best, as we go through the list of folks who are going to be testifying on this issue, and then ask questions that will probably pertain to almost everybody's testimony in some fashion or another. And that way we will get everybody just initially up to get their testimony, and then ask everybody to respond in response to these questions that will pertain to everybody's testimony.

Ms. JACKSON. Thank you.

Mr. KENNEDY. But thank you very much. Well, can we just have then the next person who is going to speak on this particular issue? Is it Michael? Yeah, Michael.

WEDNESDAY, APRIL 14, 2010.

LOVE FISHERIES

WITNESS

MICHAEL E. LOVE, OWNER

Dear Chairman Mollohan

RE: House Commerce, Justice, Science, Appropriations Subcommittee Program: NOAA Catch Share Program Should not be funded.

I am the owner of a mid size fishing trawler. It is from this perspective that I submit my comments against the "catch shares" model set up in Amendment 16 of the Northeast Multi species Fishery Management Plan. The current Days at Sea Plan in use is something that has been worked out amongst fishermen, environmental groups, and NOAA over a long period of time. Fishermen have already purchased their permits by the number of Days at Sea, and size of vessel listed on the permit baseline letters of the original permits. This has in general, resulted in 2-3 permits through leasing of Days at Sea fishing opportunity to be used together on one boat. In this way "consolidation" has been progressing gradually with the total fishing effort shrinking, newer boats and more talented fishermen can make a good income. The existing vessel owners, most with a long family tradition of fishing are getting by and buying just the amount of permits to yield the Days at sea that they require until Days are increased due to the stock rebuilding over the past decade.

Catch Shares end all of this. Catch Shares, as set out in Amendment 16 to the New England Multi species Fishery Management Plan specifies how many pounds of each species and who owns them. This facilitates absentee owners to easily buy up permits with a Fishery Council specified landings history period which was, by Council decision, different for different fishermen.

The Catch Share model further discriminates against the single vessel owner in favor of the fleet owner. In a Multi Species Fishery it is possible for a fleet owner to direct vessels more specialized for specific fisheries to specific areas to maximize their own quota across their own boats This allows the simultaneous "balance" of their quota removal. This clearly discriminates against the single vessel quota owner. He can not be in multiple areas at the same time ensuring that His quota is always more out of balance, and more likely to have an overage in a single species forcing him to stop fishing and forfeiting his remaining quota to the large fleet quota owners.

The current, Days at sea System, Allows Fishermen the opportunity to catch fish, not the certainty that they will be caught, this is inherently conservation positive.

Sincerely
Michael Love
Owner Love Fisheries Inc.

Mr. LOVE. Thank you very much for having me, Congressman Kennedy, staff. I appreciate the opportunity to speak about this. I would say first of all I am representing Maine here, although I was born in St. Luke's Hospital in New Bedford. My father fished out of New Bedford for twenty-odd years, years ago. But anyway, moving along, I am also in opposition to funds being spend on the catch shares and so forth.

Catch shares and the ITQ, which is basically a backdoor way of saying ITQ, it may work in some fisheries. Years ago for a while I was a captain of factory trawls in the North Pacific. And in that fishery, large, far flung fishery, single species type of thing, I guess it seems to work better for that situation.

In New England we have a multispecies fishery, many different fish, many different stocks and so forth in the complex. And essentially to make this work each fisherman has to pretty much become a Wall Street options trader. We have to try and figure out, you know, say sixteen ancillary species. You have got about twenty different things you are trying to figure out, what the various costs of those species are going to be. Not to mention what the price of diesel fuel might be, and trying to figure all of this out and make a business plan is next to impossible.

Catch shares also tend to favor, because you are doing it on a pound by pound basis versus, what we have now is an opportunity, a days at sea, a time. You have a time opportunity to fish. If you screw up your opportunity to fish, if you are not that skillful, well you do not do so well. The fish that you miss, they go on to live another day. So what we have right now is basically conservation positive.

Under catch shares, because the larger fish can combine with the smaller ones with multiple vessels, and essentially balance their allocations, each little species throughout the fleet, different fish are caught in different areas. So a fleet owner, which is why I believe this also violates Magnuson, discriminates against individual boat folks because they have one boat that can only be in one place at one time. The large fleet owner, on the other hand, can balance across his fleet his various catch share levels of each species. And he can have some boats in an area where there are a lot of stocks, and then the other vessels, some other kind of clean up boats in yet another area at the same time, and taking down his various amounts of species allocation kind of simultaneously.

I with a single vessel cannot do that because my boat can only be in one place at one time. So if I am going to have to work in haddock and George's, and yet I have to keep some of my choke species, of say gray sole, that is more of a Gulf of Maine thing. I cannot do it simultaneously. I have to first fish one and then the other. So anyway, I believe it discriminates against the single boat person in favor of the larger one.

Also, it was also maybe brought up earlier, we are shifting money from research, which we need good research. Out of research towards the catch shares. And, in general, I could go on and on, many things. I submitted this testimony earlier online. And just to say that the catch shares, at least in multispecies in New England, is a terribly complicated, expensive system to run. And I believe that the vast majority of Maine fishermen, certainly, and

I believe many up and down the coast, are totally against it. And with that I will end my time.

Mr. KENNEDY. Okay. Well maybe you could stay there, and what we could do is just have Tina come up for just a minute. Both of you, because you both have the same perspective and it would be nice to have both of your input. So the permit would go to a fishing operator, not tied to a boat operator?

Ms. JACKSON. At this present time, yes, I believe that is correct.

Mr. LOVE. Yes. For instance my permits, I have three permits I bought. Each permit is on a boat. I have two little skiffs in the backyard. Under government rules, they are both hooked up to the satellites at 20,000 synchronous miles above Earth, sending their signal, but to be legal that is the way we do it. And they have permits. And I lease the days at sea from those permits over to my operative vessel. And I lease from other people, too. So I could at least do myself, but other people do that. And with the days at sea it runs, that is the way it works. And——

Mr. KENNEDY. You know, just to give you an anecdote, and you can tell me how this applies. We have seen, one operator in New Bedford be the operator for about 85 percent of the commercial fishing. They are just, they bring it in, they pack it, they ship it, I mean, it is out. But basically they put all the others out of business, okay? I mean, there used to be hundreds and hundreds and hundreds of individual fisherman, but now it is one, and it is a big profit making corporation.

Mr. LOVE. I am very familiar with it.

Mr. KENNEDY. Okay. So, then the idea is, what I am interested in is the way of life. In Rhode Island amongst the fishermen that I represent, it is a way of life, it is a tradition, it is a family heritage. And it is also part of the make up of our state in terms of the connection to our state.

So people want to preserve that way of life. But they are threatened by, that the ocean is the commons. Okay? Everybody has a right to the commons. To subsist, to live off of, and to provide for their family. But, what we are having is corporate takeover of the commons. And that is pushing out the individual's ability to have, to sustain a livelihood. And so I would like you to give me a picture as to how this policy takes that concept and furthers it in the wrong direction, if you understand what I am saying?

Mr. LOVE. Well I can——

Ms. JACKSON. You want me to go and then you will elaborate? Okay, I will give it a shot.

Basically, the sector that maybe five boats belong to, each individual boat and/or permit holder is allocated a certain portion of fish based on their history, no longer on their days at sea. Say one person owned 60 percent of that sector's allocations. What ends up happening is it gives them the right to take their 60 percent——

Mr. KENNEDY. They can buy up all the permits? One person?

Ms. JACKSON. Oh, yeah. There is no cap on stacking.

Mr. KENNEDY. Okay, see that is the, that is the thing.

Ms. JACKSON. That has been a big problem and it has been a big concern. And we were at the advisory committee to New England Fisheries Management Council on Tuesday in Boston. And a motion was made to recommend a cap on permit stacking. The only

problem with that is that if somebody already owned 60 percent of their fleet, which has already happened. We are down to the line, we have only got two weeks left. They already own it. We cannot force them to sell it. What the cap will do is prevent them from selling 60 percent all at once. But then again, one corporation could have several subsidiaries, and say it was a 10 percent cap. That 10 percent could go to one corporation, and then the subsidiary could get the other 10 percent. So in essence, the corporation will still end up owning 60 percent of that particular fishery. So.

Mr. LOVE. Well I will just say, I will be maybe a little more blunt about it. In essence now for a period of time we have had a group of companies that are very closely, closely held, and they are represented by a particular New England Fishery Council member who basically during this time while he is voting on these things and choosing allocation time frames and so forth, has basically been amassing the largest single block of quote share out there. And this group is a member of a sector of Maine. I am also a member in the sector, and they are probably going to throw me out in a little while if they, get the testimony.

But basically a sector is, it is a group of people. But most people do not have a choice. Some of the people pushing the sector concept and themselves have made what they call the days at sea common pool, the people using still the old system, and made that by design so untenable that you are going to fail if you have to stay in the common pool.

So you have no choice but to join a sector. And so I have had to join a sector. And essentially a sector, and the problem is the big guy in a sector can basically, because his boats by poundage can outvote everybody else even, get a boat tomorrow and say, "Michael, you are done. See you. Bye." Or he might just vote tomorrow and it could be anything. Because it is a group that you have to, once you are inside the sector it is a wild west.

Mr. KENNEDY. Yeah, right.

Mr. LOVE. There is no oversight. There is none, and in fact the secrecy is amazing, how there is no transparency. It is a terrible, terrible way to do things. And so that is what has already happened. And so there needs to be just a huge pause in the whole thing until people can really see what is really going on here.

Mr. KENNEDY. Well, we will have to move on because I have other people to testify. But let me just say, I look forward to following up. You can speak with Ben. And obviously, Adrienne of our staff. But as far as I am concerned, and we will work when we mark this up, I am going to get to follow up with NOAA. It is absolutely the wrong policy for our country——

Ms. JACKSON. Absolutely.

Mr. KENNEDY [continuing]. To be privatizing the commons. It goes against our Constitution, which is these are the people's lands, it does not belong to anybody. Okay? It is the ocean, it is the land, it is the air we breathe. This is not privately held. That is why this administration is trying to charge people for the pollution they put in the air. Because you know what? That air does not belong to anyone. It belongs to all of us. When we breathe it in, and it is someone else's pollution, they have better have paid for that pollution to clean it up. Because it is the byproduct of a production proc-

ess. It is not free when they get to dump their garbage into the air. Just like it is not free when someone gets to go out there and buy up the whole market, so to speak, of what is able to be caught. And then my fishermen do not get to go out there and fish because there are not enough permits left to go out there and subsist in a livelihood because of a market that is rigged against them, to be able to have a livelihood. And we ran into this with the lobstering in my state just a couple of years ago. They capped it. You know, you had generations of college kids being able to come back and over the course of a summer be able to just go out there and throw traps out and lobster. They capped the number of traps the average person could throw out. It did away with this whole notion of a whole summer opportunity for kids.

Ms. JACKSON. Just like they are actually looking to cut our effort again another 50 percent in Rhode Island, I just wanted to make you aware. And also, only one-third of Rhode Island's ground fish fleet signed up for sectors.

Mr. KENNEDY. And I want to follow up with you on that notion of the Magnuson requirement for the referendum, and whether that was pursued. Because it is process equals substance. The way the process is managed will equal what the actual outcome is. So if there is not a fair process, the end result. And I have been out on these ships, these trawlers on many, many occasions. And they are not going to catch stuff that is not in there.

Ms. JACKSON. That is right.

Mr. KENNEDY. This notion that they are out there trying to take endangered species, if they are endangered they are not catching them. So they are after, they want to catch stuff that is out there. And they can ship it anywhere in the world. And the stuff that we do not, dogfish, I mean, we are like what are they, they ship them over and make lots of money, and we will not tell them where they are making the money, because they will not want to go out and eat in those places in the world when they buy their fish and chips in those places.

Ms. JACKSON. That is right.

Mr. KENNEDY. But that is where they make the fish and chips in some of these other places——

Ms. JACKSON. But we have lost our market for that, though. That is another large portion of the problem, due to the science that there was not enough dogfish. And in the latest trawl surveys, 62 percent of every single trawl was dogfish. And we have been complaining about there is so much dogfish we cannot get away from it. And it is impossible to get it out of your net.

Mr. KENNEDY. Well, I want to take some of the scientists who say some of these low stocks with me when I come out on——

Ms. JACKSON. Very good. They are more than welcome to come on our boat.

Mr. KENNEDY. Just because it would be just very good. There is nothing like seeing to believe. Anyway, and then taking the money from the research, I would also like to get some feedback on that as well.

Ms. JACKSON. Feedback on that? Absolutely.

Mr. KENNEDY. But thank you very much for your participation. And it is a way of life that we need to protect. Thank you.

Now we have Thomas Capps from the American Business Council.

WEDNESDAY, APRIL 14, 2010.

AMERICAN BUSINESS COUNCIL

WITNESS

THOMAS CAPPS, PRESIDENT, CAPPS SHOW COMPANY

TESTIMONY OF

THOMAS C. CAPPS

PRESIDENT
CAPPS SHOE COMPANY

ON BEHALF OF THE

TRADE ADJUSTMENT ASSISTANCE FOR FIRMS PROGRAM
AND THE
AMERICAN BUSINESS COUNCIL, INC.

BEFORE THE

COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE,
SCIENCE, AND RELATED AGENCIES

APRIL 14, 2010

My name is Thomas C. Capps and I am President of Capps Shoe Company headquartered in Lynchburg, Virginia. Capps employs 196 people and has sales in excess of $13 Million annually. Our product is manufactured in its entirety in our factory located in Gretna, Virginia, an area with the one of the State's highest unemployment rates. My company participates in Trade Adjustment Assistance for Firms (TAAF), the program designed to help small and medium American manufacturers adjust to competition from imports. On behalf of my company, and the 795 other small firms currently certified in the TAA for Firms program, I am here today to ask the Subcommittee to include, as authorized, a **$50 Million** appropriation for the Trade Adjustment Assistance for Firms program in the U.S. Department of Commerce Fiscal Year 2011 budget.

I founded Capps Shoe Company in 1994 and in 1997 purchased the Gretna, Virginia factory of the former Craddock-Terry Shoe Corp., a Lynchburg company which found itself unable to compete with unfair foreign competition. At one time Craddock-Terry, founded in 1888, operated nine factories and made over 36,000 pairs per day. Although Capps Shoe Company had a sound business plan, we proceeded against many odds, and resumed shoe production in the United States. Since our inception we have competed head-to-head with imported shoes, struggled with sales and jobs, and faced many difficult challenges. As a result, I have in the past, and still constantly search for ways to remain competitive and viable.

In 2006 our company was certified into the Trade Adjustment Assistance for Firms program working with the Mid-Atlantic Trade Adjustment Assistance Center (MATAAC). Capps was awarded a TAA grant for consultative services and, while the times were economically challenging, my company was able to invest a dollar-for-dollar match to the grant as is required by law. My company funds half of every TAA project we complete. This combined funding allowed us to engage in more than a half dozen critical adjustment projects

including marketing and web site upgrades, RFID implementation-which became a key to our successful recovery- inventory controls, six-sigma and e-commerce implementations.

The close, customized, and flexible relationship with TAA for Firms has allowed Capps to achieve growth in sales (up 45%), earnings (up 68%), productivity (up 16%), and jobs (up 34%) simultaneously since certification into the program. **We are a more competitive small American manufacturer today than we were in 2006.**

On behalf of all the manufacturers which participate in the TAA for Firms program, I want to thank you, Mr. Chairman, and the Subcommittee, for your unwavering and continued support for the vital services made available to us. We appreciate the special efforts you have made to increase the annual appropriation for this program. Because the TAA for Firms program is the only one of its kind to provide federal dollars exclusively and directly to small manufacturers, it is able to efficiently and quickly respond to the declining trends that are all too often identified in a firm's sales and employment. As a result of the customized nature and flexibility of the program, the point-of-service delivery system through its 11 regional Trade Adjustment Assistance Centers (TAACs) accelerates and enhances project completion. The TAA for Firms program has hundreds of shovel-ready projects that, if funded, would subsequently increase program success and American manufacturing competitiveness. Equally, funding would quickly and substantially increase the retention and creation of American jobs which is the centerpiece of the program's success. TAA for Firms is creating new American jobs every day.

As you can imagine, our current economy has increased the need for TAA for Firms services for manufacturers across the country. At the midway of Fiscal Year 2010, the pace of certifications of new firms will set records, as approximately 300 new companies will "join the program". This would be a 17% increase in certifications over FY 2009 and a 38% increase over FY 2008. Since FY 2006, over 8,000 small American firms have inquired about entering the TAA for Firms program. And as Addendum #1 attached to my written testimony so dramatically demonstrates, the modest growth in funding for TAA for Firms since Fiscal Year 2006, while deeply appreciated, is not increasing at the same pace as is demand for program services. We hope Congress can close the gap between demand and available resources.

Since Fiscal Year 2005, approximately 632 American manufacturers have participated in the TAA for Firms program. Over 48,000 long term, high wage manufacturing jobs have been retained and created during that time at those firms. Sales at those firms have reversed from decline to healthy levels of growth ($6.88 Billion to $7.18 Billion). Productivity has grown, on average, by 17% at those small manufacturers since FY 2006.

During the same period, the TAA for Firms program has invested $1,362 federal dollars for each manufacturing job saved / created. On average each of those jobs has returned $7,438 in annual federal and state tax revenue, accounting for a program wide annual Return on Investment of $7.49 for each federal dollar invested. It is important to note that these jobs, having been retained and created, assure that the current workforce is not displaced, thus saving the federal government the cost of worker retraining, unemployment benefits, welfare, and other programs that provide temporary relief but may not substantively remedy job loss.

The current demand for TAA for Firms services created by the economic downturn has also demonstrated itself in the increasing amount of unfunded approved assistance or "program

backlog" which continues to accumulate. Many regions of the country have already expended all available dollars allocated for TAA for Firms. These funds were expected to be expended through September 30, 2010. While the current "backlog" of unfunded approved assistance is just over $18 Million nationwide (compared with $15 Million in FY 2009), that amount will no doubt increase in the remaining six months of FY 2010 as firms from towns such as Anmore, New Martinsville, Culloden, and Newell, West Virginia and other American communities, approach the TAA for Firms program for help.

TAA for Firms is the only remedy in the federal trade arsenal that does not rely on artificial barriers or tariffs as a method for equalizing American competitiveness. TAA for Firms is dedicated to improving the ability of American manufacturers to compete both here and overseas. Many small firms still do not export despite the global economy and available worldwide opportunities. Many firms simply need to improve their own operations in the areas or marketing, financing, information technology, distribution, production facilitation, and other fundamental areas of operation. This program has assisted many companies, mine included, in making such improvements.

Finally, TAA for Firms helps to save companies, the jobs available therein, and the communities in which they reside. Many small manufacturers like Capps exist in small rural American towns, and are much of the density of the local economy. It is the jobs we provide, the jobs the TAA for Firms program helps save, which drive the economic engine of many communities. If these firms fail to survive, the economic downturn accelerates dramatically and devastates the vitality and psyche of the community. TAA for Firms is helping to enhance community adjustment and growth by saving firms and the American jobs which they offer.

Capps Shoe Company has invested additional company funds to leverage more TAA for Firms support, and will conduct new adjustment projects in the coming months. I know these projects will assure our survival and will also give us a chance to significantly and positively impact the economy of rural southwest Virginia. This is a great achievement for a small American shoe manufacturer which has survived and grown in an industry sector that all the "experts" long ago suggested was dead. Capps Shoe Company thrives today because of our participation in the TAA for Firms program. Many small American manufacturers need the help of TAA for Firms. I encourage your Subcommittee to appropriate the authorized level of $50 Million for TAA for Firms in the FY 2011 budget so that these American small manufacturing enterprises can continue to compete and survive in the global economy just as we are at Capps Shoe Company. Thank you.

The American Business Council, Inc. is a 501 (c) (6) educational organization established to promote, assist, and improve American manufacturers' (including agricultural) competitiveness with foreign made articles in all markets of the world.

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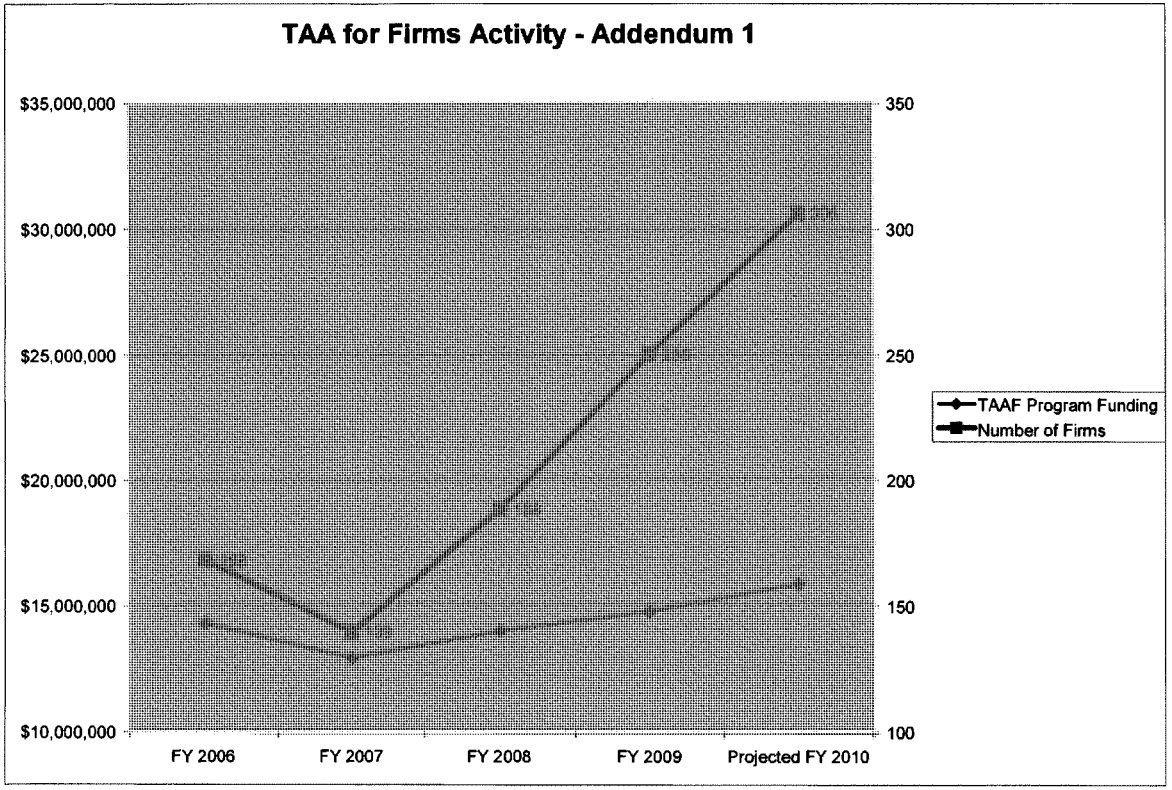

TAA for Firms Activity - Addendum 1
$35,000,000
$30,000,000
$25,000,000
$20,000,000
$15,000,000
$10,000,000
350
300
250
200
150
100
FY 2006
FY 2007
FY 2008
FY 2009
Projected FY 2010
TAAF Program Funding
Number of Firms

4/9/2010

Mr. CAPPS. Thank you for allowing me to appear. My name is Thomas Capps, I am President of Capps Show Company, headquartered in Lynchburg, Virginia. We employ 196 people in our main office and warehouse in Lynchburg and our factory in Gretna, Virginia which is in one of the state's highest unemployment areas now.

The factory was purchased from a company called Craddock-Terry, which was founded in 1888 and had nine factories and made 36,000 pairs a day. They basically closed as a result of their inability to compete with foreign competition. And it is really not too hard to understand. I mean in most of the countries that manufacture in volume, especially shoes as you would know from Massachusetts, there are no labor laws, there are no wage laws, there are not environmental laws, there are no safety laws. All that, obviously, adds to the price of the product.

So I am here on behalf of my company and 795 other small firms that are certified in TAA for firms program. I am here to ask the Subcommittee to include as authorized a $50 million appropriation for the trade adjustment assistance for firms program in the Department of Commerce 2011 budget.

Our company was certified in 2006 by the trade adjustment assistance group. And although we were economically challenged we were able to match the grants that they approved on a dollar for dollars basis. Some of the things that we did, we basically upgraded websites, we put in an RFID radio tag program which enabled us to win our latest federal contract, a Defense Department contract for the men's issue shoe for the Army and the Marine Corps, the dress oxford.

But our most challenging project was in 2006. And we were having horrible inefficiencies in manufacturing, and also with personnel. And with the help of Maytech we were able to contract with consultants from Virginia Tech and Clemson University. They helped us solve our problems. And as a result, we are making twice as many shoes per man hour per day now than we were in 2006.

Also, the close customized relationship that we have with TAA firms has allowed our company to have sales increases, where we are up 45 percent in sales, 68 percent in earnings, 16 percent in productivity, and 34 percent in jobs since 2006.

But the demand on these programs is even higher than ever. There were 8,000 inquiries since 2006. 38 percent increase in certification since 2008. The gap between demand and funding is widening. There is about an $18 million backlog now. And since 2005 they have created over 48,000 jobs in manufacturing and the return on investment is about 749 percent. And as a taxpayer and a manufacturer, I think that is a very wise way for us to use our tax dollars.

Manufacturing and jobs go hand in hand. And we have done well in the shoe business, and a lot of it is as a result of the help we have had from Maytech. And I would urge the Committee strongly to support the funding for this organization. Thank you.

Mr. KENNEDY. Excellent. Very well put. We share all the same interests from where I am coming from. And do you have any kind of part of advertising issues, manufacturing have been made in the United States in the process of the sale of the shoe?

Mr. CAPPS. Well I know fifteen years ago there were twenty manufacturers in the State of Maine alone. And now we are the largest women's manufacturer east of the Mississippi. I mean, there are very few manufacturers left. But we are doing very well because there, we make a good product, we have very skilled workers, and in towns like Gretna, Virginia, the town revolves around this business. I mean, you have got 1,350 people there. If we were not there——

Mr. KENNEDY. Do you label anything in the shoe as made in America?

Mr. CAPPS. Oh, yes.

Mr. KENNEDY. Yeah, because people, I have actually talked, just anecdotally, but I have found it a lot, people actually make a point of trying to find stuff that is made in America, as difficult as it is these days.

Mr. CAPPS. Fortunate the government, Defense Department shoes have to be made with domestic materials and 100 percent domestic. But we also make women's dress shoes and men's dress shoes in sizes a widths, again, 100 percent domestically.

Mr. KENNEDY. One point I would ask you to bring to the business council in addition to the work we are going to do on the TAAs, in the Department of Labor we have the ILO, the International Labor Organization. That is the U.S.' opportunity to enforce child labor standards overseas. Ultimately down the road, I mean, the world is smaller, and smaller, and smaller. Our way of life is going to depend directly on the enforcement of more international standards. So, while we need to continue to try to get better teeth in the laws of trade agreements so that we cannot import products from other countries that do not adhere to basic standards that we have to adhere to, in addition to that we need to strengthen our international oversight of countries that are exporting to us. And I just make that as a point that the business community actually ironically has a very strong, strong interest in the ILO, the labor enforcement internationally. Because they are dealing with it here. So their direct interest is to make sure that that is adequately staffed.

It is interesting because the business community here, "Oh, we have got another federal regulator, another federal this, or another federal coming down, breathing down our back." Well, we need to have people doing it to their competitors elsewhere in the world where they are not getting anybody to inspect. And that is the ILO. So just as a point of interest down the line, because ultimately it is a smaller and smaller world and we have an interest businesswise to do that.

Mr. CAPPS. Thank you very much for allowing me to speak.

Mr. KENNEDY. You bet. Thanks. Now we have Leonard, come on up from the Association of Public and Land-grant Universities.

WEDNESDAY, APRIL 14, 2010.

ASSOCIATION OF PUBLIC AND LAND-GRANT UNIVERSITIES—BOARD ON OCEANS AND ATMOSPHERE

WITNESS

LEONARD PIETRAFESA, NORTH CAROLINA STATE UNIVERSITY

ASSOCIATION OF
PUBLIC AND
LAND-GRANT
UNIVERSITIES

FY 2011 Testimony of the
ASSOCIATION OF PUBLIC AND LAND-GRANT UNIVERSITIES (A·P·L·U)
Board on Oceans and Atmosphere (BOA)
to the
House Appropriations Subcommittee on
Commerce, Justice, Science and Related Agencies (CJS)
Submitted by Dr. Steven E. Lohrenz and Dr. Leonard J. Pietrafesa,
Co-Chairs of the A·P·L·U Board on Oceans and Atmosphere

Presented by Len Pietrafesa
Burroughs and Chapin Scholar, Coastal Carolina University
Professor Emeritus, North Carolina State University

On behalf of the Association of Public and Land-grant Universities' Board on Oceans and Atmosphere, and the national constellation of institutions of higher learning that it represents, I thank you for the opportunity to provide support of and recommendations for the proposed FY 2011 budgets for the National Oceanic and Atmospheric Administration (NOAA), the National Aeronautic and Space Administration (NASA) and the National Science Foundation (NSF). NOAA, NASA and NSF each play unique roles in a number of high-priority U.S. and international initiatives. All three agencies also support research at our member institutions that provides critical information to policymakers and communities across the country. That is why *we strongly support the administration's request of $5.554 billion for NOAA; $7.424 billion for NSF; and $5.006 billion for NASA's Science Account.*

President Obama's FY 2011 budget request to Congress for NOAA, NSF and NASA is bold, wise and laudable. It will serve the nation well in renewing support for advancing science and technology which will subsequently under gird the economy, security and well being of the citizenry of the United States. This budget will put the scientific enterprise of the US back on track to world leadership in scientific discovery and technological advances. Investment in the earth systems' science and technology programs of NOAA, NSF, and NASA will serve to make the country more resilient to natural hazards, and create the knowledge base upon which society can make wise management decisions. Developing a comprehensive national energy strategy, insuring homeland security, maintaining global communications, and informing the public of marine ecological health threats depend upon reliable science. Forecasting climate conditions and the onset, duration and effects of atmospheric weather events, coastal storms, sea level variability, toxic blooms and Sun storms are dependent on sustainable growth of the science and technology that NOAA, NSF and NASA sponsor and conduct. In addition, the FY 2011 budget request will lead to the expansion of the weather and climate derivatives industry and thus create new jobs.

I would like to comment on aspects of the agency budgets and additional perceived needs of the scientific community:

1307 New York Avenue, NW, Suite 400, Washington, DC 20005-4722 • 202.478.6040 • fax 202.478.6046 • www.aplu.org

NOAA

NOAA provides important services to all Americans, services which are vital to our economy, national security, surface, marine and air transportation, human safety and the health of human and marine ecological systems. Extreme weather events, like the recent snowstorms that affected the Washington D.C. region, clearly demonstrate the immediate impact that weather can have on a region. About $3 trillion or one-third of the U.S. economy, including industries as diverse as agriculture, finance, energy, insurance, real estate and outdoor recreation, are highly weather and climate sensitive.

NOAA's support of environmental research and education via Cooperative Institutes and programs such as the Oceanic & Atmospheric Research's Sea Grant and the Center for Sponsored Coastal Ocean Research are critical to university research, education and outreach. Similarly, NOAA's role in understanding the oceans and coastal areas and oceanic and coastal resources is also an economic imperative.

We do raise a major concern, the need for increased and sustained support of in-situ environmental observing systems. As reported in several prior and recent National Research Council studies, (*Building the Essential Marine Buoy Network*, NRC, 1997; and *Observing Weather and Climate from the Ground Up, a Nationwide Network of Networks*, NRC, 2009), the needs are particularly acute for urbanized areas as well as mountain, ocean and coastal regions. Vertical profiles of state variables such as water vapor, winds, and temperatures are virtually non-existent over land and are non-existent over water. Over land, the primary recommendation is for the placement of Lidars which collect vertical observations from the ground up to two miles. For the oceans, the ARGO network needs attention and support as it begins to seriously age. In the case of coastal ocean regions, estuaries and the Great Lakes, a recommendation is for the build-out and major enhancement of the existing NOAA National Data Buoy Center (NDBC) atmospheric and coastal ocean observing network.

A national network of Lidars would greatly improve skill scores for forecasts, particularly for forecasts of heavy precipitation events (see figure) and atmospheric chemistry conditions. Likewise, an enhanced and expanded NDBC network would address NOAA's proposed development of an ecological forecasting capability and also will greatly improve the skill scores of forecasting ocean and coastal weather related phenomena; such as the precipitation amounts, types and duration of Gulf and Atlantic east coast Nor'easters and west coast cyclones and rogue waves. Coastal Ocean observing, via the existing NDBC network, is challenged to keep operations at present levels, and cannot be further enhanced with modern observing sensors without major capitalization.

The environmental data collected and distributed by NOAA represents a national resource and is used by universities for research, education and outreach as well as by private companies to produce products and services. This helps all of us meet our needs for food, energy, and recreation. Thus BOA encourages the Committee to support environmental observing systems, from the establishment of a national Lidar network, to the expansion and enhancement of the marginal existing NDBC network, to the existing ARGO network, and to the proposed Joint

Polar Satellite System. For this reason, BOA supports funding of an expanded and enhanced NDBC network at the level of an additional 1,200 advanced air-sea marine buoys nationally and the establishment of a national Lidar network at 400 sites nationally. Acquisition costs are nominally $500 M and $1B, respectively and both could be phased over a 5 year period.

NASA

In 2007, the National Academies issued the report, "*Earth and Science Applications from Space: National Imperatives for the Next Decade and Beyond.*" The report found that between 2000 and 2009, funding for Earth Sciences (ES) had fallen substantially. ES research is absolutely critical to understanding climate change, such as the decline of Earth's ice sheets and the health of the global oceans. For this reason, BOA is heartened by the Administration's request for NASA's expanded and enhanced science mission. Past investments in NASA's science mission has funded university research that has resulted in the development of new instruments and technology and in valuable advances in weather forecasting, improved climate projections, and understanding of Earth ecosystems. Without the tools developed at NASA or with agency support, oceanic, atmospheric, hydrologic and earth system scientists and the nation would have a much less complete picture of the inter-connected functioning of the planet's oceans, atmosphere and land. The NASA data archive is a treasure trove of environmental resources that researchers have come to depend upon. Through its support for young scientists and graduate students, the NASA science mission supports innovation. BOA supports the NASA budget and applauds the special attention that the White House has paid to the restoration of NASA science.

NSF

BOA supports funding of NSF, which is critical to U.S. basic research. NSF supplies almost two-thirds of all federal funding for university-based, fundamental research in the geosciences. GEO-supported research increases our ability to understand, forecast, and respond to and prepare for environmental events and changes. Through facilities such as the Oceans Observatory Initiative, the Integrated Ocean Drilling Program, and NCAR-Wyoming supercomputer, NSF provides the academic community with advanced capabilities it would not be able to afford if conducted through individual institutions.

Together, NOAA, NASA, and NSF provide critical earth observations and research funding for scientists working to increase our understanding of natural phenomena of economic and human significance. BOA thanks the Committee for its continued support of these critical agencies.

About A·P·L·U

A·P·L·U (formerly National Association for State Universities and Land Grant Colleges) is the nation's oldest higher education association. Currently the association has over 200 member institutions located in all fifty states. The Association's overriding mission is to support high-quality public education through efforts that enhance the capacity of member institutions to perform traditional and innovative teaching, research, and public service and engagement roles.

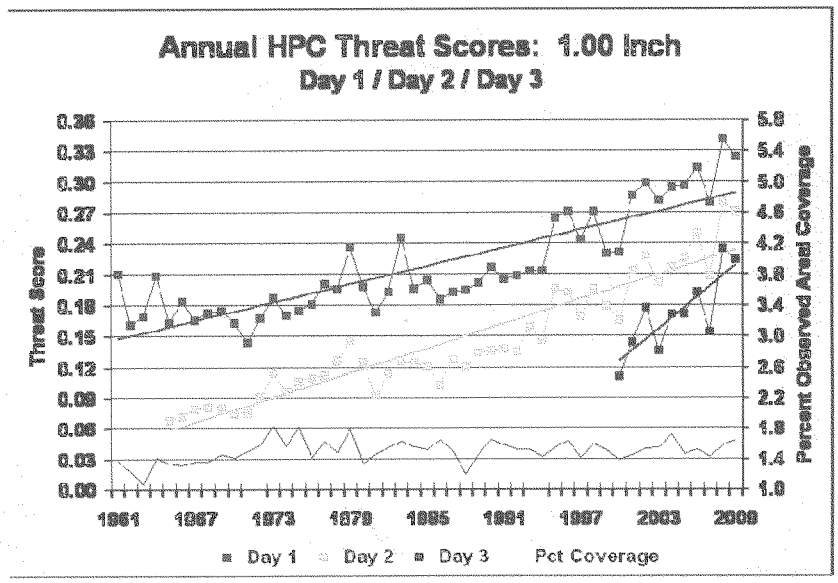
About the Board on Oceans and Atmosphere

The BOA's primary responsibility is to advance research and education in the oceanic/marine and atmospheric sciences through engaging scholars from its member institutions and a robust

federal relations program. The board has approximately 200 regionally distributed members, including some of the nation's most eminent research scientists, chief executive officers of universities, oceanic, atmospheric and hydrologic scientists, academic deans, and directors of Sea Grant programs.

Thank you for taking time to review our recommendations.

Figure referred to in text showing:
Evolving skill (threat score where 0 is "no skill" and 1 is "perfect skill") from 1961-2009 in precipitation predictions by the NOAA NWS NCEP Hydrometeorological Prediction Center (HPC) for 1.00 inch of precipitation at 24 hours (red), 48 hours (green) and 72 hours (blue), in advance. The introduction of Laser derived data will improve the skill in making such forecasts by 0.3 - 0.4 improving the overall skill to 65% to 75% for a 1 day forecast, 55% to 65% for a 2 day forecast and 50% to 60% for a 3 day forecast.



Mr. PIETRAFESA. Congressman Kennedy, on behalf of the Association of Public and Land-Grant Universities Board on Oceans and Atmosphere, and the National Constellation of——

Mr. KENNEDY. And Sea-Grant Universities?

Mr. PIETRAFESA. And Sea-Grant Universities as well.

Mr. KENNEDY. All right. Right in Rhode Island with that one.

Mr. PIETRAFESA. And the Constellation of Institutions of Higher Learning that APLU and BOA represent, I thank you for this opportunity to provide support of and recommendations for the proposed fiscal year 2011 budgets for NOAA, NASA, and NSF.

We strongly support the administration's request of $5.554 billion for NOAA, $7.424 billion for NSF, and $5.006 billion for NASA science account.

Mr. KENNEDY. Let me stop you there.

Mr. PIETRAFESA. Yes, sir?

Mr. KENNEDY. Is there any money that is moving from, you know, to support this other thing that we were talking about with this catch program, catch shares enforcement? Should any money that is going to that perhaps be going to some of this research programs?

Mr. PIETRAFESA. That I do not know specifically, but I can find out, yeah.

Mr. KENNEDY. I am sure you could use it.

Mr. PIETRAFESA. I was the Chair of the NOAA Science Advisory Board for half a decade, so I can find those things out if necessary. I will do so, sir.

Mr. KENNEDY. Okay. What we could do with those dollars if you had them, would be good to know.

Mr. PIETRAFESA. Right, thank you. President Obama's fiscal year 2011 budget request to Congress for NOAA, NSF, and NASA is bold, wise, and laudable. And will lead, for example, to the expansion of weather, including space weather, climate derivatives, industries, and renewable energy industries, and thus create new jobs for the nation. I would like to comment on aspects of the agency budgets and additional perceived needs that the scientific community has come forth with.

For NOAA, NOAA provides important services vital to our economy and national security. Extreme weather events, like the recent snowstorms that affected the Washington, D.C. region, clearly demonstrate the immediate impact that weather can have on a region. NOAA's support of environmental research and education via cooperative institutes and programs such as those in the Office of Oceanic and Atmospheric Research and Sea Grant are critical to university research, education, and outreach.

However, we do raise a major concern. The need for increased support of the nation's in situ environmental observing networks. As reported in several prior and recent National Research Council studies, for example this one just released, the needs are particularly acute for urban areas, mountain, ocean, and coastal regions, and for documenting climate variability. Vertical profiles of state variables, such as water vapor, wind, and temperatures, air sea fluxes, that is heat and momentum fluxes between the air and the ocean, and waves and currents are virtually nonexistent. Over land the primary recommendation is for the placement of LIDARs,

which collect vertical observations from the ground up to two miles. And for the oceans the highly successful Argo network needs support as it begins to seriously age. In the case of coastal ocean regions, estuaries, and the Great Lakes where there is a paucity of data, a recommendation is for the build out and major enhancement of the existing NOAA national data voice center network of atmospheric and coastal ocean observing systems for improved forecasting particularly by the national centers for environmental prediction.

Now to NASA. BOA is heartened by the administration's request for NASA's expanded and enhanced science mission. Without the tools developed and implemented by a NASA, Earth systems scientists would have a much less complete picture of the interconnected functioning of the planet's oceans, atmosphere, and land. Also, the NASA data archive is a treasure trove of environmental resources that researchers have come to depend upon. And through its support for young scientists and graduate students, the NASA science mission supports bold innovation. BOA applauds the special attention that the White House has paid to the restoration of NASA science.

NSF. NSF is critical to U.S. basic research and supplies almost two-thirds of federal funding for university-based fundamental research in the geosciences. Through facilities such as the Ocean Observatory, the Integrated Ocean Drilling Program, and the NCAR Wyoming Supercomputer, NSF provides the academic community with advanced shared capabilities it would not be able to afford through individual institutions. Together NASA, NOAA, and NSF provide critical Earth observations and research funding for scientists working to increase our understanding of natural phenomenon of economic and human significance.

BOA thanks the Committee for its continued support of these critical agencies. And thank you, Mr. Kennedy, for taking the time to review our recommendations of the Association of Public and Land-Grant Universities and the Board on Oceans and Atmosphere. Thank you.

Mr. KENNEDY. Thank you. Let me just say how in awe I am of just both your education and years of service in the science community. It is just an amazing contribution you have made to the science advancement in our country, and we are very fortunate to have people of your caliber who have given so much in a country where we need to be doing more to celebrate the sciences and those who have made a life out of them. I mean, we do so much to celebrate all these other things in life, with money and fame and power. And if we did half as much of that in the areas of life where we need to, such as the area where you have dedicated your life, hopefully there would have been more people who would be doing what you have been doing with your life, in advancing such important areas like you have, which have such a direct impact on quality of life and sustainability in the world of so many people in such direct ways that most folks cannot draw the correlation with because the science is not very widely disseminated and understood.

So the work that you do, I also am advocating for more funding for this type of research and understanding, is really appreciated. And I can tell you the Speaker is very much interested in making

sure our country does not fall behind as a world superpower in the area of research and science, education, and of course we have been living off the past in terms of the dollars that we have been spending in the past in terms of research. So in terms of the oceans and the climate, obviously that intersection is something we are very familiar with with URI and the work that is being done there in terms of climate, and the relation between that and the Midwest. We would not think that the oceans would have anything to do with what is going on with farmers out in Iowa but that is why people in the sciences are so important because they show the interrelatedness of all of our lives.

So I will just say to you, we had a big conference in my state on the Mission to Planet Earth. You know, again, why does space matter? I mean, you get to see the impact in a global way of what is happening to our planet. So I will just tell you in terms of these points that you made, we will take them. We have got your detailed submission of your testimony. And I know we will be following up on the specific points that you made and highlighted in this brief couple of minutes that you have given us to just hit the top lines that you wanted us to address. And Adrienne will be in contact with you because definitely, she is our top staffer on the community.

Mr. PIETRAFESA. I will get back with you with the questions. And also——

Mr. KENNEDY. And just double up on definitely the big things that you want to highlight with us. Okay?

Mr. PIETRAFESA. Thank you. Thank you very much, sir.

Mr. KENNEDY. You bet. Thank you. Bill, welcome.

WEDNESDAY, APRIL 14, 2010.

MARINE CONSERVATION BIOLOGY INSTITUTE

WITNESS

BILL CHANDLER, VICE PRESIDENT FOR GOVERNMENTAL AFFAIRS

MCBI Marine Conservation Biology Institute

William Chandler, Vice President for Government Affairs February 5, 2010

The Honorable Alan B. Mollohan, Chair
Subcommittee on Commerce, Justice, Science, and Related Agencies
Committee on Appropriations
United States House of Representatives, H-310
Washington, DC 20515

Mr. Chairman and Members of the Subcommittee:

Marine Conservation Biology Institute, based in Bellevue, WA, is a national, nonprofit conservation organization whose mission is to advance the science of marine conservation biology and secure protection for ocean ecosystems. We advocate for effective ocean policy and adequate appropriations for marine programs that focus on understanding and conserving marine ecosystems, habitats and species.

I wish to thank the members of the Commerce, Justice, Science, and Related Agencies Appropriations Subcommittee for the opportunity to submit written testimony on the FY 2011 budget regarding appropriations for the Department of Commerce, National Oceanic and Atmospheric Administration (NOAA). There are seven NOAA programs that merit increases in FY 2011 from 2010 enacted levels. MCBI recommends the following funding levels in 2011:

- National Marine Fisheries Service, Hawaiian monk seal recovery, $7 million;
- National Marine Fisheries Service, Deep Sea Coral Research and Technology Program, $7 million;
- National Ocean Service, Marine Debris Program, $10 million;
- National Ocean Service, National Marine Sanctuary Program, $75 million;
- National Ocean Service, Marine Protected Areas Program, $5 million;
- National Ocean Service, Coral Reef Conservation Program, $50 million;
- National Ocean Service, Coastal & Marine Spatial Planning, $10 million; and
- Office of Oceanic & Atmospheric Research, Ocean Acidification, $11.6 million.

Hawaiian Monk Seal Recovery

The Hawaiian monk seal is one of the most critically endangered marine mammals in the world, and is the only US marine mammal whose entire range lies within our national jurisdiction. Most Hawaiian monk seals reside in the remote Papahānaumokuākea Marine National Monument. Over the last 50 years, the Hawaiian monk seal population has declined to an all time low of less than 1200 individuals.

There is some good news: While the population in the Northwestern Hawaiian Islands (NWHI) is still declining, the population in the Main Hawaiian Islands (MHI) of approximately 125-150 individuals is growing, and may serve as the "insurance" population for this species. A major goal of the NOAA seal recovery plan is to protect and enhance the overall number of juvenile female seals reaching breeding age in both the NWHI and the MHI. This goal is achievable, but will require a variety of sustained intervention actions for some years to come at a projected average annual cost of $7 million, as outlined in the NOAA recovery plan.

The recovery program has benefited greatly from the subcommittee's decision to more than double the program's funds over the past two years. This funding has created crucial momentum at the field level, and raised the morale of NOAA staff. For the first time in many years, NOAA established a winter field research camp in 2009-2010. New staff has been hired to deal with increased human interactions with seals in the MHI—a growing issue as three recent seal shootings demonstrates. Finally, a decision has been made by NOAA to partner with a private organization to design and construct a seal care facility near Kona on the island of Hawaii.

Funds for the monk seal come from several program and line items in the NOAA budget. For FY 2010, the subcommittee report included language urging NOAA to spend a total of $7.1 million on seal recovery; we understand the total allocated in 2010 will be around $5.5 million.

For FY 2011, the Administration has recommended zero money under the monk seal line item. In order to guarantee that the seal recovery effort continue apace, MCBI strongly recommends a minimum of $5.7 million for the seal, and that this amount be appropriated in the seal line item for the first time as a clear signal to NOAA that the subcommittee intends for the recovery effort to be sustained. Ideally, we would like to see $7 million annually designated for the monk seal, but understand the need for prudent budgeting this year. A sum of $5.7 million would provide the necessary funds to carry out the crucial components of the monk seal recovery plan, which include:

- maintaining staff levels acquired in 2009, which include a Seal Recovery Coordinator and Field Response and Management Leaders;
- developing an emerging disease research plan;
- conducting an improved main Hawaiian Islands population survey;
- providing for urgent care measures and supplies;
- sustaining summer and winter field research and on-site care camps in the NWHI; and
- conducting an outreach program to increase fishermen's and the public's understanding of the seal's presence and needs in the MHI. The three seal shootings in 2009 indicate this is a major need, and meeting it will take some sophisticated measures, such as opinion surveys, educational videos and extensive meetings with stakeholders.

Deep Sea Coral Research and Technology Program

The recent discovery of widespread deep sea coral ecosystems within US waters has challenged scientists to learn the extent of these important systems and develop strategies on how to protect them. MCBI was very pleased to see increased funding for the National Marine Fisheries Service Deep Sea Coral Program to a level of $2.5 million in FY 2010. There is a great need for habitat assessments because areas where deep sea coral ecosystems are found are already being zoned for development. Because accurate mapping of deep sea coral systems requires expensive technology and research vessel time, an additional $4.5 million is essential, for a total of $7 million in FY 2011. Funding will permit the continued mapping of coral areas and analysis of data in the SE Atlantic and off the West Coast, as well as the initiation of coral mapping in Alaskan, Northeast Atlantic, Mid-Atlantic, and Gulf of Mexico waters and in US coral areas in

the Caribbean and Pacific territories.

Marine Debris Program

Marine debris has become one of the most widespread pollution problems affecting the world's oceans and waterways. Recently much attention has been given by the press to the huge floating garbage patch in the Pacific Ocean and its impacts on ocean life and places like Hawaii. Research has shown that debris has serious effects on the marine environment, wildlife, the economy, and human health and safety.

Marine debris in the Northwestern Hawaiian Islands contributes to avian and marine wildlife decline through ingestion and entanglement, and is one of the chief causes of death of Hawaiian monk seals that live there. An estimated 700 metric tons (mt) of marine debris, primarily derelict fishing gear, was removed from the NWHI coral reefs and beaches by NOAA between 1996 and 2006. As of 2006, the marine debris removal efforts have switched to a "maintenance mode," intended to keep up with new debris accumulation. In FY 2006, NOAA removed an estimated 40 mt of debris. Yet, NOAA estimates an annual accumulation rate of 52 mt of marine debris for the NWHI. Therefore, maintenance funding is not keeping up with the problem and marine debris continues to be a perpetual threat to the endangered Hawaiian monk seal and seabirds in Papahānaumokuākea Marine National Monument.

The Marine Debris Research, Prevention and Reduction Act was enacted in 2006. The act established a national program led by NOAA to identify, assess, reduce and prevent marine debris and its effects on the marine environment. The Marine Debris Program has been level funded at $4 million since 2008. MCBI recommends the full $10 million for NOAA's Marine Debris Program as authorized. Additional resources are needed to enhance the ability of NOAA to assess the amount, sources, and impacts of marine debris; maintain support to current removal projects; develop best management practices; reduce derelict fishing gear; and conduct education and outreach measures. Furthermore, many types of research require a long-term commitment of funding to fully address marine debris issues. NOAA needs to learn more about the impacts of marine debris and ways to prevent and mitigate it by funding critical research projects around species of concern like the Hawaiian monk seal.

National Marine Sanctuaries

Presently, the National Marine Sanctuary Office is responsible for managing the nation's 13 marine sanctuaries and the remote Papahānaumokuākea Marine National Monument in the Northwestern Hawaiian Islands. Collectively, these 14 units cover more area than the National Park System.

The President's Budget recommends a dramatic decrease of $11 million in funding to the program from enacted FY 2010 funding. Given the crucial need to better protect sanctuary resources, this decrease in funding would significantly handicap the program.

MCBI recommends an increase in funding of $13 million in FY 2011, bringing the overall program budget to $75 million. An investment of $75 million would enhance and sustain management of individual sites and the system as a whole, allowing the Office of National

Marine Sanctuaries to fulfill its responsibilities as a leader in ocean management and conservation. The funding would not only restore reduced operations, but would also support better monitoring and enforcement, education and outreach programs, vessel and visitor center operations, and scientific research, including climate monitoring and historical ecology. Additional funding would also allow for marine spatial planning within the sanctuaries as a means to better protect these valuable ecosystems.

Marine Protected Areas Program

NOAA is charged with implementing Executive Order 13158, Marine Protected Areas, which directs federal agencies to develop a national system of marine protected areas (MPAs). These areas are critical to maintain biological diversity, protect ocean habitats, and effectively manage fish populations. Under the program, NOAA is tasked with undertaking a gap analysis to identify which additional types of marine areas should be protected.

Given the ongoing loss of our marine resources, the implementation of the executive order has moved too slowly, partly due to insufficient funding. After receiving a start-up budget of $3 million in FY 2001, the MPA Center's budget reached almost $5 million in FY 2004, and then dropped to $1.5 million in FY 2007 and 2008. During this period of decline, the center lost 70% of its staff (18 full and part-time employees). Only recently with the FY 2009 Appropriations Omnibus bill has a reversal of this budget trend been seen. Program funding increased to $2.9 million in FY 2009 and $3.0 million in FY 2010. MCBI is pleased to see the subcommittee's support of the MPA Center.

MCBI recommends $5 million for the MPA Center in FY 2011. Projected use of these funds includes developing and expanding a national system of MPAs, allowing for stakeholder involvement in gap analyses and regional planning efforts, and developing a methodology to collect data on human uses of the ocean throughout the country and prepare maps of where these uses occur and how they conflict with one another or with marine conservation needs. This information is critical to decisions about alternative uses in the ocean.

Coral Reef Conservation Program

NOAA's Coral Reef Conservation Program (CRCP) manages NOAA's coral reef programs including both deep sea corals as directed by the Deep Sea Coral Research and Technology Program as well as shallow water corals. Deep sea corals research and conservation is funded under the National Marine Fisheries Service (discussed above) and shallow water corals research and conservation activities are funded under the National Ocean Service.

CRCP's shallow water coral activities focus on improving understanding of tropical coral reef ecosystems and minimizing the threats to their health and viability. Due to limited resources, CRCP has narrowed its efforts to better understand and address the top three global threats: climate change, fishing, and pollution impacts. MCBI recommends $50 million to sustain and enhance the Coral Reef Conservation Program and the US Coral Reef Task Force. These funds will aid in addressing the top three global threats by expanding the CRCP International Program, supporting designation of marine protected areas, supporting watershed restoration and planning efforts, implementing greater compliance and enforcement measures, monitoring and forecasting

ocean acidification impacts on coral reefs, and improving program management.

Ocean Acidification

Ocean acidification is the process by which seawater becomes corrosive to calcium carbonate structures found in many of the shells and skeletons of marine organisms, such as oysters and corals. It is a major marine impact associated with elevated carbon dioxide levels in the atmosphere. This, in turn, could negatively impact commercial and recreational fishing, as well as coastal communities and economies.

The Federal Ocean Acidification Research and Monitoring (FOARAM) Act that passed in early 2009 calls upon NOAA to coordinate research, establish a monitoring program, identify and develop adaptation strategies and techniques, encourage interdisciplinary and international understanding of the impacts associated with ocean acidification, improve public education outreach, and provide critical research project grants to understanding the ecosystem impacts and socioeconomic effects of ocean acidification. Ocean acidification research was appropriated at $6 million in FY 2010. MCBI supports the Presidential recommendation of $11.6 million in FY 2011 to understand and address ocean acidification.

Coastal & Marine Spatial Planning

As President Obama's Administration develops a new national ocean policy that includes an ecosystem-based coastal and marine spatial planning strategy for the oceans, coasts, and Great Lakes, steps must be made to properly fund these initiatives. A strong national policy will help our nation rebuild overexploited fisheries, protect endangered species, restore vulnerable habitats, and develop measures to deal with the marine impacts of climate change, all of which will strengthen our nation's economy.

Marine spatial planning requires a long term commitment and adequate and sustained resources. MCBI is encouraged by the Administration's recommendation of $6.7 million for coastal and marine spatial planning, but recommends an increased funding level of $10 million to ensure proper set up of key programs in the initiative's first year. This funding will support habitat mapping and characterization using existing data sets at NOAA; human use patterns mapping and user conflicts analysis; identification of current management authorities and jurisdictions; development of decision support tools; initial regional planning; and coordination of multiple agency efforts.

In summary, MCBI respectfully requests that the subcommittee augment funding for the conservation side of the National Oceanic and Atmospheric Administration's budget by the amounts discussed above.

Sincerely,

William Chandler

Mr. CHANDLER. Thank you, Mr. Chairman. My name is William Chandler. I represent the Marine Conservation Biology Institute, a nonprofit conservation organization based in the State of Washington. And I want to thank you for the opportunity to testify today on some of NOAA's conservation programs. I am going to address four of these that we had in our written statement, which are not all of them but they are the ones that I would like to highlight today.

First of all, I would like to start out, Mr. Chairman, by letting the Subcommittee know that the Hawaiian Monk Seal Recovery Program that the Subcommittee has supported for the last two years with an increased budget of twice what it was receiving a couple of years ago, your support of that program has absolutely rejuvenated it. As one who monitors the program carefully, I go to Hawaii several times a year, this is one of our key projects, and I can assure you that your support has been critical in getting this program moving again in the right direction. Let me give you some examples.

They have hired a recovery program coordinator for the first time. They have also started the practice of having winter field camps again up in the remote Hawaiian Islands where a lot of these seals live. Before those seals were just ignored during the winter and nobody knew what was happening to them, and nobody was doing anything to take care of them. They have added new staff. They are getting outreach and education programs going. And probably most importantly, Mr. Chairman, NOAA has actually partnered with a private, nonprofit organization who is going to care for wounded seals in a facility that the private organization is building itself. So NOAA has a private sector, and it is going to be able to help that program tremendously.

For 2011 the administration has recommended only $3.6 million for seal recovery in contrast with the $5.7 million this Committee has been giving it. In my opinion, Mr. Chairman, this would pretty much reverse engines on this program and negate the progress being made. So I would urge the Committee to hold steady with at least the $5.7 million that you have been supporting for the seal in the past. $3.8 million of that would go to research, and $1.9 million for management.

I would also like to suggest, Mr. Chairman, that all of that money that the Committee decides to give the monk seal this year be put in a seal line item to show that the Subcommittee intends this recovery effort to be ongoing, aggressive, and sustained.

Marine debris is another area I would like to address. NOAA's marine debris program has been level funded at $4 million since 2008. Public awareness of marine debris has grown tremendously in the last five years, I would say. I provided a couple of photos to the Committee to show the kind of horrific impacts that marine debris has on wildlife. This is a seal that cannot eat any longer. This is an albatross, Mr. Chairman, that has over 100 pieces of plastic in its belly, which basically led to its demise. It is hard to imagine that things like this which I find in the parking lot of my Metro station actually can get in the ocean and wind up in the belly of these magnificent birds. They are dying by the tens of thousands in the Pacific from this kind of ingestion. So we would

like to see this program towards prevention, and we are recommending an appropriation of $10 million this year to allow the program to start doing more preventative programs. So that would be $6 million above the $4 million that they are giving. We have to get to the prevention problem.

A third area of interest to us is the deep sea coral ecosystems that we recently discovered lying off our coast. Scientists need to learn more about the nature and the ecological roles and the threats to these systems so that they can do the right things to protect them. Funding for this program went up to $2.5 million in last year's budget, and there is still a great need, though, for mapping and identifying these ecosystems. We recommend an additional $4.5 million this year for that program.

Finally, Mr. Chairman, I want to point out that MCBI supports the President's request for $11.5 million for research on ocean acidification and its potentially catastrophic effects on marine life and on the industries that depend on them. The fishing industry, and seafood industry is very concerned about the growing acidification of the oceans and what that might do to their stock. So we strongly support this program at the $11.5 million amount.

That concludes my testimony, Mr. Chairman. And again, I want to thank you for your time and your interest in marine life in the oceans on this Subcommittee.

Mr. KENNEDY. Beautiful. Thank you for your testimony and your stewardship of our world. What is going on in terms of the international collaborative efforts on the coral monitoring?

Mr. CHANDLER. There are a lot of things happening in the international arena on corals, not only on deep sea corals, of course, but on the shallow water corals that people are more familiar with when they go to places like Hawaii or the South Pacific or the Caribbean. So NOAA does have a liaison office where they try to stimulate international programs in terms of coral protection. In the deep sea field they are doing some of that, but right now they are focused pretty much on trying to get a handle on what is going on in the United States.

Mr. KENNEDY. Is there anything about, we were talking about fishing before, but in terms of the big, those that, like, drag the stuff along the bottom?

Mr. CHANDLER. Well the fact of the matter is, there is nothing more destructive to a deep sea coral than a trawl, a bottom trawl, that is rolling over those corals. Either with rollers, or heavy weighted nets. They can crush and destroy those areas. So the idea would be to try to identify the most significant ones and try to guide the fishing industry not to go there.

Mr. KENNEDY. Well there has got to be a plan. And as a government guy, I mean, I am looking for, is there a bill? Are there regs? I mean——

Mr. CHANDLER. Well, the deep sea coral program, about which I am testifying, does require NOAA to provide this information to the Fishery Management Councils to let them know where these deep sea corals are. They have a voluntary responsibility to protect the corals, it is not mandatory. So it is up to the councils.

Mr. KENNEDY. Okay, so maybe you could give us some more information on that?

Mr. CHANDLER. I could. I could give you more details. I would be happy to do that. But essentially right now in federal waters deep sea coral protection is not obligatory, it is encouraged. But the councils do not have to obey any regulations about the destruction of these areas.

Mr. KENNEDY. It does not make a lot of sense for us to be pouring a bunch of money into researching and protecting and all the rest and then turn a blind eye——

Mr. CHANDLER. I agree with you.

Mr. KENNEDY [continuing]. When we are doing, when we are weighing in on all kinds of federal regs on these fishermen and everything else——

Mr. CHANDLER. I agree with you.

Mr. KENNEDY. I mean, it is just like one hand does not know what the other is doing. So if you could give us some, kind of how do we bring some coherence to that?

Mr. CHANDLER. I absolutely can.

Mr. KENNEDY. That would be great. And on the marine debris, if you could just follow up on it and what we could do to help put some money aside in the Navy's budget.

Mr. CHANDLER. Okay. I will be happy to do that.

Mr. KENNEDY. Because Navy is the biggest owner of coastal property around the world. And we have had some issues that, I mean, they are our protector. They do their job. But, you know, they have got a lot of historic stuff that is in our waterways that are——

Mr. CHANDLER. Right.

Mr. KENNEDY [continuing]. Posing hazards not only to our marine life but also to, you know, boaters and everything else. Because this stuff is all over in my state. I mean, we have had to have private folks take this stuff out because——

Mr. CHANDLER. Pick it up? Mm-hmm.

Mr. KENNEDY. Anyway, maybe you could tell, because there is obviously a lot more money in Defense to clean up the—

Mr. CHANDLER. And Mr. Dicks is our Congressman, so we can talk to him about that as well.

Mr. KENNEDY. Hey, good point. And you are in the right state to advocate for that. That is, let us definitely talk about that.

Mr. CHANDLER. Yes, okay.

Mr. KENNEDY. All right. Thank you so much.

Mr. CHANDLER. Thank you, sir.

Mr. KENNEDY. All right. Yeah, David Bedford. You are next.

WEDNESDAY, APRIL 14, 2010.

PACIFIC SALMON COMMISSION

WITNESS

DAVID BEDFORD

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TESTIMONY OF DAVID BEDFORD
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BEFORE THE SUBCOMMITTEE ON COMMERCE,
JUSTICE, SCIENCE AND RELATED AGENCIES
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES
February 11, 2010

Mr. Chairman, my name is David Bedford, and I serve as a U.S. Commissioner on the Pacific Salmon Commission (PSC). The PSC was established in 1985 to oversee implementation of the Pacific Salmon Treaty (Treaty) between the U.S. and Canada. In May of 2008, the PSC concluded bilateral negotiations that developed revised ten-year salmon fishing regimes to replace regimes that were expiring at the end of 2008. The provisions of the new fisheries agreements were approved by the U.S. and Canadian federal governments and are being implemented for the 2009 – 2018 period. The U.S. Section recommends that Congress:

- Fund the Pacific Salmon Treaty Line Item of the National Marine Fisheries Service at $9,708,000 for FY 2011 an increase in funding compared to $5,600,000 in recent-year budgets. This funding provides support for the states of Alaska, Washington, Oregon, and Idaho and the National Marine Fisheries Service to conduct the salmon stock assessment and fishery management programs required to implement the Treaty's conservation and allocation provisions for coho, sockeye, Chinook, chum, and pink salmon fisheries. Included within the total amount of $9,708,000 is $400,000 to continue a joint Transboundary River Salmon Enhancement Program as required by the Treaty.

- Fund the Pacific Salmon Treaty Chinook Salmon Agreement Line item of the National Marine Fisheries Service for FY 2011 at $1,844,000, level funding from what has been provided by Congress in recent years and is included in the President's FY 2011 request. This funding is necessary to acquire the technical information to fully implement the abundance-based Chinook salmon management program provided for under the Treaty.

The funding identified above is for ongoing annual programs and does not include new funding specifically needed for full application of the revised agreement for 2009-2018 that was negotiated by the PSC and accepted by the Governments of the U.S. and

Canada on December 23, 2008. This new funding was part of the National Marine Fisheries Service FY 2010 budget, which the U.S. PSC Commissioners recommend be continued in the FY 2011 federal budget.

The base Treaty implementation projects included in the Pacific Salmon Treaty Line Item consist of a wide range of stock assessment, fishery monitoring, and technical support activities for all five species of Pacific salmon in the fisheries and rivers from Southeast Alaska to those of Washington, Oregon, and Idaho. The states of Alaska, Washington, Oregon, Idaho, the federal National Marine Fisheries Service (NMFS), and the 24 treaty tribes of Washington and Oregon are charged with carrying out the salmon fishery stock assessment and harvest management actions required under the Treaty. Federal funding for these activities is provided through NMFS on an annual basis. The agency projects carried out under PSC funding are directed toward acquiring, analyzing, and sharing the information required to implement the salmon conservation and sharing principles of the Treaty. A wide range of programs for salmon stock size assessments, escapement enumeration, stock distribution, and catch and effort information collection from fisheries are represented. The information from many of these programs is used directly to establish fishing seasons, harvest levels, and accountability to the provisions of Treaty fishing regimes.

The base Treaty implementation funding of approximately $5.6 million in the FY 2010 budget has essentially remained at this low level since the early 1990's. Since that time, the growing complexity of conservation-based (federal Endangered Species Act compliant) fishing regimes has required vastly more stock assessment, fishing compliance monitoring, and technical support activities. In order to continue to implement the federal PST, the states have had to augment federal funding with other federal and state support. For example, additional sources of funding have included federal Anadromous Fish Grants, federal Pacific Coast Salmon Recovery Funds (PCSRF), federal Dingell-Johnson dollars, and state general funds. However, the Anadromous Fish Grants were eliminated in the federal FY 2010 budget, use of PCSRF monies was constrained in FY 2010 by new appropriations language, and state dollars and Dingell-Johnson grants were cut significantly during the current economic recession.

The economic impact of commercial and sport fisheries has been measured by the U.S. Fish and Wildlife Service at approximately $2-3 billion/year to PSC states. To continue to implement the federal PST conservation-based fishing regimes that contribute to the sustainability of salmon stocks and the large economic return to the states, the U.S. PSC members recommend an increase in base treaty implementation funding from the current $5.6 million to $9,708,000.

Effective, science-based implementation of negotiated salmon fishing arrangements and abundance-based management approaches for Chinook, southern coho,

Northern Boundary and Transboundary River salmon fisheries includes efforts such as increased annual tagging and tag recovery operations and application of other emerging stock identification techniques. The U.S. PSC members recommend that $9,708,000 be provided for the NMFS Pacific Salmon Treaty Line Item in FY 2011 for Treaty technical support activities. The $400,000 that has been provided in the separate International Fisheries Commissions line item since 1988 for a joint Transboundary River enhancement program with Canada is now included in this amount. The recommended amount for the combined projects represents an approximate increase of $4,108,000 over the amount appropriated for FY 2010.

Beginning in FY 1998, Congress provided $1,844,000 to allow for the collection of necessary stock assessment and fishery management information to implement a new abundance-based management approach for Chinook salmon coast-wide in the Treaty area. Through a rigorous competitive technical review process for project approval, the states of Alaska, Washington, Oregon, and Idaho, and the twenty-four treaty tribes are using the funding to support research and data collection needed for abundance-based Chinook management. The U.S. Section recommends level funding of $1,844,000 for FY 2011 to support the abundance-based Chinook salmon management.

The U.S. and Canada agreed in 1988 to a joint salmon enhancement program on the Transboundary Rivers, which are rivers rising in Canada and flowing to the sea through Southeast Alaska. Since 1989, Congress has provided $400,000 annually for this effort through the National Marine Fisheries Service International Fisheries Commission line item under the Conservation and Management Operations activity. Canada provides an equal amount of funding and support for this bilateral program. This funding is included in the $9,708,000 the U.S. Section is recommending for the FY 2011 NMFS Pacific Salmon Treaty line item.

This concludes the Statement of the U.S. Section of the PSC submitted for consideration by your committee. We wish to thank the committee for the support that it has given us in the past. I will be pleased to answer any questions the Committee Members may have.

SUMMARY OF PROGRAM FUNDING FOR THE U.S.-CANADA PACIFIC SALMON TREATY

DEPARTMENT OF COMMERCE
Pacific Salmon Treaty Line Item

FY 2009 Appropriation	FY 2010 Appropriation	FY 11 U.S. Section Recommendation
$5,610,000	$5,600,000	$9,708,000

The recommended FY 2011 amount includes $400,000 provided for the Joint Transboundary River Enhancement Program currently funded under the NMFS International Fisheries Commission account.

Pacific Salmon Treaty – Chinook Salmon Agreement Line Item

FY 2009 Appropriation	FY 2010 Appropriation	FY 2011 U.S. Section Recommendation
$1,844,000	$1,844,000	$1,844,000

Mr. BEDFORD. Mr. Chairman, I want to thank you for the opportunity to speak to the Committee. You have my written testimony. So I think what I will do is I will just land on a couple of the high points in there.

The general issue area that I am speaking to is the implementation of the Pacific Salmon Treaty, which is a treaty between the United States and Canada——

Mr. SCHIFF. Right.

Mr. BEDFORD [continuing]. To conserve and share harvest of salmon on the West Coast. They are farm migrating species. And they do spawn within the United States, travel into Canada, and then back again.

There are two particular lines in the budget that I want to speak to. One of them is the Pacific Salmon Treaty line item in the National Marine Fisheries Service budget. A second one is the Chinook Letter of Agreement line item in the NOAA budget.

We have the situation that the United States entered into this treaty with Canada in order to conserve salmon. Yet we find that the states are far better equipped to deal with salmon conservation and management than the federal government.

Therefore, the kinds of responsibilities that have been undertaken by the United States under this treaty are fulfilled in principal measure by the states of Washington, Oregon, and Alaska.

We receive base funding for implementation of treaty programs through these line items that I have indicated in the budget. However, the level of funding that we receive is projected by the President for the coming year to be $5.612 million. We view our costs as being $9.708 million. And that is a product of a very serious zero-based budgeting exercise undertaken by all of the states in January of this year.

We have been able over the past years to backfill the needs for funding by reaching into other funding sources. So, for example, the states have used Dingell-Johnson funding. They have used anadromous fisheries grants, another line item in the NOAA budget in the past but which was excised from the budget in this past year. We have used Pacific Coastal Salmon Recovery. We have used state general fund dollars.

But with the economy where it is now, with the changes that have been made to the federal budget, with the increasing costs that we have for the kind of intensive conservation-based management that we have to undertake, we are not in a position to be able to continue to backfill the needs that we have.

So we find ourselves now really hitting the wall on this. So we are working hard to try to see if there isn't some way that we can succeed in getting adequate base funding on this, so that the states will again be able in their status of sort of filling the shoes of the federal government in this international agreement to be able to continue doing the kind of intensive conservation-based management that we have been doing.

And thank you very much.

Mr. KENNEDY. Excellent. Give me anecdotally the activities that go into this that costs all the money, in terms of the monitoring, conservation, all the rest.

Mr. BEDFORD. For fisheries management you have got two basic issues, how many fish do you have and how many are being impacted in one fashion or another.

So we are in a position where we are monitoring resources, monitoring fisheries, accounting for the spawning stock so that we can keep track of productivity. It is a very involved kind of process.

We are doing that in rivers from the Oregon coast up to Cape Suckling in Alaska, which is a distance of a couple of thousand miles. It is a very geographically broad undertaking.

Mr. KENNEDY. On the one hand you said the states are better at it. But state budgets can vary from state to state. And you are looking at a whole species. Why wouldn't the feds be better at doing it since they are immune from state—they may not be immune from economic and budgetary problems, but at least the monitoring may not differ as much.

Mr. BEDFORD. As a matter of sort of the traditional police powers of the states they manage these fisheries. Now the federal government has undertaken management of salmon fisheries outside of three miles.

But the states still have the responsibility for all of those populations once they get inside three miles and then in the spawning grounds. So the states are then in a position where they have responsibilities that the federal government can't stand in their shoes to undertake.

Furthermore, you have a great interest on the part of the states on these fisheries, because they are huge economic drivers for the economies of the states. So they have had in place management programs since a time that the federal government took much interest in it.

Mr. KENNEDY. One last question is with respect to the tribes, Native American, they have sovereignty over their lands. So what, kind of requirements do they have in terms of adherence? Since it is a federal law, it is—they have got the——

Mr. BEDFORD. Well thank you very much for that question. I have narrowed the discussion to the states because of the venue that I am in.

The tribes, of course, have co-management responsibilities in the states of Washington and Oregon. And so they stand basically in parallel with the states in trying to conserve and manage salmon resources.

However, the interests of the tribe are something that we try to deal with in dealing with the Department of Interior and their budget.

Mr. KENNEDY. Okay.

Mr. BEDFORD. And we are, again, following up on that.

Mr. KENNEDY. Okay.

Mr. BEDFORD. But I didn't think the venue was appropriate to pursuing it.

Mr. KENNEDY. No. But I appreciate you bringing that up. And if you could do a little memo for us on that, because it would make a difference.

Thank you very much for your testimony and for being here.

Mr. BEDFORD. Well thank you very much for the opportunity.

Mr. KENNEDY. You bet.

So Anthony from the National Fish and Wildlife Foundation.

WEDNESDAY, APRIL 14, 2010.

NATIONAL FISH AND WILDLIFE FOUNDATION

WITNESS

ANTHONY CHATWIN, PH.D.

TESTIMONY OF ANTHONY CHATWIN, Ph.D., DIRECTOR OF MARINE AND COASTAL CONSERVATION, NATIONAL FISH AND WILDLIFE FOUNDATION
BEFORE THE HOUSE APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
REGARDING THE FY 2011 BUDGET FOR
THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to submit testimony regarding FY 2011 funding for the National Fish and Wildlife Foundation (Foundation). **The Foundation's FY 2011 funding request is fully authorized and each federally-appropriated dollar will be matched by a minimum of one non-federal dollar.** We respectfully request your approval of funding through the National Oceanic and Atmospheric Administration (NOAA) at the following levels:

- **$ 3 million to help fishing communities in the transition to catch share programs - National Marine Fisheries Service's (NMFS) Operations, Research and Facilities appropriation; and**

- **$ 2 million to foster coordination between NOAA, state, tribal, and local partners in comprehensive marine spatial planning - National Ocean Service's (NOS) Ocean and Coastal Management appropriation.**

Since its inception, the Foundation has leveraged $500 million in federal funds into more than $1.5 billion in on-the-ground and in-the-water conservation with less than 5% overhead to the federal government and fewer than 100 staff nationwide.

The Foundation was established by Congress in 1984 to foster public-private partnerships to conserve fish, wildlife, and their habitats. The Foundation is required by law to match each federally-appropriated dollar with a minimum of one non-federal dollar. We consistently exceed this requirement by leveraging federal funds at a 3:1 average ratio while building consensus and emphasizing accountability, measurable results, and sustainable conservation outcomes. FY 2011 funds will allow the Foundation to uphold our mission and expand our successful partnership with NOAA.

Sustainable Fisheries and Catch Shares

This $3 million NOAA-NMFS request will support the Foundation's Fisheries Innovation Fund which is a grant program to assist fishing communities in the design and implementation of catch shares. This new initiative is a priority for the Foundation in FY 2011 and closely aligned with NOAA's budget priorities. **The purpose of the Fund is to partner with NOAA, private funders, and local communities to catalyze the development and implementation of limited access privilege programs ("LAPPs"), or catch shares, for the nation's marine fisheries.** The Foundation will build on our successful grant-making partnerships in gear modification/exchange, bycatch reduction, and marine debris prevention to implement this grant-making and technical assistance program. Private partners have already committed to support the Fund and thereby leverage federal funds with their own matching contributions.

It is notable that the Administration's FY 2011 request includes $54 million to initiate a National Catch Share Program. This is an important step and the Foundation is committed to helping NOAA implement this program, consistent with the Federal Catch Share Policy. As a neutral consensus builder with a proven track record of success, the Foundation has a unique role to play as a non-regulatory partner in NOAA's efforts to implement catch share programs.

The Draft Catch Share Policy states that NOAA will "encourage public-private partnerships and facilitate collaboration with state and local governments, regional economic development districts, public and private nonprofit organizations, and tribal entities to help communities address problems associated with long-term fishery and community sustainability." The Foundation is well-positioned to help NOAA implement this particular aspect of the policy by serving as a conduit to members of the fishing community in the design of catch share programs. **The Foundation's role will be to build trust and effective partnerships within local communities and, among other things, provide grants to improve their capacity to participate in the catch share design process.**

As an example, the Foundation recently made an investment in the State of Maryland to build a sustainable blue crab fishery in the Chesapeake Bay through development of catch shares. Our role was to help build trust between the regulators and the fishermen by promoting fishermen-to-fishermen learning opportunities about catch shares. In the Gulf of Mexico, we have provided grants to enable fishermen to meet regulatory requirements to convert their fishing gear, free of charge, to avoid bycatch. We operated similar gear conversion programs for New England lobstermen. The Fishing for Energy Program, established in 2008 with NOAA, Covanta Energy, and Schnitzer Steel, allows fishermen to dispose of derelict gear, free of charge, that Covanta converts to create energy. This successful partnership has benefited fishermen through collection and disposal of over 250 tons of derelict fishing gear from 18 ports in the United States.

The Foundation looks forward to working with NOAA as a funding partner in FY 2011 to develop catch share programs that are well-designed and thoughtfully prepared to foster healthy, profitable fisheries that are sustainable and beneficial to coastal communities.

Marine Spatial Planning and Marine Protected Areas

This $2 million NOAA-NOS request will support the Foundation's Marine Protected Areas (MPAs) Fund which is a grant program focused on MPAs and the implementation of marine spatial planning conservation priorities. The Fund was established in 2009 in partnership with NOAA's MPA Center to provide grants that will foster collaboration at all levels of government to work together at regional, national and international levels to strengthen the management, protection, and conservation of MPAs.

MPA's play a critical role in the conservation of marine and coastal resources and span a range of habitats including open ocean, estuaries, and inter-tidal zones. There are a variety of MPA programs at the federal, state, tribal and local level that make up the new National System of MPAs. The Interagency Ocean Policy Task Force's Framework for Effective Coastal and Marine Spatial Planning identifies MPAs as a primary tool for conservation of the marine environment. The Foundation's MPA Fund can deliver tangible results that contribute to the

marine spatial planning conservation goals of the Interagency Ocean Policy Task Force by enhancing coordination of federal, state, tribal, and local MPAs.

With FY 2011 funding, the Foundation will continue grant-making to support effective management, including strengthening of technical, scientific and enforcement capacity, and facilitating participation of stakeholders in planning efforts needed to ensure the success of the National System of MPAs. Specifically, the Fund will help to (1) enhance the protection of U.S. marine resources by providing new opportunities for regional and national cooperation, (2) support the national economy by helping to sustain fisheries and maintain healthy marine ecosystems for tourism and recreation businesses, and (3) promote public participation in MPA decision-making by improving access to public policy information.

The Administration's FY 2011 budget request recognizes the need for and importance of marine spatial planning and ocean governance. To that end, we respectfully ask for your support of the Foundation's MPAs Fund in FY 2011.

Conclusion

As the congressionally-chartered Foundation for NOAA, the Foundation is uniquely positioned to help the agency implement priority programs and leverage federal investments to support our shared conservation objectives. Direct appropriations through NOAA in FY 2011 will accelerate our joint effort to fully implement the Fisheries Innovation Fund and the Marine Protected Areas Fund. NOAA appropriations of $5 million in FY 2011 would be matched at a minimum by an additional $5 million from non-federal sources. As a trusted, neutral consensus builder, the Foundation stands ready to assist NOAA with implementation of these federal programs by catalyzing effective local partnerships to protect marine and coastal resources while ensuring continued economic benefits for local communities. Mr. Chairman, we greatly appreciate your continued support and hope the Subcommittee will approve funding for the Foundation in FY 2011.

Background on National Fish and Wildlife Foundation

As of FY 2009, the Foundation has awarded nearly 10,500 grants to more than 3,000 national and community-based organizations through successful partnerships with NOAA and other federal agencies including the U.S. Fish and Wildlife Service, Environmental Protection Agency, and USDA's Forest Service and Natural Resources Conservation Service. This collaborative model brings together multiple federal agencies with state, tribal and local governments and private organizations to implement conservation strategies that directly benefit NOAA's goal to conserve coastal and ocean resources through ecosystem-based management.

The Foundation's grant-making involves a thorough internal and external review process. Peer reviews involve federal and state agencies, affected industry, non-profit organizations, and academics. Grants are also reviewed by the Foundation's issue experts and evaluation staff before being recommended to the Board of Directors for approval. In addition, according to our Congressional Charter, the Foundation provides a 30-day notification to the Members of Congress for the congressional district and state in which a grant will be funded, prior to making a funding decision.

Mr. CHATWIN. Thank you, Mr. Kennedy, Mr. Fattah, for the opportunity today to testify. I am Anthony Chatwin. I am the Director of Marine and Coastal Conservation at the National Fish and Wildlife Foundation. I have submitted written testimony, so I am just going to hit on the more important items.

Mr. KENNEDY. Awesome.

Mr. CHATWIN. The National Fish and Wildlife Foundation was established by Congress back in 1984 to promote public/private partnerships. We are fully authorized to receive appropriations. And in the early 90s we became NOAA's official foundation. And as such, we work with the agency to help implement their priorities.

The way we operate is we take federal dollars, and we match them with private dollars. And we give them out through our grant programs. Today we have given out over 10,000 grants to over 3,000 grantees around the country. And we have a strong history in providing grants to coastal communities and fishermen around the country.

In fact, an example of that is we have a Marine Debris Program that was mentioned earlier. Marine debris is an issue, where we give grants to fishermen and to ports to clean up derelict fishing gear. We have a partnership with NOAA where we get federal money. And we have a partnership with Covanta Energy. And through that partnership, we place bins in ports, in key ports, including many in New England, where fishermen can at no cost get rid of the derelict fishing gear rather than dump it at sea. And that then is taken and burned as energy. So that is just an example of the type of program that we run.

Now it is a win-win solution. And it is that win-win solution oriented focus that we want to apply to two other areas that are priority for NOAA. One has to do with the catchers that we also discussed earlier. We have a Fisheries Innovation Fund for which we are seeking an appropriation, a request of $3 million. And we also have identified partners in the private sector that are interested in matching NOAA's dollars in that program.

And the grants we would direct to helping build the capacity of small-scale fishing interests, both commercial and recreational, to participate in the design of the catch share programs. Catch shares can be an effective fish and management tool if designed appropriately. And a key to that design is the participation of the interested parties in that design. So that is what our grants would be focused on.

And that builds on an experience that we have. We provided a grant in the Chesapeake Bay with Blue Crab Fishery in Maryland. In fact, we co-funded it with the state of Maryland. And we promoted a fishermen-to-fishermen exchange. Our grant enabled the crabbers to go to Canada and learn firsthand from fishermen in Canada that had been under a catch share fishery for a long time. And they have come back with a renewed interest and some improved insights in how to make a system like that work for them and preserve their way of life, which is so important.

The other area of focus of our request is we are requesting $2 million for our Marine Protected Areas Fund to help NOAA in its implementation of marine spatial planning at the site level.

And, again, in the spirit of fostering collaboration, which is a hallmark of our grant programs, the grants would be destined to helping local, state, tribal, and users to participate fully in marine spatial planning process.

So in conclusion——

Mr. KENNEDY. For what purpose?

Mr. CHATWIN. To minimize conflicts. An example is in Stellwagen Bank, a marine sanctuary, national sanctuary where there was conflict between the resources that the sanctuary was trying to protect, the right whales, and the shipping lanes.

The marine spatial planning process allows them to come together and what has resulted, and this is called for in the policy, the draft policy anyway, is they have changed the shipping lanes and implemented some speed adjustments so to minimize the conflicts with the resource there.

And in conclusion, all the federal collars that we receive we double by matching one-to-one with private interests. And we make sure that they are well used to benefit fish and wildlife and the communities that depend on them.

So we look forward to working with the Subcommittee on this. And I am happy to take any questions.

Mr. KENNEDY. Well thank you for your testimony. Thank you for the work that you do.

Obviously in light of the earlier testimony on the catch shares, I am, you know, interested in your perspective on the comments that I made on that. And you alluded to it a little bit.

And I notice your history is, obviously, working throughout Latin America helping a number of countries implement sustainable fishing programs and the like. And I know you know the way of the world is follow the money.

Mr. CHATWIN. Right.

Mr. KENNEDY. The key to environmentalism obviously, as you know, is investing people in the environment. And you can't just have a handful of people own the environment and then be the only—because they are the only ones that are going to care.

So we have to have—we can't just have a couple of people—bunch of people buy up all the permits. And that is what this catch share thing is. It seems to me it is a perpetuation of that. It is misguided, or whether it is planned or not, that is what is happening.

Mr. CHATWIN. Mm-hmm.

Mr. KENNEDY. I don't know whether it was anyone's intent or not. But it has eliminated the best conservationists we have. And that is the, you know, one or two boat owner family-run operations that have been going generations that went out there and did their fishing for sustainable livelihood.

Now we have got these factory ships. They sit out underneath the Pell Bridge. They are five stories high. They come in from all over the world. They just scoop up the menhaden and just freeze them. You know, they ship them right out. I mean, it is just disgusting. It has totally perverted anything that you would ever think is something called fishing. It doesn't resemble fishing. It is mining the oceans.

So as far as I am concerned I am going to do everything I can to eliminate the catch share program. This $54 million, if I have

anything to say about it as co-chair of this Committee, it is going to be gone. I am going to tell Mollohan this is one of my priorities. Gone from this budget.

So I know you are trying to partner up because it is $54 million. It is big, fat and sits out there in the budget. You say, hey, we want to partner up with this. This is a chunk of money.

But I am saying to you come back to us with what you would ideally like to see that money spent on. Not because it is there and you say oh we better get in with this new catch share program, because that looks like where the money is.

If you had that money and were to implement a new novel way of trying to—if you had to recreate sustainable fishing, which allowed people from the local area to fish, what would it look like given your experience? Because I have noticed you have been part of this.

You have heard proposals from not only our own country, Equador, Brazil, Latin America, Panama, Peru. You have been all over the world. I noticed your whole history here. It is terrific. So you have got a lot of perspective you can give us on this.

Mr. CHATWIN. Sir, just one comment I would share. I think that small-scale fishermen everywhere are at a disadvantage, a competitive disadvantage. And so there need to be mechanisms to help even that out.

And one example in Brazil, for example, is where they assign, and this happens in Mexico as well, they assign exclusive use rights to a community to a certain piece of the bottom. So that works for a lobster fishery for example.

Mr. KENNEDY. I got you.

Mr. CHATWIN. So the way I see catch shares, yes, it is interesting that there is this big budget associated with it. But that is a mechanism that can work in favor of the small-scale communities, because there is a mechanism in there to allocate an amount of the cash to the community.

Mr. KENNEDY. Okay.

Mr. CHATWIN. And that mechanism doesn't exist today.

Mr. KENNEDY. Good. Well that is the kind of input that might be able to work to keep me from——

Mr. CHATWIN. Yes.

Mr. KENNEDY [continuing]. Doing everything I can to kill this thing. So, yes, could you just give us——

Mr. CHATWIN. Sure.

Mr. KENNEDY [continuing]. How to write this thing better?

Mr. CHATWIN. It would be a pleasure. We will follow up with Adrienne.

Mr. KENNEDY. Do you know Riverkeepers?

Mr. CHATWIN. Yes.

Mr. KENNEDY. Yes. So that is a good——

Mr. CHATWIN. Excellent.

Mr. KENNEDY [continuing]. Program in the northwest for the salmon thing. They are great.

Mr. CHATWIN. Thank you very much.

Mr. KENNEDY. Thank you very much.

Now it is Chaka Fattah from Philadelphia, the City of Brotherly Love. He will be a lot nicer to the rest of you. But I will just say

for the record I allowed them to at least sit. They were standing before I got here. I don't know what it was about Honda that made them stand in the hallway. But I have that one up on them.

Thank you all for your patience.

Mr. FATTAH [presiding]. I did an earlier session, so it is good to be back. And we have now a Philadelphian who is doing an extraordinary job, transplanted Philadelphian by way of Colorado, leading Big Brothers Big Sisters, doing an extraordinary job of running an agency that is serving and helping millions of young people across our country. And we want to welcome you to the Committee.

Everyone should know that there are going to be some votes at some point very soon. You see the speaker up. That means that the elephants have gathered. And the grass is going to get trampled. So there is going to be votes. So I will try to move this along so that everyone can get their testimony in and that you don't have to wait for us to go vote and come back an hour after that, so go.

WEDNESDAY, APRIL 14, 2010.

BIG BROTHERS BIG SISTERS OF AMERICA

WITNESS

KAREN J. MATHIS

TESTIMONY OF

KAREN J. MATHIS
PRESIDENT & CEO
BIG BROTHERS BIG SISTERS OF AMERICA
230 NORTH THIRTEENTH STREET
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BEFORE
THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES

FEBRUARY 11, 2010

H-218 U.S. CAPITOL

Good day, Mr. Chairman. My name is Karen Mathis and I have the pleasure of serving as President and Chief Executive Officer of Big Brothers Big Sisters of America. Thank you for the opportunity to testify before the Subcommittee in support of Fiscal Year 2011 funding for the Office of Juvenile Justice & Delinquency Prevention. Big Brothers Big Sisters of America respectfully recommends a $150 million for the competitive Youth Mentoring Grants program.

Big Brothers Big Sisters is the nation's only evidence-based mentoring program focusing on proven outcomes in a scalable model across all 50 states. Our mission is to help children reach their potential through professionally supported, one-to-one relationships with measurable impact. We are a grassroots organization of more than 380 local Big Brothers Big Sisters agencies, serving over 5000 communities throughout the country. Big Brother Big Sisters was founded over a century ago to provide services to at-risk youth in need of additional support and guidance and last year our agencies served over 260,000 children and youth in one-to-one mentoring relationships.

We know that our nation's children face greater obstacles today than ever before. The Office of Juvenile Justice and Delinquency Prevention's 2006 National Report on Juvenile Offenders and Victims indicates that:

- In 2002, one in twelve murders in the U.S. involved a juvenile offender.
- One of every four violent crime victims known to law enforcement is a juvenile.
- Thirty-two percent of youth ages 12 to 17 who report recently using alcohol also report using marijuana
- Law enforcement agencies made 2.2 million arrests of persons under age 18 in 2003.
- The most serious charge in almost half of all juvenile arrests in 2003 was larceny-theft, simple assault, a drug abuse violation, disorderly conduct, or a liquor law violation.

There is strong evidence that makes the case for placing a Big Brother or Big Sister in the life of an at-risk youth in order to prevent and respond to juvenile delinquency and victimization. Our one-to-one program model works as an effective and efficient strategy for supporting at-risk youth. According to the 1995 Public/Private Ventures' (P/PV) landmark impact study[1], children who are matched with a Big Brother or Big Sister were:

- 46% less likely to begin using illegal drugs
- 27% less likely to begin using alcohol
- 52% less likely to skip school
- 37% less likely to skip a class
- more confident of their performance in schoolwork
- less likely to hit someone
- getting along better with their families

[1] Tierney, J.P., Grossman, J.B., and Resch, N.L. (1995) Making a Difference: An Impact Study of Big Brothers Big Sisters. Philadelphia: Public/Private Ventures

The P/PV study found that it was Big Brothers Big Sisters' gold standard approach to mentoring that made these one-to-one matches such a powerful force on influencing children's behavior. This impact study was the culmination of a P/PV series on Big Brothers Big Sisters. Taken together, the reports demonstrate that Big Brothers Big Sisters' one-to-one service is the evidence-based model for other mentoring programs to replicate. Big Brothers Big Sisters mentoring offers positive, broad-based programs that focus on meeting both youth's most basic developmental needs as well as key interventions to keep young people safe, engaged academically and avoiding risky behavior. As a result, our mentees ("Littles") do better in school and at home, and avoid violence and substance abuse at a pivotal time in their lives when even small changes in behavior, or choices made, can change the course of their future.

Over the past decade, with Congress' and the Department of Justice's strong support, mentoring programs in general have achieved tremendous growth and Big Brothers Big Sisters specifically has expanded its work while maintaining its hallmark standard of data-driven quality services and measurable outcomes. Every Big Brothers Big Sisters mentor undergoes a rigorous, thorough background check to ensure the safety of every child and a professional match support specialist oversees each match to address pertinent issues or problems and lend support to the Big. Every one of our agencies operates on the principles of mission accountability, program sustainability and resource leveraging. Direct federal investments in Big Brothers Big Sisters of America have helped maintain this high level of quality control, thereby earning the trust of the public and seeding private investments.

Big Brothers Big Sisters has historically been supported through the generosity of individuals who believe in the organization's commitment to matching at-risk children with caring, volunteer mentors. Federal funds appropriated or granted to Big Brothers Big Sisters of America and our affiliates are used to support the development of our service delivery model, measured and evaluated by leading edge technology, and the training, development and retention of quality staff - all with the goal of growing the number of matches and increasing program outcomes. Federal grants provide important seed capital to leverage private dollars to support the work of Big Brothers Big Sisters in thousands of communities across the country, and we are continuously working to increase the capacity of the affiliates to achieve sustainable growth by concurrently and significantly expanding their private donor base.

It is in this context that Big Brothers Big Sisters expresses its concern regarding the President's proposed Fiscal Year 2011 Budget. We know well the budgetary pressures that this Subcommittee, the Congress, the Administration and nation are facing. However, while the across-the-board reductions in juvenile justice funding that the Administration is suggesting may produce short-term savings, as a nation we can not afford the lasting impact such cuts would impose on our most vulnerable youth. We will spend substantially more downstream when these same young people become the victims and perpetrators of crime.

In that regard, we ask that this Subcommittee and your colleagues in Congress will continue to prioritize investments in juvenile justice programs in general and Youth Mentoring Grants in particular. Big Brothers Big Sisters is grateful for your vote of confidence in Fiscal Year 2010 and the $20 million increase for Youth Mentoring Grants provided in the Omnibus. A 55% decrease in funding in Fiscal Year 2011 would have devastating consequences at a time when national, regional and local mentoring programs are in need of critical support to do their vital work. We have children waiting, volunteers ready to mentor, yet without funding both will have to be turned away from this proven, effective service.

In response to President-elect Obama's "call to service" just over a year ago, mentoring programs such as ours saw a significant increase in volunteer applications. And as the economic crisis continues, mentors continue to help meet the significant demand our nation's disadvantaged youth have for guidance and a caring trusted adult in their lives. Mentoring programs can and do provide distressed communities with the ability to prevent and respond to juvenile delinquency and victimization, especially during these challenging times. We understand that our request represents a significant increase in a year when the President has proposed freezing non-security discretionary spending, but OJJDP has indicated that in Fiscal Year 2009 they received over 2000 applications for grants and were only able to award 63 grants. There is clearly a major need for these funds.

The intrinsic value of youth mentoring does not lie within mentoring organizations, but within the opportunity to create a successful future for an at-risk child. We urge the Subcommittee to view mentoring as a cost-saving method for investing in our nation's social and economic future. Taken from a purely fiscal point of view, a vulnerable youth who, as a result of mentoring, develops into a productive adult member of society offsets the cost of the initial mentoring match many times over. Mentoring organizations such as Big Brothers Big Sisters are a conduit through which Congress and the Department of Justice can confidently advance social responsibility and stability.

Volunteer mentoring in particular is a cost-effective method for decreasing the likelihood of a variety of at-risk behaviors and breaking generational cycles of crime and incarceration. Independent Sector, a nonprofit, nonpartisan organization conservatively estimates the 2008 value of the volunteer hour to be $20.25. With over 264,000 Bigs each volunteering roughly three hours per week for 50 weeks a year, the estimated in-kind contribution of Big Brothers Big Sisters mentoring is over $800 million per year.

Through our community and site-based mentoring programs, Big Brothers Big Sisters is reaching some of our nation's most vulnerable youth. Our mentoring makes a significant impact on our nation's youth with just a small investment of federal dollars, and Big Brothers Big Sisters of America is deeply grateful for Congress' continued and strong support. As you work to ensure a better future for all of America's youth, Big Brothers Big Sisters is your proud partner. We help millions of at-risk children overcome adversity and grow into caring, competent and confident adults.

In closing, Big Brothers Big Sisters of America understands the current fiscal environment and the pressures of an increasingly large budget deficit. We sincerely thank this Subcommittee for its past leadership on behalf of the cause of positive youth development, and strongly urge you to continue to demonstrate the strength of your convictions. Throughout history, the success and development of subsequent generations has been the metric and legacy of every society. One-to-one, volunteer youth mentoring is an evidence-based, cost-effective and reliable pathway for our generation to ensure future social and fiscal responsibility.

Ms. MATHIS. Thank you, Congressman Fattah. It is wonderful to be here with you. And may I just say for the record that right now Big Brothers Big Sisters is representing and mentoring 4,000 children in Philadelphia alone.

And I think it is important for the purposes of this hearing today, Congressman, to note that just eight years ago only 1,500 young people were being mentored in Philadelphia. That incredible increase was due almost entirely to a grant from OJJDP. So that puts this issue in a particular light.

I would like to thank you and the Committee for allowing us to speak on these appropriation issues. As you are aware, Big Brothers Big Sisters it the nation's largest and oldest evidence-based mentoring program. Our mission is to help youth reach their potential.

We are a grassroots organization. We have 360 local agencies. And right now we are serving 260,000 children in over 5,000 American communities.

There is strong evidence that our model works to prevent and respond to juvenile delinquency and victimization. And in this context, Big Brothers Big Sisters must express its very sincere and respectful concern with the President's proposed fiscal year 2011 budget.

Now we all recognize, certainly in the non-profit sphere as well as the profit, the budgetary pressures our nation and our government is under. We understand that these cuts might produce shotterm savings. However, we cannot afford the lasting impact such cuts would have and impose on the most vulnerable of our youth.

And, you know, we are going to spend more money downstream when these same young people become victims or regretfully some of them become perpetrators of crime.

We in the mentoring and youth development segment are very grateful for the $20 million increase in youth mentoring grants this last year. But a 55 percent decreasing in funding for the President's proposed fiscal year 2011 budget would have devastating consequences.

There are over 26,000 children right now waiting to be mentored just at Big Brothers Big Sisters agencies. And we have volunteers who are ready to mentor. But without funding, we cannot make the matches.

And so President Obama's call to service created a wonderful uptick in volunteer queries. But without the funding that is provided by OJJDP and other governmental agencies, we can't make those matches.

And as our economic crisis continues, and we all know it will take a while to come out of that, the demand for mentors, in particularly hard hit communities, just continues to rise.

OJJDP last year, for example, had 2,000 applications for these funds. It awarded 63 grants. The need is clear. To reduce the budget by 55 percent would be catastrophic.

We know that volunteer mentoring is cost effective. The independent sector has valued a volunteer hour at $20.25 an hour. With 264,000 Big Brothers and Big Sisters volunteering approximately three hours a week for 50 weeks a year, that in-kind contribution is over $800 million a year.

Now think where the United State Government gets that kind of leverage and does that kind of good, not just for this generation but for future generations as well.

The reach, the impact are huge. The success and development of our subsequent generations, the legacy we are going to leave for future generations, is truly at stake with this budgetary proposed cut.

We know we are evidence based. We know we are cost effective. And we know mentoring is a reliable pathway for this generation to ensure the success of future generations.

Our testimony more fully explains our position. Congressmen, we thank you for the opportunity. I would be delighted either here, with your staff, or back, of course, in our congressional district to answer any questions you might have.

Mr. FATTAH. Well let me thank you for your testimony and for the great work that you are doing. I think that the Committee has demonstrated in the past its significant support for and interest in the work of Big Brothers Big Sisters.

And I know you have been doing some extraordinarily good work with particularly the best fraternity in the world, Alpha's, who are working with you to get more African-American men involved in mentoring programs through out college fraternity system.

So let me thank you for your work. I am not going to belabor the point. I want to get everyone's testimony on the record so thank you.

Ms. MATHIS. Thank you, Congressman, appreciate it.

Mr. FATTAH. And you can let Senator Grassley know I think you are doing a great job, all right?

Ms. MATHIS. Thank you, sir. We do try to take every nickel and stretch it to a quarter.

Mr. FATTAH. Thank you.

Ms. MATHIS. And I will excuse myself, sir.

Mr. FATTAH. All right.

Zygmont Pines, Esquire. I served with Chancellor Raynes and Jim Mundy years ago. We worked on creating the drug court in Pennsylvania. Welcome. And you will enter your testimony for the record. And you can make whatever comments you would like to make.

WEDNESDAY, APRIL 14, 2010.

NATIONAL CENTER FOR STATE COURTS

WITNESS

ZYGMONT A. PINES, ESQ.

CONFERENCE OF STATE COURT ADMINISTRATORS

TESTIMONY

by

Zygmont A. Pines
Court Administrator, Administrative Office of Pennsylvania Courts

On

Outside Witnesses Hearing: Funding for the Threat Assessment Database Program of the Court Security Improvement Act (PL 110-177) and the NICS Improvements Act (PL 110-180

Submitted to the

**HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
UNITED STATES HOUSE OF REPRESENTATIVES**

Subcommittee Hearing
Wednesday, April 14, 2010

National Center for State Courts
Government Relations Office
111 Second Street, NE
Washington, DC 20002
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Mr. Chairman, I come before you today to request that the House Appropriations Committee fund the Threat Assessment component of the Court Security Improvement Act (PL 110-177) at the authorized level of $15 million for FY 2011. We also request that the Committee fully fund the State Court System Grants under the National Instant Criminal Check System (NICS) Improvement Amendments Act (PL 110-180) for FY2011.

ABOUT COSCA

Thank you, Chairman Mollohan, Ranking Member Wolf, and members of the House Appropriations Subcommittee on Commerce, Justice, Science for hearing our testimony today. My name is Zygmont Pines and I am testifying on behalf of the Conference of State Court Administrators (COSCA). I am the Court Administrator for the State of Pennsylvania.

Last year, Mary McQueen, former state court administrator of Washington State, testified before this Committee on behalf of COSCA on Outside Witnesses day.

Before I begin my remarks, I would like to provide some background on our COSCA and its membership. COSCA was organized in 1955 and is dedicated to the improvement of state court systems. Its membership consists of the principal court administrative officer in each of the fifty states, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the Territories of American Samoa, Guam, and the Virgin Islands. The state court administrators are responsible for implementing policy and programs for the state judicial systems. COSCA is a nonprofit corporation endeavoring to increase the efficiency and fairness of the nation's state court systems. As you know, state courts handle 98% of all judicial proceedings in the country.

I also would like to tell you about the Conference of Chief Justices (CCJ), a national organization that represents the top judicial officers of the 58 states, commonwealths, and U.S. territories. Founded in 1949, CCJ, along with COSCA, speak for state courts before the federal legislative and executive branches and work to promote reforms to improve the administration of justice. COSCA works very closely with CCJ on policy development and administration of justice issues.

THREAT ASSESSMENT DATABASE

I want to start by thanking you for including language in last year's Commerce, Justice, Science Report to accompany HR 2847 (H Report 111-149) encouraging the

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Bureau of Justice Assistance (BJA) "to support efforts to establish and maintain threat assessment databases, based on core data elements determined by BJA that facilitate the collection of uniform data." To follow up on this report language, we have been having discussions with staff of the BJA on the data elements that such an incident reporting/threat assessment system should contain. We have shared with BJA the model incident reporting/threat assessment systems that have been developed by the CCJ/COSCA Court Security and Emergency Preparedness Committee. To date, BJA has not given us any guidance on how they are planning to respond to your Report's directive.

Let me report on some incidents that have occurred since we last delivered testimony. In West Virginia, the state administrative office of the courts (AOC) has seen a trend of increasing violence related to court orders (such as protective orders). A sample of the 2009 incidents in West Virginia includes:

- One disorderly behavior
- One aggravated assault
- Five verbal threats of a judge
- One suspicious package
- One bomb threat
- One battery of a probation officer
- There were also two domestic violence deaths that occurred immediately following the issuance of protective orders.

In my own state of Pennsylvania, 227 security incidents were reported in 2009. They included 50 threats (verbal and written), 19 incidents involving weapons, seven involving personal injury, and four bomb threats. A sample of these incidents follows:

- An aggrieved party in a child support case threatened to kill the judge, support officer, and the party's attorney.
- A probationer threatened to kill the judge who sentenced him and his probation officer.
- A judge handling an ongoing divorce case was notified by the state police that a confidential informant apprised the police that the husband in the case intended to have a "hit" executed against the judge.
- A man who was accompanying his friend to a court proceeding attempted to gain access to the court with his cane. During entry screening, security officers discovered a 17" knife secreted in the cane.
- The grandfather of a juvenile serving a sentence of probation threatened to shoot the probation officer and blow up the court.

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- In a one-week period, three judges in three separate jurisdictions received death threats via fax from the same location.
- A defendant who felt that he was unjustly convicted stated that he had the right to come to the courthouse and shoot people, based upon his belief that killing is legal when there is a war.

California reported to us of a 2007 survey which revealed that 22 percent of all judges had received 1 or more threats in a 12 month period. Forty five percent of these threats were related to criminal cases. In an incident that attracted considerable attention, a judge was stabbed last year in Stockton, California. The judge survived but the incident forced her to take disability retirement.

In New York State, the state AOC has experience increased numbers of "white powder" incidents. There has also been increased gang activity in and around court facilities. These individuals often attempt to intimidate witnesses and other persons associated with trials of interest to them. There were a total of 3,237 security incidents in the New York state courts in 2009.

For Texas, the state AOC reported 120 incidents in courthouses across the state for FY 2009. Of these incidents, 25 percent related to Class C misdemeanor cases, 21 percent were related to higher-level criminal cases and 12 percent were related to family cases. Also, 27 percent of the Texas incidents were not related to a particular case type. Sample of Texas' 2009 incidents:

- An attempted murder for hire of a Brown County District Judge, which was thwarted by undercover local authorities.
- A male inmate sent a letter threatening to kidnap, sexually assault, and murder a judge.
- A male defendant attempted to access a judge's chambers and jury room during pretrial proceedings without authorization. Defendant was upset over time taken to get to trial.

For the first half of FY 2010 (September 2009 — February 2010), 95 security incidents have been reported in Texas. This is a 100 percent increase when compared to the first half of FY 2009. Of the seven bomb threats that have been reported to date in FY 2010, six were reported on the Texas-Mexico border (Webb County).

It is important to note that the reporting of the above instances to the state AOC is largely voluntary and does not capture the actual number and range of incidents within the state. With the funding of the threat assessment database, we hope to institute a formalized data collection structure so that we can truly capture the number and type of incidents in the state courts.

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All of us in the nation's state courts system were very gratified when the Congress approved and the President signed the Court Security Improvement Act of 2007 (PL 110-177). We thank the Congress for its diligent desire to ensure that our courthouses provide a safe and neutral forum to conduct the business of justice. This law makes a difference to the judges, prosecutors, public defenders, lawyers, law enforcement officers, court personnel, court reporters, jurors, witnesses, victims, and members of the general public who enter courthouses every day.

When the Congress was considering court security legislation, concern was expressed about the state courts' ability to document and track security incidents and threats made to judicial officers, non-judicial court personnel, and court facilities. Members of the House and Senate Judiciary Committees asked about the extent of the problem of attacks on court personnel and in our court facilities. We were able to provide anecdotal information and data from some jurisdictions, but were not able to fully respond to questions about the number, frequency, and increase/decrease of attacks against state court judges and court personnel. Establishing a national threat assessment/incident reporting system would enable state courts to answer these important questions and develop strategies to protect state court personnel and court facilities.

The Congress responded by creating a state court Threat Assessment program within the Department of Justice (Title III, Section 303 of the Act). Specifically the law authorizes the Attorney General to award grants to the highest courts in each state for the purpose of establishing and maintaining threat assessment databases. The Attorney General would also be required to define a core set of date elements to insure the collection of uniform data and to facilitate sharing of the information between the states and with the Department of Justice. The law authorized $15 million annually from 2008 to 2011 for this program. No funds were appropriated in FY 2008, FY 2009 or FY 2010.

NICS IMPROVEMENT ACT

We also support full funding for the State Court System Grants under the NICS Improvement Amendments Act (PL 110-180). The State Court System Grants are authorized for $125 million for FY 2010 and FY 2011. For FY 2010, $20 million was appropriated for the NICS Improvements Act.

As you know, the NICS Improvement Amendments Act was signed into law by President Bush on January 8, 2008. This Act strengthens the Brady National Instant Check System by providing grants to states and state courts to assist them in reporting mandatory data to the National Instant Criminal Background Check System (NICS).

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The Brady law mandates that federally licensed firearms dealers perform background checks on prospective gun purchasers. The Brady law has been effective in keeping guns out of the hands of individuals with prior criminal records and disqualifying mental health records. However, the Brady background check is only as good as the records it can search. State courts are challenged in providing the mandated data to the NICS system.

The intent of the NICS Improvement Amendments Act was to prevent thousands of prohibited buyers from buying guns whose names are not in the NICS database. State courts have a key role in contributing to the NICS database because our disposition/adjudication data is a key part of the overall NICS system.

The NICS Improvements Act created two funding streams: a State systems grant and a State Court System grant. The purpose of the two new grant programs is to assist states to improve the automation and transmittal of arrest and conviction records, court orders, and mental health adjudications or commitments to NICS and State record repositories. The Act provided both incentives (the new grants) and penalties (loss of a percentage of Byrne-JAG funds) for compliance with data transmittal requirements. There was no recommendation by the Congress as to what portion of the FY 2010 appropriation would go to state courts and to states. However, according to Bureau of Justice Statistics (BJS), $10 million will go to the State systems grants and $10 million will go to the State court systems grant.

The State Court grant will assist state court systems to set up all-in-one criminal records management information systems. The goal is to have a system that combines full criminal case data, including dispositions, sentences; and warrant information. A key feature of this turnkey system is the ability to depict all sentences and dispositions associated with a defendant on one screen. Some state court systems still have separate (stove pipe) systems that do not interface with each other.

We do appreciate the difficult funding faced by Congress this year, however, having a robust criminal instant check background system will help prevent the incidents of gun violence that have been far too common in this country. State courts are struggling to comply with the federal reporting requirements. We sincerely hope that you will fully fund the NICS Improvements Act State Court Systems grants as you produce your appropriations bill for FY 2011 in order to enhance compliance by state courts and to achieve the overall objectives of the legislation.

Thank you for the opportunity to testify on these important matters. I will be happy to answer any questions you may have.

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Mr. PINES. Good afternoon, Congressman Fattah. It is a pleasure and an honor to be here before you today. Arthur Raynes was my mentor, so he was a special man in my life.

I am the Court Administrator of Pennsylvania and the co-chair of the Security Committee for the Conference of State Court Administrators, otherwise known as COSCA and the Conference of Chief Justices.

On behalf of COSCA, I come before you with two requests. One to fund a threat assessment component of the Court's Security Improvement Act at the authorized level of $15 million. And, two, to fully fund the state court system grants under the NICS Improvement Amendments Act.

Security as you know is a compelling problem for both state and local courts where approximately 32,000 judges sit every day. The security of our judicial system is fundamental to our cherished concept of democracy and respect for the rule of law.

The written statement, which I have submitted to the Subcommittee, gives a glimpse of the severity of the security problems in our courts. The range of security incidents is indeed alarming. Attempted murders, bombs, assaults, threats to kill presiding judges, litigants with weapons, and white powder incidents are common.

Some statistics, for example, 22 percent of California jurors receive threats in a 12-month period. New York's judicial system had 3,200 security incidents just in 2009. In Texas there is a 100 percent increase in reported security incidents from September 2009 to February 2010. And recently the Massachusetts Judge's Conference reported that more than half of their judges have been threatened during their judicial careers.

There is a critical need for state court systems to establish and maintain comprehensive criminal incident threat assessment reporting systems. Courts need your support in their ongoing efforts to document and track security incidents and threats.

Courts can do this only through uniform and comprehensive information systems. The beneficiaries of such effective databases will be our courts, the public, and certainly law enforcement.

I thank the Committee for including language in last year's report encouraging the Bureau of Justice Assistance to support the establishment of threat assessment databases based on core elements.

Unfortunately, because of insufficient funding, there has been no progress with BJA on that front. We are hopeful that a congressional appropriation for a threat assessment database will be a catalyst, a needed catalyst, for much needed action.

In addition, I come before you and ask for full funding of the state court system grants under the NICS Improvement Amendments Act. The state court system grants authorized $125 million for fiscal years 2010 and 2011.

The NICS Court System Grants is another important aspect of security that impacts all of society. The purpose of the grant is to assist state court systems to set up comprehensive record management systems that combine full case criminal data, including case dispositions, sentences, and warrant information.

Frankly state courts have struggled to comply with NICS. NICS is about saving lives and protecting people from harm by not letting guns and explosives fall into the wrong hands.

The creation of informational systems would enable courts and law enforcement to depict all sentences and dispositions associated with a defendant on one screen.

We find ourselves in a period of increased public hostility and tension. The proliferation of anti-government and hate groups, as well as emotionally unstable aggrieved litigants, is a clear warning to all of us that the improvement of security and reduction of risk must be our priorities.

As Chief Justice Ronald George of California remarked in 2006, "Courthouses must be a safe harbor to which members of the public come to resolve disputes that often are volatile. Once courthouses themselves are perceived as dangerous, the integrity and efficacy of the entire judicial process is in jeopardy."

Congressman Fattah, thank you very much for giving us the opportunity. And we welcome any questions you may have. And certainly thank you for your support.

Mr. FATTAH. Well you have had an extensive and continuing career working to improve the efficient operation of our courts. And I want to thank you for your public service. And if we have any questions we will submit them for the record.

Thank you very much.

Mr. PINES. Thank you.

Mr. FATTAH. All right. We will have our next witness, Craig Schiffries. Did I pronounce that correctly?

Mr. SCHIFFRIES. You did very well.

Mr. FATTAH. All right.

Mr. SCHIFFRIES. Better than me.

Mr. FATTAH. Your moment has arrived.

WEDNESDAY, APRIL 14, 2010.

GEOLOGICAL SOCIETY OF AMERICA

WITNESS

CRAIG M. SCHIFFRIES, PH.D.

Testimony of the
Geological Society of America
Dr. Craig M. Schiffries
Director for Geoscience Policy

Regarding the
National Science Foundation
FY 2011 Budget Request

To the
U.S. House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Science, Justice, and Related Agencies
April 9, 2010

Summary

The Geological Society of America urges Congress to appropriate at least $7.424 billion for the National Science Foundation (NSF) in fiscal year 2011, an increase of $552 million or 8.0 percent compared with the enacted level for FY 2010. This funding level would uphold the President's budget request of $7.424 billion for the National Science Foundation in FY 2011. However, it is below NSF's FY 2010 authorized funding level of $8.132 billion under the America COMPETES Act (Public Law 110-69).

The Geological Society of America supports strong and growing investments in earth science research and education at NSF and other federal agencies. Substantial increases in federal funding for earth science research and education are needed to ensure the health, vitality, and security of society and for stewardship of Earth. These investments are necessary to address such issues as energy resources, water resources, climate change, and natural hazards. Earth science research forms the basis for training and educating the next generation of earth science professionals. The devastating earthquake in Haiti on January 12, 2010 that killed an estimated 200,000 people emphatically demonstrates the need for increased federal investments in earth science research that stimulate innovations in natural hazards monitoring and warning systems.

The Geological Society of America, founded in 1888, is a scientific society with over 22,000 members from academia, government, and industry in all 50 states and more than 90 countries. Through its meetings, publications, and programs, GSA enhances the professional growth of its members and promotes the geosciences in the service of humankind. GSA encourages cooperative research among earth, life, planetary, and social scientists, fosters public dialogue on geoscience issues, and supports all levels of earth science education.

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Rationale

Science and technology are engines of economic prosperity, environmental quality, and national security. Federal investments in research pay substantial dividends. According to the National Academies' report *Rising Above the Gathering Storm* (2007), "Economic studies conducted even before the information-technology revolution have shown that as much as 85% of measured growth in U.S. income per capita was due to technological change."

The earth sciences are critical components of the overall science and technology enterprise. Growing investments in earth science research are required to stimulate innovations that fuel the economy, provide security, and enhance the quality of life. Substantial increases in federal funding for earth science research are needed to ensure the health, vitality, and security of society and for Earth stewardship. Earth science research provides knowledge and data essential for developing policies, legislation, and regulations regarding land, mineral, energy, and water resources at all levels of government.

Broader Impacts of Earth Science Research and Education

It is critically important to significantly increase NSF's investments in earth science research and education to meet challenges posed by human interactions with Earth's natural system and to help sustain these natural systems and the economy. Increased investments in NSF's earth science portfolio are necessary to address such issues as natural hazards, energy, water resources, and climate change.

- Natural hazards – such as earthquakes, tsunamis, volcanic eruptions, floods, droughts, and hurricanes – remain a major cause of fatalities and economic losses worldwide. An improved scientific understanding of geologic hazards will reduce future losses through better forecasts of their occurrence and magnitude. The devastating earthquake in Haiti on January 12, 2010 that killed an estimated 200,000 people and the enormous earthquake in Chile on February 27, 2010 emphatically demonstrate the need for increased NSF investments in fundamental earth science research that stimulate innovations in natural hazards monitoring and warning systems.
- Energy and mineral resources are critical to the functioning of society and to national security and have positive impacts on local, national, and international economies and quality of life. These resources are often costly and difficult to find, and new generations of geoscientists need the tools and expertise to discover them. In addition, management of their extraction, use, and residue disposal requires a scientific approach that will maximize the derived benefits and minimize the negative effects. Improved scientific understanding of these resources will allow for their better management and utilization while at the same time considering economic and environmental issues. This is particularly significant because shifting resource demands often reframe our knowledge as new research–enabling technologies become available.
- The availability and quality of surface water and groundwater are vital to the well being of both society and ecosystems. Greater scientific understanding of these critical resources—and communication of new insights by geoscientists in formats useful to decision makers—is necessary to ensure adequate and safe water resources for the future. NSF's new program solicitation on water sustainability and climate is designed to address major gaps in our basic understanding of water availability, quality and dynamics, and

the impact of both a changing and variable climate, and human activity, on the water system.

- Forecasting the outcomes of human interactions with Earth's natural systems, including climate change, is limited by an incomplete understanding of geologic and environmental processes. Improved understanding of these processes in Earth's history can increase confidence in the ability to predict future states and enhance the prospects for mitigating or reversing adverse impacts to the planet and its inhabitants.
- Research in earth science is also fundamental to training and educating the next generation of earth science professionals.

Increased NSF investments in earth science education at all levels are needed because knowledge of the earth sciences is essential to science literacy and to meeting the environmental and resource challenges of the twenty-first century.

Earth science research and education should be a component of broader initiatives to increase overall public investments in science and technology. For example, earth science research should be included in a recommendation by the National Academies to "increase the federal investment in long-term basic research by 10% each year over the next 7 years..." (*Rising Above the Gathering Storm*, 2007). Likewise, implementation of the America COMPETES Act, which authorizes a doubling of the budgets of key science agencies in seven years, should encompass earth science research and education.

Extraordinary Scientific Opportunities in the Earth Sciences

In October 2009, NSF's Advisory Committee for Geosciences released a major report, *GEO Vision: Unraveling Earth's Complexities Through the Geosciences*. "Society stands at a crossroads. With the growing problems of resource depletion, energy sustainability, environmental degradation, and climate change, we wonder if protecting the health of the planet while achieving widespread economic prosperity can become a reality," the report says.

The NSF report provides a vision for the future of research in the geosciences as focused on fostering a sustainable future through a better understanding of our complex and changing planet. The report articulates a path to achieving its vision. It recommends a new emphasis on interdisciplinary research in order to achieve reasoned and scientifically sound insights for policy makers. The challenges ahead for the geosciences, the report says, are understanding and forecasting the behavior of a complex and evolving Earth; reducing vulnerability and sustaining life; and growing the geosciences workforce of the future. Substantial increases in resources are needed to meet these challenges.

Extraordinary scientific opportunities in the earth sciences have been summarized in a series of reports, including:

- *GEO Vision: Unraveling Earth's Complexities Through the Geosciences* (NSF Advisory Committee for Geosciences, 2009)
- *Seismological Grand Challenges in Understanding Earth's Dynamic Systems* (Incorporated Research Institutions for Seismology, 2009)
- *Hydrology of a Dynamic Earth* (Consortium of Universities for the Advancement of Hydrologic Science, 2007)
- *Future Research Directions in Paleontology* (Paleontological Society and Society for Vertebrate Paleontology, 2007)

- *The Geological Record of Biosphere Dynamics* (National Research Council, 2005)
- *Basic Research Opportunities in the Earth Sciences* (National Research Council, 2001)

NSF's Earth Sciences Division regularly receives a large number of exciting research proposals that are highly rated for both their scientific merit and their broader impacts, but many meritorious projects have not been funded due to budget constraints. Additional investments in earth science research can have significant positive impacts on society.

EarthScope is producing transformative science while being developed on time and on budget. When this major project was being developed, it was widely expected that the NSF budget would experience a sustained period of robust growth as indicated by the NSF Authorization Act of 2002 and the America COMPETES Act. If NSF's budget growth is not robust, some members of the earth science community are concerned that EarthScope expenses could put downward pressure on budgets and success rates for other time-sensitive research opportunities in the earth sciences.

Conclusion

The NSF budget request for FY 2011 is being considered at the same time that the America COMPETES Act is being reauthorized. The America COMPETES Act set the stage to double the NSF budget over seven years. Despite overwhelming bipartisan support for the America COMPETES Act, appropriations for NSF have fallen short of the authorized doubling path in the regular appropriations bills for fiscal years 2007 - 2010. NSF received $3.0 billion in economic stimulus funds under the American Recovery and Reinvestment Act of 2009. This one-time injection of funding is very helpful, but sustained growth in NSF's budget is needed to achieve the objectives of the America COMPETES Act.

The Geological Society of America joins with the Coalition for National Science Funding and other organizations in recommending an appropriation of at least $7.424 billion for NSF in fiscal year 2011, an increase of $552 million or 8.0 percent compared with the enacted level for FY 2010. This funding level would uphold the President's FY 2011 budget request of $7.424 billion for the National Science Foundation. However, it is below NSF's FY 2010 authorized funding level of $8.132 billion under the America COMPETES Act (Public Law 110-69).

The Geological Society of America is grateful to the House Appropriations Subcommittee on Commerce, Science, Justice, and Related Activities for its past leadership in increasing investments in the National Science Foundation and other science agencies. We remain grateful to the subcommittee for its leadership in providing $3.0 billion in stimulus funds for NSF under the American Recovery and Reinvestment Act of 2009. Thank you for your thoughtful consideration of our recommendations.

For additional information or to learn more about the Geological Society of America – including GSA Position Statements on water resources, energy and mineral resources, natural hazards, and public investment in earth science research – please visit www.geosociety.org or contact Dr. Craig Schiffries at cschiffries@geosociety.org.

Mr. SCHIFFRIES. Thank you very much for the opportunity to testify today on behalf of the Geological Society of America in support of increased federal investments for the National Science Foundation.

My name is Craig Schiffries. And I serve as Director for Geoscience Policy at the Geological Society of America. The Geological Society founded in 1888 is a scientific society with over 22,000 members from academia, government, industry in all 50 states and more than 90 countries.

The Geological Society of America joins with the Coalition for National Science Funding and other organizations in recommending an appropriation of at least $7.424 billion for the National Science Foundation in fiscal year 2011. It is an increase of $552 million or eight percent compared with the enacted level for fiscal year 2010.

This funding level would uphold the President's budget request for the National Science Foundation. However, it is well below NSF's fiscal year 2010 authorized funding level of $8.1 billion under the America Competes Act.

The rationale for increased investments in science are clear. Science and technology are engines of economic prosperity, environmental quality, and national security. Federal investments in research pay substantial dividends, according to the National Academies report, "Rising above the Gathering Storm."

Economic studies conducted even before the information technology revolution have shown that as much as 85 percent of measured growth in U.S. income per capita was due to technological change.

The earth sciences are critical components of the overall science and technology enterprise. It is particularly important to significantly increase NSF's investments in earth science research and education. This is necessary to meet challenges posed by human interactions with earth's natural systems and to help sustain these natural system and the economy.

Increased investments in NSF's earth science portfolio are necessary to address such issues as natural hazards, energy, water resources, and climate change.

Let me just highlight a couple of examples. Natural hazards, such as earthquakes, tsunamis, volcanic eruptions, floods, droughts, and hurricanes remain a major cause of fatalities and economic losses worldwide. An improved scientific understanding of geologic hazards will reduce future losses through better forecasts of their occurrence and magnitude. The devastating earthquake in Haiti on January 12, 2010, that killed an estimated 200,000 people and the enormous earthquake in Chili on February 27th, emphatically demonstrate the need for increased NSF investments in fundamental earth science research that stimulates innovations in natural hazards monitoring and warning systems.

Energy and mineral resources are critical to the functioning of society and to national security. Improved scientific understanding of these resources will allow for their better management and utilization, while at the same time considering economic and environmental issues. This is particularly significant because shifting resource demands often reframe our knowledge as new research ena-

bling technologies become available. For example, the new energy economy may require large quantities of rare earth elements, or other scarce elements that are unevenly distributed on earth and poorly understood. We need improved scientific understanding of these resources before we attempt to deploy them on enormous scales. Research in earth science is also fundamental to training and educating the next generation of earth science professionals and increased NSF investments in earth science education at all levels are needed because knowledge of the earth sciences is essential to science literacy, and to meet the environmental and resource challenges of the 21st century.

There are extraordinary scientific opportunities in the earth sciences. In October, 2009, NSF's advisory committee released a major report, GeoVision, unraveling earth's complexities through the geosciences. That report states, "Society stands at the crossroads. With the growing problems of resource deprivation, energy sustainability, environmental degradation and climate change, we wonder if protecting the health of the planet while achieving widespread economic prosperity can become a reality." The NSF report provides a vision for the future of research in the geosciences as focused on fostering a sustainable future through a better understanding of our complex and changing planet. The report articulates a path to achieving its vision. It recommends a new emphasis on interdisciplinary research in order to achieve reasons and scientifically sound policymakers. The challenges ahead for the geosciences, the report says, are understanding the behavior of complex and evolving earth, reducing vulnerability, and sustaining life, and growing the geosciences workforce for the future.

In conclusion, the NSF budget request for fiscal year 2011 is being considered at the same time as the America COMPETES Act is being reauthorized. The America COMPETES Act set the stage to double the NSF budget over seven years. Despite overwhelming bipartisan support for America COMPETES, appropriations for NSF have fallen short of the authorized doubling path in the regular appropriations bills for fiscal years 2007 and 2010. NSF received three billion dollars in economic stimulus funds under the American Recovery and Reinvestment Act of 2009. This one-time injection of funding is very helpful, but sustained growth in NSF's budget is needed to achieve the objectives of the America COMPETES Act.

So the Geological Society of America joins with the Coalition for National Science Funding and other organizations in recommending an appropriation of at least $7.424 billion dollars for NSF in fiscal year 2011.

We are grateful to the House Appropriations Subcommittee for its past leadership in increasing investments in the National Science Foundation, and other science agencies, and we thank you for your consideration of our recommendation to appropriate $7.424 billion dollars, for the National Science Foundation in fiscal year 2011.

Mr. FATTAH. I thank you. Now you keep mentioning a testimony that there was a percentage of income increases that could be directly correlated to a scientific development?

Mr. SCHIFFRIES. Right. That was from the National Academy's report called, "The Gathering Storm", published in 2007.

Mr. FATTAH. What was the percentage again?

Mr. SCHIFFRIES. That report estimates that 85 percent of the measured growth in U.S. income capita was due to technological change, and they make the case that the technological change comes from advances in science.

Mr. FATTAH. Okay. Thank you very much. Let me thank you for your testimony.

William Davis.

WEDNESDAY, APRIL 14, 2010.

AMERICAN ANTHROPOLOGICAL ASSOCIATION

WITNESS

WILLIAM DAVIS, AMERICAN ANTHROPOLOGICAL ASSOCIATION

TESTIMONY OF WILLIAM DAVIS
SUBMITTED ON BEHALF OF THE
AMERICAN ANTHROPOLOGICAL ASSOCIATION
BEFORE THE
APPROPRIATIONS SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES
U.S. HOUSE OF REPRESENTATIVES
FISCAL YEAR 2011
IN SUPPORT OF THE
NATIONAL SCIENCE FOUNDATION

April 14, 2010

Chairman Mollohan and Members of the Subcommittee:

The American Anthropological Association (AAA) appreciates the opportunity to present this written testimony to the Subcommittee in support of the National Science Foundation (NSF). We are pleased to support the Administration's recommended appropriation of $7.4 billion for in FY 2011. This represents an 8%, or an almost $552 million increase in funding over the FY 2010 level. The AAA is also pleased with the Administration's investment in the NSF, as the agency's budget has increased by over two billion in the last ten years.

We thank you, Mr. Chairman and members of the Subcommittee for the strong support you have provided to NSF over the years. We are proud to consider ourselves partners in advocating for a priority federal program such as the NSF and strongly believe that this country's investment in science and technology will reap benefits for years to come. It is a widely-recognized fact that many of our nations' innovations in science and technology owe their beginnings to NSF, where financial support for basic research has been wildly successful. Indeed, many private sector companies, unable to support basic research, rely on NSF to fund research that many times results in new discoveries. We believe that a strong federal investment in NSF provides future benefits that far outweigh dollars expended. We are also pleased that many of the President's stated research priorities, such as energy independence and climate change, are also of critical importance to the NSF, and robust funding in these areas is certainly welcome.

NSF plays a unique and critical role in advancing basic scientific research, nurturing future scientists, cultivating collaboration around the world, and enhancing scientific knowledge and skills for students of all ages and the public. NSF provides a model for fostering scientific creativity and discovery, and the products of that creativity and discovery have contributed to the international leadership of the United States in scientific and engineering research and education. Even in times of fiscal crisis and budgetary constraints, the United States needs to invest strongly in science and technology to maintain our competitive edge internationally.

We support NSF's movement in FY 2011 to use increased funding to follow its stated goals

in its Strategic Plan: to advance discovery, innovation and education beyond the frontiers of current knowledge and to empower future generations in science and engineering. Like the NSF, the discipline of anthropology is also committed to innovation, education and discovery – the agency has a rich history of funding AAA member projects.

We wish to call attention to four anthropology projects, recently and currently funded by NSF, that exemplify the positive benefits that result from a federal investment in the agency. The projects represent cultural anthropology, archaeology, linguistics, and biological or physical anthropology. The majority of the projects are interdisciplinary in nature and US or international in scope. In all cases, the projects' outcomes or current findings are significant in re-shaping our understanding of human history and human behavior, with some project results re-configuring the way we characterize human factors in policy-related issues.

1. With NSF funding, Peter Ellison of Harvard University has been able to investigate contemporary questions in human biology, specifically reproductive maturation. Most populations in the world show evidence of a shift over time toward earlier reproductive maturation with economic development. Early maturation is linked to the risk of many chronic diseases such as diabetes and reproductive cancers. The mechanisms that drive this change are unclear, and suggestions that the trend may be continuing in the contemporary U.S. have caused some alarm. This project is advancing our understanding of this trend and illuminates how prenatal conditions influence the pace and trajectory of pubertal maturation.

2. With NSF funding, John Borneman of Princeton University continued his longitudinal ethnographic research on the uses of incarceration and therapy to treat perpetrators of specific classes of criminal offenses. A central research focus of his is how experts assess motivations and justify decisions regarding penalization and therapy. As public awareness and the law address a wider variety of social problems, it is important to understand the underlying logic and consequences of penalization, therapy, and rehabilitation. Such research is crucial for informing public policy.

3. With NSF funding, Kent Lightfoot of the University of California-Berkeley is leading an interdisciplinary team of scholars to develop an integrated eco-archaeological approach for examining the degree to which California Indians employed landscape management practices, particularly prescribed burning, to increase the productivity and diversity of economic plants and animals in local regions. A diverse team of researchers will apply this approach to a "State Cultural Preserve" in Central California where they will evaluate a pyrodiversity collected model which hypothesizes that hunter-gatherers enhanced and created biodiversity by instigating fire regimes characterized by frequent, small, low severity surface burns. His team is also evaluating how indigenous landscape practices can help decrease fuel loads, property loss, and budget deficits by reducing the frequency of devastating firestorms in California (more than 4000 wildfires in 2008).

4. With NSF funding, John Haviland of the University of California-San Diego has researched how language is created without direct "linguistic input" through a study

> of the development of Zinacantec Family Homesign in Chiapas, Mexico. Opportunities for research on languages of the deaf as they evolve in "natural" conditions are rare. Most sign language research works with languages which are either well-established or which have come to the attention of researchers only after the first generation of speakers has disappeared. The research probes the processes of creation, innovation, and change at the beginning of a language's evolution.

The SBE program, which the Administration has slated for a 5% increase, is of vital importance to the anthropological community. As anthropologists study humankind in all its aspects – archeological, biological, ethnological and linguistics, SBE funds research in human development and social dynamics, as well as STEM learning and education. Last year, SBE awarded hundreds of millions of dollars, providing well over one-half of Federal funding for basic research at SBE institutions, and is, in many cases, the main source of Federal research support. At a time when such support from non-Federal partners is dwindling, SBE is the lifeline through which are members are able to continue their work

Mr. Chairman, we are pleased to support the NSF budget request as the agency has successfully encouraged research – including interdisciplinary research efforts. We believe a strong, federal investment in NSF results in a more robust US economy and ensures the Nation's leadership role in basic scientific research, science education, and scientific breakthroughs.

Mr. DAVIS. Congressman Fattah.

Mr. FATTAH. How are you?

Mr. DAVIS. Thank you very much.

Mr. STEVENS. Now your written testimony is going to be entered into the record.

Mr. DAVIS. Yes.

Mr. STEVENS. But you can feel free to go beyond that.

Mr. DAVIS. What I'd like is to take my couple minutes and expand on a couple of points and add another or so.

Mr. STEVENS. Okay.

Mr. DAVIS. While the support provided by NSF is in fact only 21 percent of the total federal budget for basic research conducted in colleges and universities across the country, it is a very important resource and it provides 57 percent of federal support for research in the social sciences, and so for fields like my association's discipline, anthropology, but also political science, economics, and the other social sciences, this is a critical amount of support that undergirds and supports the research that's being done within these fields.

Even more than that percentage in anthropology, the $92 million that has been spent by NSF over the last three years to support anthropological research, and it's in archeology, cultural anthropology, physical anthro and linguistics, is in fact, 60 percent of all of the federal support that goes into these fields. So it is even more significant in the case of anthropology.

While there are a few other sources for federal support in anthropology, this is the kind of thing that supports the work such as those that I mention in my written testimony, and I won't go over those. These projects, however, are simply examples of the kind of groundbreaking research that has been the source of the generation of new knowledge in areas of major public policy concern, such as incarceration and rehabilitation. The reduction of the frequency and damage of well fires, which was another one. A third one, the relationship of chronic disease to reproductive maturation. I would also note that NSF has provided support to my own association, the American Anthropological Association for the development of a museum exhibit that's now traveling the country on the subject of race, and is serving as a tremendous stimulus for public conversations and public education in all the places in which that exhibit is being viewed.

Other anthropological projects of equal importance could have been conducted, are being conducted in colleges and universities around the country. I use these only as examples.

We believe that the nation's investment in science and technology reaps benefits for years to come and we believe that those benefits far outweigh the level of federal support that's expended. I urge the Committee to provide full support requested by the President for the National Science Foundation in the 2011 budget, and thank you very much for receiving our testimony.

Mr. FATTAH. Well, I know that in a bipartisan way the Subcommittee is quite interested in support along the lines of your testimony. We do have obviously fiscal pressures on us and we have many of our fellow citizens who believe the federal government should be free from spending money, and the last thing in the

world that we should do is actually tax anyone for important federal priorities. So it's important to put these matters on the record and the reasons for requests for spending, and we appreciate you coming. There is a vote on the floor, and we're going to proceed forward, so Rachel Poor, your moment has arrived. Your written testimony is going to be put in the record, but the Committee is very interested in anything you'd like to add.

WEDNESDAY, APRIL 14, 2010.

AMERICAN SOCIETY OF AGRONOMY, CROP OF SCIENCE SOCIETY OF AMERICA, SOIL SCIENCE SOCIETY OF AMERICA

WITNESS

RACHEL POOR, AMERICAN SOCIETY OF AGRONOMY, CROP SCIENCE SOCIETY OF AMERICA, SOIL SCIENCE SOCIETY OF AMERICA

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WRITTEN TESTIMONY OF
Rachel Poor
Science Policy Office, American Society of Agronomy,
Crop Science Society of America, and Soil Science Society of America
ON THE FISCAL YEAR 2011 NATIONAL SCIENCE FOUNDATION BUDGET,
PREPARED FOR THE SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND
RELATED AGENCIES OF THE COMMITTEE ON APPROPRIATIONS
U.S. HOUSE OF REPRESENTATIVES

RE: FY11 Appropriations—Support for National Science Foundation

Dear Chairman Mollohan, Ranking Member Wolf and Members of the Subcommittee:

The **American Society of Agronomy, Crop Science Society of America, Soil Science Society of America (ASA, CSSA, and SSSA)** are pleased to submit the following funding recommendations for the National Science Foundation (NSF) for FY 2011 (FY11). ASA, CSSA, and SSSA understand the challenges the House Commerce, Justice, Science, and Related Agencies Appropriations Subcommittee faces with the tight science budget for FY11. We also recognize that the Commerce, Justice, and Science Appropriations bill has many valuable and necessary components, and we applaud the efforts of the Subcommittee to fund critical research through the National Science Foundation (NSF). ASA, CSSA, and SSSA recommend that the Subcommittee on Commerce, Justice, Science, and Related Agencies (Subcommittee) increase the FY11 funding level for NSF to $7.424 billion, the level requested by the Administration. This strong level of funding will enable NSF to continue to fund worthy projects that promote transformational and multidisciplinary research, provide needed scientific infrastructure, and contribute to preparing a globally engaged science, technology, engineering, and mathematics workforce.

With more than 25,000 members and practicing professionals, ASA, CSSA, and SSSA are the largest life science professional societies in the United States dedicated to the agronomic, crop and soil sciences. ASA, CSSA, and SSSA play a major role in promoting progress in these sciences through the publication of quality journals and books, convening meetings and workshops, developing educational, training, and public information programs, providing scientific advice to inform public policy, and promoting ethical conduct among practitioners of agronomy and crop and soil sciences.

Biological Sciences Directorate

Molecular and Cellular Biosciences (MCB)

The Molecular and Cellular Biosciences division of the NSF Biology Directorate provides funding for critical research that contributes to the fundamental understanding of life processes at the molecular, subcellular, and cellular levels. Programs such as the ***Microbial Observatories and Microbial Interactions and Processes*** program increase the understanding of microbial distribution in a variety of ecosystems—a primary step in evaluating microbial impact on ecosystem function. Furthermore, while we agree that considerable advances investigating interactions between microbial communities and plants have been made, critical gaps remain requiring additional study to understand the complex, dynamic relationships existing between plant and microbial communities.

Biological Infrastructure (DBI)

The emergence of a bioeconomy requires greater reliance on plants and crops, further expanding their use into the energy sector. To meet the increased demands and develop more robust crops, additional fundamental understanding regarding the basic biology of these crops is needed. The ***Plant Genome Research Program*** (PGRP) accomplishes these objectives by supporting key NSF projects. The *Developing Country Collaborations in Plant Genome Research* program links U.S. researchers with partners from developing countries to solve problems of mutual interest in agriculture and energy and the environment. Additionally, in collaboration with the U.S. Department of Energy and the U.S. Department of Agriculture, the ***Plant Genome Research Program*** has financed the *Maize Genome Sequencing Project* – a sequencing project for one of the most important crops grown globally. Finally, the *International Rice Genome Sequencing Project* published in 2005 the finished DNA blueprint for rice, a crop fundamental to populations worldwide. To continue the discovery of new innovative ways to enhance crop production for a growing population, sustained funding is needed for similar projects. Finally the PGRP and the Bill and Melinda Gates Foundation co-fund the ***Basic Research to Enable Agricultural Development (BREAD)*** program. This program supports basic research to allow academic and industrial researchers to expand the breeders' toolkit and exploit the diversity of agronomically useful traits in wild and domesticated crop plants and to accelerate the development of new plant varieties through marker-assisted breeding specifically to accommodate the needs of developing countries. ASA, CSSA, and SSSA are very supportive of this program.

Geological Sciences Directorate

Atmospheric Sciences (ATM)

Changes in terrestrial systems will have great impact on biogeochemical cycling rates.
The Atmospheric Sciences Division funds critical programs, such as ***Atmospheric Chemistry***, that increase understanding of biogeochemical cycles. Soils and plants make up one of the largest sinks and sources for several environmentally important elements.

Earth Sciences (EAR)

The Earth Sciences Division supports research emphasizing improved understanding of the structure, composition, and evolution of the Earth, the life it supports, and the processes that govern the formation behavior of the Earth's materials. EAR supports theoretical research, including the biological and geosciences, the hydrologic sciences, and the study of natural

hazards. An important program funded within this division is the ***Critical Zone Observatories*** which focuses on watershed scale studies that advance understanding of the integration and coupling of Earth surface processes as mediated by the presence and flux of fresh water.
We also support the premise that laid out in the BIO/GEO Dear Colleague Letter: ***"Update: Emerging Topics in Biogeochemical Cycles (ETBC)"***. The letter encourages advancement in quantitative and/or mechanistic understanding of biogeochemical cycles, including the water cycle and suggests that interdisciplinary proposals are put forth that address biogeochemical processes and dynamics within and/or across terrasphere, hydrosphere, or atmosphere. We find that these types of interdisciplinary endeavors are critical to solving many of the pressing issues that we, as a society, face today. We also support efforts made in collaboration with the Directorate for Social, Behavioral, and Economic Sciences (SBE) to encourage productive interdisciplinary collaborations between the geosciences and the social, behavioral, and economic sciences.

Engineering Directorate
Chemical, Bioengineering, Environmental and Transport Systems (CBET)
The ***Environmental Engineering and Sustainability*** program and its ***Energy for Sustainability*** sub-program support fundamental research and education in energy production, conversion, and storage and is focused on energy sources that are environmentally friendly and renewable. Most world energy needs are currently met through the combustion of fossil fuels. With projected increases in global energy needs, more sustainable methods for energy production will need to be developed, and production of greenhouse gases will need to be reduced.

Directorate for Education and Human Resources
Division of Graduate Education
ASA, CSSA, and SSSA are dedicated to the enhancement of education, and concerned about recent declines in enrollment for many sciences. To remain competitive, scientific fields need to find new, innovative ways to reach students. The programs offered in the Education and Human Resource Directorate accomplish this goal. The ***Graduate Teaching Fellows in K-12 Education*** program offers graduate students interested in teaching an opportunity to get into the classroom and teach utilizing new innovative methods. Graduate students are the next crop of scientists, therefore opportunities for study must be increased with the ever-increasing demands of science. Global problems rely on scientific discovery for their amelioration; it is critical that the U.S. continue to be a leader in graduate education. ASA, CSSA, and SSSA recommend strong support for the ***Integrative Graduate Education and Research Traineeships (IGERT)*** program.

Because education is the key for our future competitiveness, it is essential that sustainable, long-term support for these and other educational programs be made.

Division of Undergraduate Education
Advanced Technological Education (ATE) program focuses on the education of technicians for the high-technology fields that drive our nation's economy. We support continued, strong funding for this program. The program involves partnerships between academic institutions and employers to promote improvement in the education of science and engineering technicians at the undergraduate and secondary school levels.

NSF Wide Programs

Cyberlearning Transforming Education (CTE)

ASA, CSSA, and SSSA fully support the cross-cutting program in NSF on cyberlearning for transformimg education. The program will establish a new multidisciplinary research which will fully capture the transformative potential of advanced learning technologies across the education enterprise. We are excited about the oppurtunities that CTE holds to better communicate and transfer information about basic science performed by our members. Recruiting the next generation of high quality scientists is one of the main focuses of our membership and new information on how we can communicate and train these students using technologies available through cyberlearning will help propel our sciences into the future. In addition to the educational benefits, cyberlearning may also help us better understand how to coordinate and communicate science even within our community of researchers.

National Nanotechnology Initiative (NNI)

Regarding the Environmental, Health and Safety program under the NNI, we find that the President's request of $33.01 million, to be well justified in order to support a rapidly growing field of science that presents both new opportunities for human health, the environment, agricultural science, but also unprecedented risks if not well researched and reviewed to identify appropriate safety measures. We are excited that the the Environmental Protection Agency (EPA), the U.S. Department of Agriculture (USDA), and the European Union (EU) will collaborate on implementation of a joint solicitation for nano environmental health and safety protocol.

Science, Engineering, and Education for Sustainability

To create a more sustainable future, ASA, CSSA, and SSSA strongly believe that more students must be trained as scientists to bring new and revolutionary approaches to environmental and agroecosystem science. Economic incentives and misconceptions steer students in the basic sciences away from careers in the agronomic, crop, and soil sciences. If current trends continue, our workforce will lack the highly trained agronomists, soil scientists, plant breeders, pathologists, entomologists and weed scientists necessary to make the technical advances essential to meet future production and sustainability challenges, let alone control new, emerging invasive weed and insect species and pathogens that will continue to threaten agricultural systems. Thus, we applaud the efforts put forth by the Administration to make investments in this area.

U.S. Global Change Research Program

The U.S. Global Change Research Program (USGCRP) seeks to better understand how the interplay between natural factors and human activities affects the climate system. The USGCRP engages 13 U.S. agencies in a concerted interagency program of basic research, comprehensive observations, integrative modeling, and development of products for decision-makers. NSF provides support for a broad range of fundamental research activities that provide a sound scientific basis for climate-related policy and decisions. ASA, CSSA, and SSSA support an appropriation for the U.S. Global Change Research Program at $370 million as the President requests in the FY 11 budget.

Biological systems are critical to mitigating the impacts and effects of climate change.

Additional research is needed to examine potential crop systems, plant traits, wetland properties, and other ecosystem adaptations to help manage climate change. The basic sciences of agro-ecosystems, plant improvement, soils, and riparian and wetland ecology need support as well.

As you lead the Congress in deliberation on funding levels for the National Science Foundation, please consider **American Society of Agronomy, Crop Science Society of America, Soil Science Society of America** as supportive resources. We hope you will call on our membership and scientific expertise whenever the need arises.

Thank you for your thoughtful consideration of our requests. For additional information or to learn more about the American Society of Agronomy, Crop Science Society of America and Soil Science Society of America (ASA-CSSA-SSSA), please visit www.agronomy.org, www.crops.org or www.soils.org or contact ASA-CSSA-SSSA Director of Science Policy Karl Glasener (kglasener@agronomy.org, kglasener@crops.org, or kglasener@soils.org).

Ms. POOR. Good afternoon, Congressman Fattah. The American Society of Agronomy, the Crop Science Society of America, and the Soil Science Society of America appreciate the opportunity to testify today in support of the National Science Foundation.

Many of our members, scientists' fundamental research depends on grants from NSF's biology, geosciences, and education and human resources directorates. For this reason, we fully support the administration's request for $7.424 billion for fiscal year 2011, which is roughly a six percent increase over last year's funding.

While we understand that Congress faces tough economic choices in these times, we find that funding for basic science research is crucial to America's continued economic and intellectual prominence, and that it pays high dividends in the future. For instance, agricultural research, for every dollar spent, produces nine dollars' worth of food for malnourished people in food insecure countries.

Basic science research has produced many other exceptional technologies and tools. For example, an NSF grant funded the physics research that led to magnetic residence imaging, known as the MRI, and nuclear residence magnetic spectroscopy, or NMR, technologies that have transformed medicine.

In the discipline of soil science, NMR is used to characterize organic matter in environmental samples, a critical diagnostic for evaluating and understanding global carbon cycles and climate change. Basic research funded by the National Science Foundation has led to advances with applications in agriculture, environmental protection, manufacturing, and the national defense.

America's universities are still among the most respected in the world, but American students are falling behind in science and math compared to those in other developed countries. University budgets are extremely tight, forcing university researchers to look elsewhere for funding. Many of our best and brightest students no longer seek advanced science degrees because they find that business, law, and medicine promise more lucrative careers. As a result, the agronomic crop and soil sciences, in particular, have suffered.

Many of our members depend heavily on federal funding for their research which has led to increased crop yields, reduced environmental impacts, and new sources of fuel. As other funding has dried up, research grants funded by the NSF have become increasingly competitive. As an example, today we are hosting a member from the University of California, Emerson, who's a soil scientist in town for a poster session. He has four different grants from the NSF, totaling about 1.3 million dollars. One of his projects that he's working on currently addresses the problem of waste from the dairy industry in California's Central Valley, which has many large dairy operations, and in some counties, more cows than people.

Each dairy cow produces 60 gallons of waste a day, and this waste has many nutrients that poison the ground water, and causes algae blooms and other toxic experiences. His research is focusing on ways to turn this dairy waste into Bio-Terre, which is a lightweight substance that can be easily transported to other areas in need of fertilizer and possibly also used as fuel source.

We hope that you will continue to strongly support funding for the National Science Foundation, and especially the bio, geo, and

ehr directorates. Thank you again for providing the Agronomy, Crop, and Soil Societies the opportunity to testify before the House Appropriations Subcommittee on Commerce, Justice, and Science today.

Mr. FATTAH. Well, let me thank you for your testimony and I see that you graduated from Johns Hopkins, my wife's alma mater, so even though you didn't get a chance to go to University of Penn U, obviously you have done well, notwithstanding.

Ms. POOR. Were you at homecoming last weekend?

Mr. FATTAH. No, but seriously, thank you for your testimony, and would you like to identify your guest that you said that you brought with you?

Ms. POOR. I do have a guest. He's not here. He's actually in a pro-visit right now.

Mr. FATTAH. Oh, okay. All right.

Ms. POOR. He's meeting with one of the California congressmen.

Mr. FATTAH. All right, you can submit for the record his name and information. That would be great. All right?

Ms. POOR. Okay.

[CLERK'S NOTE.—The witness provided the following information for the record:]

Today we are hosting Dr. Teamrat Ghezzehei, a Soil Science Society of America member from the School of Natural Sciences at the University of California, Merced. He is a soil scientist, in town for an NSF poster session. He has four different grants from the NSF, totaling about $1.3 million. One of his projects that he is working on currently addresses the problem of waste from the dairy industry in California's Central Valley, which has many large dairy operations, and, in some counties, more cows than people. Each dairy cow produces 60 gallons of waste a day, and this waste has many nutrients that poison the groundwater, causing algae blooms and other toxic effects. His research is focusing on ways to turn this dairy waste into biochar, which is a light substance that can be easily transported to other areas in need of fertilizer, and possibly also used as a fuel source.

Mr. FATTAH. Thank you very much.

Ms. POOR. Thanks.

Mr. FATTAH. Tom Smith.

WEDNESDAY, APRIL 14, 2010.

AMERICAN SOCIETY OF CIVIL ENGINEERS

WITNESS

TOM SMITH, AMERICAN SOCIETY OF CIVIL ENGINEERS

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Testimony of
The American Society of Civil Engineers before the Subcommittee
Commerce, Justice, Science and Related Agencies
on the Budgets for the
National Science Foundation
and the
National Institute of Standards and Technology
For the Fiscal Year 2011
April 14, 2010

Mr. Chairman and Members of the Committee: I am Tom Smith, and I am Deputy Executive Director and General Counsel of the American Society of Civil Engineers (ASCE). ASCE is pleased to offer this testimony on the proposed budgets for the National Science Foundation (NSF) and the National Institutes of Standards and Technology (NIST) for Fiscal Year 2011.

ASCE is happy to support the President's budget request for science and research. Research in civil engineering, properly conceived, conducted and implemented, should assure significant advances in the quality of life of individuals by providing essential service with minimal adverse effects on the environment by applying the principle of sustainable development and disaster resilience. Research should also provide new developments in civil engineering practice that will keep the profession dynamic.

ASCE recognizes that Congress must make difficult funding decisions this year. We encourage you to support the President's science and research program. ASCE believes that technological innovation has been the engine driving the nation's economic expansion of the last fifty years. ASCE firmly believes that by maintaining strong continuing and steadily increasing support for research and education, we will continue to enjoy the rewards of economic expansion. If we do not continue to invest in research and technology, we will loose our position in an ever more integrated and competitive world. Global competition increasingly requires the United States to make the necessary investments in science and engineering research and education.

The basic research funded by NSF, in engineering and all other areas of science, is the foundation of that investment in the future. Additionally, the targeted research and standards activities at NIST laboratories provide industry and the science and engineering community with the measurement capabilities, standards, evaluated

reference data, and test methods that provide a common language needed at every stage of technical activity.

I. The American Society of Civil Engineers

ASCE, founded in 1852, is the country's oldest national civil engineering organization representing more than 144,000 civil engineers in private practice, government, industry and academia dedicated to the advancement of the science and profession of civil engineering. ASCE is a 501(c)(3) non-profit educational and professional society.

II. Hazard Mitigation

Within the NSF and NIST, and other Federal agencies, there exist a number of small but critical programs designed to mitigate the impact of natural disasters. These critical programs such as the National Earthquake Hazards Reduction Program (NEHRP), the National Windstorm Impact Reduction Program and others hold the potential to save countless lives and billions of dollars. These programs deserve Congress's full attention and funding.

NIST estimates each year, the United States suffers $52 billion in property damage, disruption of commerce, and lost lives due to natural disasters such as hurricanes, tornadoes, wildfires, earthquakes. A single major event—a big earthquake or hurricane— could cause some $80 billion to $200 billion in economic losses in the affected areas. The tragedy caused by Hurricanes Katrina and Rita in August and September 2005 underscores the growing risk to society from natural disasters.

III. National Earthquake Hazards Reduction Program (NEHRP)

The National Earthquake Hazards Reduction Program (NEHRP) has provided the resources and leadership that have led to significant advances in understanding the risk earthquakes pose and the best ways to counter them. Under NEHRP, there has been a constant source of funding for seismic monitoring, mapping, research, testing, code development, mitigation and emergency preparedness. A recent study and report by the Multihazard Mitigation Council entitled *"Natural Hazard Mitigation Saves: An Independent Study to Assess the Future Savings from Mitigation Activities,"*, has concluded the money spent on reducing the risk of natural hazards is a sound investment. On average, a dollar spent by FEMA on hazard mitigation provides the nation about four dollars in future benefits. The type of research to be conducted under this program has the potential to increase the benefit greatly.

The 2004 reauthorization of NEHRP (P.L. 108-360) has given the National Institute of Standards and Technology (NIST) new responsibility as the lead agency for NEHRP and an expanded role in problem-focused research and development in earthquake engineering.

In addition to its leadership role, NIST is now specifically tasked to carry out problem-focused research and development in earthquake engineering aimed at improving building codes and standards for both new and existing construction and advancing seismic practices for structures and lifelines.

The NSF also has a major role to play within NEHRP. The NSF has the responsibility to advance fundamental knowledge in earthquake engineering, earth science processes, and societal preparedness and response to earthquakes. Additionally, the George E. Brown, Jr. Network for Earthquake Engineering Simulation (NEES), operated by NSF, will expand knowledge through new methods for experimental and computational simulation.

The House recently approved the Natural Hazards Risk Reduction Act of 2010 (H.R. 3820). The bill, passed on a 335-50 vote, would reauthorize the National Earthquake Hazards Reduction Program (NEHRP) for five years. The legislation reauthorizes NEHRP for five years with a total authorized funding level of $176.3 million in FY 2011. Additionally, the bill authorizes $26.3 million for the Windstorm program.

Among the programs under the jurisdiction of this Subcommittee, the bill authorizes $66 million for NSF and $7.7 million for NIST under the NEHRP program. ASCE urges the Committee to support the full authorized funding level for these programs.

IV. National Windstorm Impact Reduction Program at NIST, NSF and the National Oceanic and Atmospheric Administration (NOAA)

In October 2004, the President signed Public Law 108-360 authorizing the creation of the National Windstorm Impact Reduction Program. As recent events on the nation's Gulf coast have so vividly illustrated, the nation remains highly vulnerable to major windstorms. We have not yet fully calculated the full damage inflected in 2005 by Hurricanes Katrina, Rita and Wilma, but it will well exceed $100 billion (National Science Board).

This vulnerability was recognized by Congress in 2004 when it created the National Windstorm Impact Reduction Program. However, while the program has been authorized for FY 2006 through FY 2008, there has been no appropriation of funds or specific budget request. H.R. 3820 would also reauthorize the Windstorm Program, with an authorization of $26.3 million for FY 2011.

Specific amounts under this Subcommittee jurisdiction are $9.9 million for NSF, $4.2 million at NIST and $2.3 million at the National Oceanic and Atmospheric Administration (NOAA) for the Windstorm program. ASCE urges the Committee to support the full authorized funding level for these programs.

V. National Institute of Standards and Technology

ASCE strongly supports the Administration's FY 2011 request of $918.9 million for the National Institute of Standards and Technology.

Scientific & Technical Research & Services (STRS) - These are NIST's core programs that provide the measurements and standards on which the nation's industry stands and grows. NIST laboratories provide industry and the science and engineering community with the measurement capabilities, standards, evaluated reference data, and test methods that provide a common language needed at every stage of technical activity. U.S. scientists rely on NIST's evaluated data services and measurement expertise for a host of basic and applied research activities.

Building and Fire Research Laboratory – ASCE believes that the services provided by the Building and Fire Research Laboratory (BFRL) are invaluable to the building industry. BFRL works to improve the productivity of U.S. construction industries and serves as the premier fire research laboratory in the U.S. It develops technologies to predict measure and test the performance of construction materials, components and practices. BFRL is the nation's central laboratory for providing the tools (i.e. research and measurements) needed to rebuild the nation's infrastructure.

Laboratory activities include: fire science and fire safety engineering; building materials; computer-integrated construction practices; structural, mechanical and environmental engineering; and building economics. The laboratory conducts investigations at the scene of major fires and structural failures due to earthquakes, hurricanes or other causes. The knowledge gained from these investigations guides research and is applied to recommendations for design and construction practices to reduce future hazards.

Construction is one of the nation's largest industries, comparable in size to the health care and agricultural industries. Like those vital areas of the nation's economy, the construction industry needs research and development to enhance international competitiveness and increase public health and safety. Funding for construction-related research, from all sources, is a fraction of that available to the healthcare and agricultural industries. Due to the fragmented nature of the construction industry, the private sector does not have the resources to conduct the needed research and development on its own.

In addition to our support for the NEHRP program, ASCE is also pleased to see the Administration's request for $5 million for Disaster Resilient Buildings and Infrastructure. This initiative supports the creation of a Disaster and Failure Event Studies Program at NIST and research on fire resistance of structures. ASCE is also pleased with the request for an increase of $6 million for Green Construction as part of a $10 million increase for Green Manufacturing and Construction. Both of these programs are well targeted to address pressing needs in the design and construction industry.

National Construction Safety Team Act – Public Law 107-231 - created the National Construction Safety Team at NIST with the mandate to investigate major building failures within the United States. The investigations are conducted to establish the technical causes of building failures and evaluate the technical aspects of emergency response. The goal is to recommend improvements to the way in which buildings are designed, constructed, maintained and used. ASCE supported this act; however ASCE believes that NIST must be provided with the necessary resources. The National Construction Safety Team (NCST) Advisory Committee, established by the Act, recommended the creation and funding of a NCST office. ASCE urges Congress to appropriate at least $1 million for such an office.

VI. National Science Foundation (NSF)

ASCE supports the Administration's FY 2011 request of $7.4 billion for the National Science Foundation (NSF).

In recent years, Congress has increasingly recognized that, to remain technologically and economically competitive, our country is dependent on long-term investment in federal research and education programs in science and engineering. The support that the federal government has provided for NSF in a period of budgetary stringency has helped this country to retain its world leadership position in research and education in science and engineering. That position is under unprecedented challenge from foreign nations newly committed to establishing leadership positions in research and technology development.

National investment in NSF research and education programs produces the new knowledge and the trained scientists and engineers indispensable to our future economic vitality and national security. ASCE strongly believes that Congress must maintain and increase that support.

Math and Science Partnerships – ASCE encourages the continued federal commitment to math and science education by maintaining the peer-reviewed Math and Science Partnerships (MSP's) at the NSF and supporting robust funding for both the U.S. Department of Education (ED) and the NSF Math and Science Partnership programs. We urge you to oppose the Administration's budget proposal that would phase-out the NSF MSP program in favor of the new federal grant administered by the Secretary of Education. The proposal would, in effect, limit individual states' discretion to target much-needed funds for local science and mathematics education reforms.

Once again, thank you for the opportunity for ASCE to express its views. If you need more information, contact Martin Hight, ASCE Senior Manager of Government Relations at (202) 326-5125 or by e-mail at mhight@asce.org.

Mr. FATTAH. Your written testimony will be, as we would say, spread across the record.

Mr. TOM SMITH. Yes, sir.

Mr. FATTAH. You can expound to whatever degree you like given that there are less than eight minutes left on this vote.

Mr. TOM SMITH. Thank you, Congressman Fattah. I very much appreciate the opportunity to be here today. I'd like to just mention, my name is Tom Smith. I'm a Deputy Executive Director of the American Society of Civil Engineers. We are very pleased to offer this testimony to add on to some others that you've heard in support of the funding for the National Institute of Standards and Technology, and the National Science Foundation.

The American Society of Civil Engineers is a non-profit technical society dedicated to advancing the science and education of civil engineers, of engineers, and advancing the profession of engineering. It was founded in 1852 and it's the country's oldest national engineering society. It's a 501(c)3, not for profit organization.

I would refer the members of the Subcommittee to the written testimony and I'd like to just cover a few other points that I think are important, particularly for U.S. competitiveness of the research and education programs at the National Science Foundation, and of equal importance to the National Institute of Standards and Technology's core laboratories programs and standards activities. This Subcommittee no doubt has heard from numerous prominent scientific engineering and academic and industry groups, including those today, supporting these vital programs and ASCE would like to add our support to the President's request of $7.424 billion for NSF, and then the $918.9 million for NIST.

The importance of activities carried out by these agencies to the nation's economic health cannot be overstated, certainly from the American Society of Civil Engineers' perspective. I would like to take my time here today to focus on hazards mitigation in particular. With NSF and NIST as well as other federal agencies there exists a number of small but critical programs designed to mitigate the impact of natural disasters. These programs include the National Earthquake Hazards Reduction Program, sometimes referred to as NEHRP, as well as the National Windstorm Impact Reduction Program, and several others. These programs deserve Congress' full attention and funding, and perhaps the earthquake recently in China helps to illustrate that, as well as Haiti and Chile. We actually have three assessment teams that are over in Chile right now, analyzing coasts, ports, oceans, impact in Chile. We have one also analyzing structures, and another analyzing additional infrastructures such as wastewater treatment plants, telecommunications facilities.

So what we do is we send teams over there that analyze this and assess the impacts of that earthquake, and we come back and we figure out ways that we can learn from that, enhance our standards that are then adopted into building codes throughout the country, and even throughout the world. And it's this National Earthquake Hazards Reduction Program that plays a big part in that in helping increase our preparedness for earthquakes in the future, and if you look at the impact of Haiti versus the impact of

Chile, you'll see that how important this is, being prepared for earthquakes. The death and destruction was far less in Chile.

Each year the United States suffers an estimated $52 billion dollars in property damage, destruction of commerce, lost lives due to natural disasters such as hurricanes, tornadoes, wildfires, and earthquakes. A single major event such as a large scale earthquake or hurricane can cause between $80 billion dollars and $200 billion dollars in economic losses in the affected areas. The tragedy caused by hurricanes Katrina and Rita in August and September of 2005 underscore the risk to society from natural disasters, and the importance of these programs. I will just sum up by saying that an ounce of prevention is worth a pound of cure, and so this is money well spent, and I know you've got so many different competing interests for money as you referenced earlier. But I will say that this is truly money very well spent. This comes from the civil engineers who are designing modern civilization.

Since 1977, NEHRP has provided the resources and leadership that have led to significant advances and understanding and the risks earthquakes pose and the best way to counter them. Under NEHRP, which includes activities at NIST and NSF together with operations at the Federal Emergency Management Agency and the U.S. Geological Survey, there has been a constant source of funding for seismic monitoring, mapping, research testing, co-development, mitigation and emergency preparedness. A national study and report by the Multi-Hazard Mitigation Counsel entitled, "Natural Hazard Mitigation Saves: An Independent Study to Assess the Future Savings from Mitigation Activities" has concluded that money spent on reducing the risk of natural hazards is a sound investment. On average a dollar spent on hazard mitigation provides the nation about $4 in future benefits. This type of research to be conducted under this program has the potential to increase the benefits greatly.

The House recently approved H.R. 3820, that's the Natural Hazards Risk Reduction Act of 2010. The bill which passed on a vote of 335 to 50 would reauthorize NEHRP for five years. The legislation authorizes NEHRP for five years, with a total authorized funding level of $176 million dollars in fiscal year 2011. Among the programs under the jurisdiction of this Subcommittee the bill authorizes $66 million dollars for NSF, $7.7 million dollars for NIST under the NEHRP program. ASCE urges the Committee support the full authorized funding level for these programs.

Another important program that has the potential to save lives and property is the National Windstorm Impact Reduction Program that was created in 2004 by Public Law 108–360. As the events of 2005 on the nation's Gulf Coast have so vividly illustrated, the nation remains highly vulnerable to major windstorms. This program was also reauthorized by H.R. 3820 for $26.3 million dollars for fiscal year 2011, and we urge Congress to support full funding levels for this.

So let me just say in conclusion, ASCE really is the largest publisher also of civil engineering content. So again, over 30 technical journals, we rely significantly on engineers and scientists throughout the world, many of whom are funded by NSF and this information that is being used to develop standards that go into building

codes in this country, and it is important to protecting the public health safety and welfare, and we urge your support.

Thank you very much.

Mr. FATTAH. Let me thank you for your testimony, and it goes without saying that the community agrees that an ounce of prevention is far preferable than a pound of cure.

Everyone should stop looking at the clock. You know, there's no possibility I want to miss this vote, all right? There are 300 plus members who have not voted yet. So even though the time is running out, the process will go on for a minute, and we have secured another member of the Subcommittee who is going to vote and then come to make sure that our two remaining witnesses fully get a chance to articulate their viewpoint.

So we're going to move forward, and I would ask Howard Silver to come forward now and speak on behalf of the Consortium of Social Science Associations.

Mr. SILVER. If you need to go vote, I've got time.

Mr. FATTAH. No, that's fine. I have time, too. So you go right ahead, and we'll get your testimony on the record.

WEDNESDAY, APRIL 14, 2010.

CONSORTIUM OF SOCIAL SCIENCE ASSOCIATIONS

WITNESS

HOWARD SILVER, PH.D., CONSORTIUM OF SOCIAL SCIENCE ASSOCIATIONS

Testimony of Howard Silver, Executive Director, Consortium of Social Science Associations (COSSA), to the House Commerce, Justice, Science Subcommittee, House Appropriations Committee. Honorable Alan Mollohan, Chairman. February 11, 2010.

Mr. Chairman and Members of the Subcommittee:

My name is Howard Silver and I am the Executive Director of the Consortium of Social Science Associations (COSSA). The Consortium represents over 110 professional associations, scientific societies, universities and research institutes concerned with the promotion of and funding for research in the social, behavioral and economic sciences. COSSA functions as a bridge between the research world and the Washington community. A list of COSSA's membership is attached.

I appreciate the opportunity to comment on the proposed FY 2011 budgets for the National Science Foundation (NSF), for which we recommend at least $7.424 billion; the $70 million requested for the National Institute of Justice (NIJ), for which we support $70 million; the the Bureau of Justice Statistics (NIJ) for which we recommend $62.5 million; the Bureau of Economic Analysis, for which we support $109.2 million; and the Census Bureau, for which we support the President's request of $1.267 billion to complete the 2010 Census and enhance the American Community Survey. Each of these five agencies has a significant impact on support for research in the social and behavioral sciences and provides data for these scientists to analyze and disseminate as they investigate issues important to the future.

COSSA is well aware that each year you confront difficult choices among competing agencies under the Subcommittee's jurisdiction. We appreciate your past generosity to these five agencies and we hope that you will give their FY 2011 requests the same generous consideration.

NATIONAL SCIENCE FOUNDATION (NSF)

In 2010 NSF celebrates 60 years as the premier agency that supports excellent basic scientific research across all disciplines. We congratulate NSF and thank this Subcommittee for its continued willingness to provide NSF with the resources it needs to maintain its excellence. We are especially grateful for the $3 billion in the American Recovery and Reinvestment Act (ARRA) as well as the enhancement in the regular FY 2010 appropriations. We strongly support the Administration's proposed eight percent increase for NSF in the FY 2011 budget boosting its funding to $7.424 billion.

The $2.5 billion for the Research and Related Activities account included in the ARRA helped fund more excellent science projects across all the disciplines that NSF supports and improved the dismal success rates that limited NSF budgets had created in recent years. COSSA has some concern that without sufficient funding these rates will decline again. Thus, we also strongly support the proposed $6.019 billion for the Research and Related Activities account. We also want to express our appreciation to the Subcommittee for its support of ALL the disciplines that NSF funds.

NSF remains extremely important for federal support for basic research in the social, behavioral, and economic (SBE) sciences. For some fields in these sciences, NSF is the only source of federal support for basic research and infrastructure development. Although the proposed 5.3 percent increase for NSF's SBE directorate is smaller than we would like, the steady growth over the past few years and the addition of the ARRA funds have allowed the directorate to move forward. COSSA is delighted with the appointment of Dr. Myron Gutmann as SBE's new AD, who in addition to being a superb researcher, is our former president.

It has also become clear that the SBE sciences, because they focus on human activity at every level, from an individual's brain, to behavior, to the actions of groups and organizations, have become important to conducting scientific research that helps confront the difficult challenges facing the nation and the world. These include mitigating climate change, altering energy policy, combating terrorism, and explaining political, economic, and social behavior.

The SBE sciences have been able to take advantage of methodological advances, enhanced computing power, and the increasing interdisciplinarity of science to produce important results. These sciences now have the capability to collect and manage data on a much larger scale, such as the Integrated Public Use Microdata Sets (IPUMS), compiled by Steven Ruggles and his colleagues and housed at the University of Minnesota. The IPUMS International data set has harmonized data for 1960 forward, covering 279 million people in 130 censuses from around the world, while IPUMS USA contains harmonized data on people in the U.S. census and American Community Survey, from 1850 to the present. In addition, SBE continues its support for its three major long-term data bases: the Panel Study on Income Dynamics, the General Social Survey, and the American National Election Studies. These extraordinary sets of time-series data continue to paint a portrait of American's economic, social, and political attitudes and behavior over five decades, while updating their methodology and expanding their scope.

Data sets are part of the SBE infrastructure along with functional MRIs, economic and political laboratories, and geographic information systems. SBE needs the funding to support these just as other sciences need support for their infrastructure such as Very Large Array telescopes and Ocean Drilling Vessels.

The social and behavioral research portfolio is enormous and supports science of tremendous intellectual excitement and substantial societal importance. Part of the proposed FY 2011 increase for SBE will support its contribution to the NSF initiative Science, Engineering and Education for Sustainability (SEES). SBE research in the human and social dimensions of sustainability include: social and cultural influences on human perception of value and risk; the influence of perceptions on decisions-making under uncertainty; the interplay of individual and collective decisions and actions; changing land use and migration patterns; the life cycles and governance of socio-technological systems, particularly energy-based technologies; the role of social networks in influencing behavior; and the social and political trade-offs of taking costly actions today for uncertain benefits in the future.

In 2009, SBE kept up its record of support for future winners of the Nobel Prize in Economics having provided awards to foster the careers of political scientist Elinor Ostrom and economist Oliver Wiliamson. Ostrom won for her pioneering work on how common property can be

successfully managed by user associations who develop sophisticated mechanisms for decision-making and rule enforcement. Williamson's prize was for his theory that business firms and competitive markets can serve as structures for conflict resolution.

The proposed FY 2011 budget provides enhanced SBE support for its Science of Science and Innovation Policy (SciSIP) initiative. Led by SBE, SciSIP has now become an interagency program supporting research designed to develop, improve and expand models, analytical tools, data and metrics that can be applied in the science policy decision making process. Part of the SciSIP program is investigating the implementation of ARRA funding by science agencies as a natural experiment. Both the Science Resources Statistics division and the new Office of Multidisciplinary Activities support this program.

SBE continues to play a role in researching the societal implications of new technology with its Centers for Nanotechnology in Society. It also participates in the Long Term Ecological Research sites to understand the transformations in urban and non-urban areas fostered by environmental activities.

The movement of the Science and Learning Centers program from the Office of Integrative Activities into SBE is welcome. The Centers, which will have a new competition in 2011, support research on quantitative behavioral and brain modeling of normal and abnormal learning, spatial and temporal learning, and learning in informal settings.

The Science Resources Statistics Division (SRS) has a slight increase proposed for FY 2011. Having just released its major effort, *Science and Engineering Indicators 2010*, SRS hopes, with its increased resources, to start a Microbusiness R&D Innovation Survey for firms with less than five employees. This will improve our understanding of innovation activities in the U.S.

With regard to the Education and Human Resources directorate (EHR), COSSA supports the proposed increases for building a knowledge base and providing evaluations of STEM education programs as conducted by the Research on Education in S&E and Project and Program Evaluation accounts of the Division of Research on Learning in Formal and Informal Settings. We also strongly agree with the Administration's proposal to triple the number of NSF graduate fellowships.

COSSA also believes that broadening participation in science, across ALL the sciences, is important. We support NSF's programs to ensure that all students get a chance to become scientists; including SBE scientists. COSSA continues its leadership role in the science community's efforts to enhancing diversity in the sciences. The COSSA-led Collaborative for Enhancing Diversity in Science (CEDS) has held a retreat in February 2008, a congressional briefing in March 2009, and expects to organize a follow-up meeting on data collection in the fall of this year. The report from the retreat and a summary of the congressional event can be found at www.cossa.org

NATIONAL INSTITUTE OF JUSTICE (NIJ) and the BUREAU OF JUSTICE STATISTICS (BJS)

The NIJ and BJS are the research and statistics arms of the Department of Justice (DOJ). COSSA appreciates the Subcommittee's past strong support for enhancing BJS's budget as recommended in the National Academies' report: *Ensuring the Quality, Credibility, and Relevance of U.S. Justice Statistics.* We also appreciate the importance you have given to restoring and revitalizing the National Crime Victimization Survey (NCVS). We are delighted with the Administration's nomination of Dr. James Lynch, an extraordinary, well-qualified statistical scientist, to lead BJS and we hope he is confirmed soon.

It is now time to revitalize NIJ. The nomination and the upcoming confirmation of Dr. John Laub of the University of Maryland to lead NIJ is a significant step toward accomplishing that push. He will provide key scientific leadership to this agency. The upcoming report on NIJ from the National Academies will provide another step.

The Administration has requested a significant increase for NIJ in the FY 2011 budget proposal. COSSA strongly supports the enhancement to $70 million and NIJ's effort to create an evidence base to crime and criminal justice policy. Police chiefs are seeking this too! Tom Casady, police chief in Lincoln, NE has written: "There are a lot of smart people serving as police chiefs in cities large and small; they are very interested in using quality research to engage in evidence-based policing." Similarly, Jim Bueermann, chief in Redlands, CA has noted: "We just need more evidence about the things that really work to control crime if we are to be better stewards of taxpayers' investments in public safety." Cincinnati Police Department Commander Jim Whalen said about researcher-supported gang violence prevention work: "We will never engage in this kind of gang work again without academic support...No police department should."

NIJ-supported research has produced important results regarding criminals and criminal careers, "hot spot" policing, community policing, recidivism, crime and drug use, sentencing, and many other areas. David Kennedy of the John Jay College of Criminal Justice has worked with police and community leaders all over the country implementing his research-based approach to ending gang warfare and street-level drug markets. The Project Safe Neighborhoods approach has also seen researchers and police leadership work together with significant crime reduction results. As NIJ suggests "a commitment to the next generation of crime-fighting research programs appears in order." Therefore, we strongly support the additional $10 million NIJ seeks to reinvigorate its social science research mandate.

COSSA is pleased that the Administration has proposed an increase to $62.5 million for BJS, which includes funding for two new programs: data on indigent defense and tribal statistics. BJS' wide range of programs include data on correctional populations and facilities; courts and sentencing; prosecution; sex offender registries; and criminal history records. Given the widespread problem of prison crowding at a time of dire financial conditions, there is increased demand for more data on recidivism and reentry to inform policy and program changes. Therefore, we also support the set-aside within the Second Chance Reentry funding for enhanced data collection on reentry and recidivism.

The Academies' report also emphasized the value of the state Statistical Analysis Centers, which receive support from BJS through the State Justice Statistics program. The SJS program will provide approximately $3.5 million to the states in 2010, representing the first increase in 15 years. It is critical that that minimal level of funding be sustained.

In addition, we strongly support the Administration's proposed set-aside of three percent of formula grant program funds, for "research, evaluation, or statistical purposes." We appreciate the Subcommittee's support for a similar proposal of a one-percent set-aside in the FY 2010 budget and we hope you can support this upward adjustment.

THE U.S. CENSUS BUREAU and BUREAU OF ECONOMIC ANALYSIS

The year of the Census is upon us! COSSA believes the Bureau has a superb leader in Dr. Robert Groves to carry out this enormous and important task of counting the people of the U.S. As a member of the 2010 Census Advisory Committee, we greatly appreciate the CJS Subcommittee's strong role in providing the funds needed to make the decennial happen.

As the FY 2011 budget recognizes, the Bureau's needs subside substantially next year. However, there is still much to be done to provide the results, analyze the operation, and begin to prepare for what may believe will be a much different kind of count in 2020. Thus, COSSA supports the Administration's overall number of $1.27 billion for the Bureau.

As an organization promoted its development, COSSA strongly supports the Administration's call for additional funding to enhance the sample size of the American Community Survey (ACS). The upcoming release of the five-year data will provide a significant picture of America and the changes that have occurred from 2005 to 2009. The other Bureau activities are also important to maintaining the economic statistical databases that play an important role in employment policy, housing policy, and economic policy, and their funding should be sufficient.

COSSA also supports the $102.5 million requested for FY 2011 for the Bureau of Economic Analysis (BEA). BEA produces economic accounts' data that enable government and business decision-makers, researchers, and the American public to follow and understand the performance of the Nation's economy. This is of major importance in these perilous economic times.

BEA's significant increase would provide it the ability to publish data on GDP by industry on a quarterly basis thus enhancing the capability of analyzing and monitoring the economy for risks. Another part of the increase will boost the capacity to understand how changes in the economy impact individual households by examining other measures, already part of the data collected, such as discretionary income. Again in FY 2011 BEA seeks budget enhancements to improve its collection of foreign direct investment data and the economic impact of the energy sector. Both would improve the measurement of the economy and COSSA supports the increase.

Thank you for the opportunity to present our views.

Mr. SILVER. I am Howard Silver, and I am the Executive Director of the Consortium of Social Science Associations, which advocates for federal funding for the social behavior on economic sciences. I will begin by establishing my Philadelphia bona fides.

Mr. FATTAH. Now you definitely have my interest. If you've got any connection in Philadelphia you're almost guaranteed to get what you want out of this Committee. So go right ahead.

Mr. SILVER. Through my wife of 35 years, who was born and raised in Philadelphia and who graduated from Temple University.

Mr. FATTAH. Well I spent a decade or so on the Temple Board of Trustees, she could have gone anywhere. If she went to Temple, that's great.

Mr. SILVER. Anyway, I am here in my short time to try and talk about five agencies under the jurisdiction of this Subcommittee, which have significant impact on SB scientists, the research they conduct, the data they collect, analyze, and disseminate. First, the National Science Foundation. This is, as you know, the 60th anniversary of NSF. They remain the premiere basic research agency in the world. I agree with my colleagues who spoke earlier in urging your support for the President's request of $7.424 billion.

I also want to thank the Subcommittee for their support for the $3 billion in the American Recovery and Reinvestment Act in 2009, and for the Subcommittee's support for all of the disciplines that NSF supports.

With regard to the fiscal 2011 budget for the social behavioral and economic science directorate, we are getting somewhat disappointed with the small increase. It's 5.3 percent, and only about $13 million, but we understand that there are opportunities for scientists in a lot of the interdisciplinary cross directorate programs, including what ASA was calling CYS, cyber infrastructure in the environmental safety, health, and social ramifications of new technology, and the science and innovation policy. We are also delighted that Mridul Gautam, who happens to be a former President of COSSA, is now the Assistant Director for the SP directorate.

As you know, the importance of the SB sciences and the research the scientists conduct to all of the problems that affect our nation and world, whether it be climate change, energy, terrorism, learning and ducation, we're understanding political, economic, and social behavior, and like other disciplines supported by NSF, SB supported scientists, win Nobel prizes. Political scientist Elinor Ostrom, and economist Oliver Williamson, the two latest 2009 winners of the prize in economics.

With regard to NSF's education role, we strongly believe that the SB scientists have a role in STEM education, whether it be through the research conducted at the Science of Learning Centers, which is supported by SBE's funding, which looks into how children and adults as well learn, to the research and evaluation programs of the Reese Division of the EHR which are scheduled for enhancements in the President's 2011 budget.

We are also strongly supportive of NSF's role in enhancing diversity and broadening participation in the sciences. COSSA has taken a leadership role in the scientific community with a retreat that we put on in 2008 with a Congressional briefing in 2009, both which there's a report and some slides from the presentations on

our web page, and further activity will occur either in late 2009 or early 2010.

Moving on to the Department of Justice. We thank the Subcommittee for it's strong support of the large increase for the Bureau of Justice in the fiscal 2010 budget to revitalize the National Crime Victimization Survey, and we strongly support the increase, the $62½ million for fiscal year 2011. We are delighted that the President has nominated a strong scientist, Jim Lynch, to head BJS. Hopefully one of these days the Senate will confirm him.

This year, as you may note, the big increase has shifted to the National Institute of Justice. It is trying to revitalize that research arm of the department. We have strongly supported the request for $70 million. We are delighted that John Loeb, another strong scientist, has been nominated to run NIJ, and like Jim Lynch, one of these days the Senate will confirm him.

You've probably heard for the last few years about the National Academy's Report on the National Institute of Justice. I was told last week it will finally come to fruition probably the end of this month or the beginning of next month, and hopefully that will spur on the improvement of NIJ the way the earlier report on BJS has helped revitalized that.

Social science research at NIJ is devoted to building an evidence base to crime and criminal justice policy. It is something that not only social scientists are trying to do, but it's something police chiefs all over the country want. My written testimony has some quotes from police leaders from one end of the country to the other, asking, supporting research here.

The Census. As we know, we have three days left to mail back our census forms, and before the Census Bureau starts the non-response follow-up, we strongly thank the Subcommittee for its support in getting the Census funded through all the difficulties it went through over the past three years. It's interesting, I remember the 2010 Census Advisory Committee at the meeting last week in Suitland. We were already talking about envisioning the 2020 Census, and what that would mean perhaps not having the postal service, for example. The Census Bureau is going to do a lot of research on the 2020, and so the support for the request for increasing the sample size of the American community survey is just very, very important to this effort as we go down the road.

And finally, the Bureau of Economic Analysis has a big increase to $109.2 million. It's a large percentage increase but we hope the Subcommittee can support it. BA wants to do four things, issue GDP reports by industry on a quarterly basis. They want to give us better measures of individual household income, they want to improve the foreign direct investment data that they have and improve the data on the energy sector, all very important to giving us a better picture of the American economy so that we can react in a much quicker way to jolts to it, such as the ones we've had in the past few years.

Thank you for your time, your attention, and now you can go vote.

Mr. FATTAH. Well, thank you very much. You're a very smart person since you married someone from Philadelphia.

Mr. SILVER. I'll tell her that.

Mr. FATTAH. But your judgment is in question if you sincerely believe the Senate is going to do anything at any point. But I want to recognize the former Chairman of the Committee who is going to sit in the chair, my great colleague, Mr. Serrano. The Yankees are going to lose this year. But he's here, and I want the record to reflect that if Patrick Kennedy would have been more efficient, I would have gone through the last witness here, Anthony (Bud) Rock.

Mr. SILVER. I just wanted to say that aside from my wife from Philadelphia, I came from the Bronx.

Mr. FATTAH. That shows.

Mr. SERRANO [presiding]. Okay, so now we will hear from Anthony (Bud) Rock. It sounds like a rock and roll singer.

Mr. ROCK. I've heard that, actually.

Mr. SERRANO. From the Association of Science-Technology Centers, Incorporated.

WEDNESDAY, APRIL 14, 2010.

ASSOCIATION OF SCIENCE-TECHNOLOGY CENTERS, INCORPORATED

WITNESS

ANTHONY (BUD) ROCK, ASSOCIATION OF SCIENCE-TECHNOLOGY CENTERS, INCORPORATED

Testimony of
Mr. Anthony F. (Bud) Rock, Chief Executive Officer
Association of Science-Technology Centers
Before the
House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies
April 14, 2010

Seeking Reversal of Administration's FY 2011 Proposed Reductions in:
National Science Foundation: Education & Human Resources/Informal Science Education
National Oceanic and Atmospheric Administration: Education
National Aeronautics and Space Administration: Education

Introduction

Mr. Chairman, Ranking Member Wolf, and Members of the Subcommittee – my name is Bud Rock and I am the Chief Executive Officer of the Association of Science-Technology Centers (ASTC). My testimony today will address the proposed FY 2011 reduction in the Informal Science Education program at the National Science Foundation – which would be funded at $64.4 million under the President's request – as well as those proposed for the education programs at the National Oceanic and Atmospheric Administration and the National Aeronautics and Space Administration.

ASTC is a nonprofit organization of science centers and museums dedicated to furthering public engagement with science among increasingly diverse audiences. Science centers are sites for informal learning and are places to discover, explore, and test ideas about science, technology, engineering, and mathematics (STEM). They feature interactive exhibits, hands-on science experiences for children, professional development opportunities for teachers, and educational programs for adults. In science centers, visitors of all ages become adventurous explorers who together discover answers to the myriad questions of how the world works – and why. ASTC has nearly 600 members, including 445 operating or developing science centers and museums in 44 countries, who **engage over 80 million visitors annually** in intriguing educational science activities and explorations of scientific phenomena. The recently released *Science and Engineering Indicators 2010* says that 59% of our fellow citizens visited an informal science venue in the past year. Science centers vary widely in size and scale, from large institutions like the Exploratorium in San Francisco and the Museum of Science and Industry in Chicago, to smaller centers like the SMART-Center at West Liberty University in Wheeling, West Virginia and the Shenandoah Valley Discovery Museum in Winchester, Virginia.

ASTC works with science centers and museums to address critical societal issues, locally and globally, where understanding of and engagement with science are essential. As liaisons between the science community and the public, science centers are ideally positioned to heighten awareness of critical issues including energy, the environment, infectious diseases, and space; increase understanding of important new technologies; and promote meaningful informed debate between citizens, scientists, policymakers, and the local community.

The Important Contribution of Science Centers to Improving STEM Education

Science centers offer places where science and citizens can meet. Many centers have scientists on staff and some feature research facilities on-site. Through exhibits and programming, such as lecture series and science cafés, science centers help to bring current research findings to the public while encouraging discussion and debate of current science issues. Science centers also encourage the public to become involved in research projects themselves.

Science centers reach a wide audience. Most have membership programs, including family memberships. Many offer programs designed for senior citizens. Some train students to serve as docents and "expert explainers." In addition to the hands-on, experiential exhibits and programs that are the hallmark of science centers, many have large-format theaters, planetariums, and outdoor science parks. Through outreach programs, science centers also extend their work well beyond their buildings.

School groups make up a significant percentage of science center and museum attendance – an estimated 17.7 million student visits worldwide in 2009 (12 million in the United States). But school field trips are just the beginning: most science centers offer demonstrations and workshops, school outreach programs, professional development for teachers, curriculum materials, science camps, overnight camp-in programs, and resources for home schoolers. Many also offer after-school and youth employment programs.

Last year the Congress – led by this Subcommittee – appropriated about $1.4 billion for STEM education through the National Science Foundation (NSF), the National Oceanic and Atmospheric Administration (NOAA), and the National Aeronautics and Space Administration (NASA).

This Subcommittee is singularly responsible for nearly 40% of all the federal support for STEM education.

There is a strong consensus that improving science, technology, engineering, and mathematics education is critical to the Nation's economic strength and global competitiveness in the 21st century. Reports have emphasized the need to attract and educate the next generation of American scientists and innovators. For example, the National Academies' 2005 report, *Rising Above the Gathering Storm*, recommends that the Nation increase its talent pool by vastly improving K-12 science and mathematics education. In order to improve STEM education, we must draw on a full range of learning opportunities and experiences, including those in informal, non-school settings. Informal science education can take place in a variety of places and through a wide variety of media such as science centers and museums, film and broadcast media, aquariums, zoos, nature centers, botanical gardens, and after-school programs. Informal learning can happen in everyday environments and through everyday activities as well.

The Committee on Learning Science in Informal Environments was established by the National Research Council (NRC) of the National Academies to undertake a study of the status of, and potential for science learning in informal environments. In January 2009, the National Academies Committee released a report entitled *Learning Science in Informal Environments: People Places, and Pursuits*, which stated, "Beyond the schoolhouse door, opportunities for

science learning abound..." The Academy found, among other things, that there is ample evidence to suggest that science learning takes place throughout the life span and across venues in non-school settings. Another key issue highlighted in the report is the role of informal STEM education in promoting diversity and broadening participation. The Academy found that informal environments can have a significant impact on STEM learning outcomes in historically underrepresented groups, and informal learning environments may be uniquely positioned to make STEM education accessible to all.

Vital federal support for informal STEM education is provided by NSF, NOAA and NASA.

National Science Foundation

Scientific discoveries and technological innovations have profound impact on individuals and societies. STEM education shapes our everyday lives and holds the potential to produce solutions to daunting problems facing the nation. This prospect calls for unprecedented energy and innovative efforts to promote public understanding of – and engagement with – STEM, its processes, and its implications. Informal learning settings offer learners of all ages enjoyable opportunities to become interested in STEM and more knowledgeable about the world around them. Such learning experiences foster a better informed citizenry and inspire young people to consider STEM careers in which they may help address societal challenges. NSF's Informal Science Education (ISE) program supports projects that promote lifelong learning of science, technology, engineering, and mathematics by the public through voluntary, self-directed engagement in STEM-rich informal learning environments and experiences. The ISE program invests in projects that:

- advance knowledge through research and evaluation about STEM learning in informal environments;
- design, implement, and study models, resources, and programs for STEM learning in informal environments; and/or
- expand the capacity of professionals engaged in the work of informal STEM education programs.

The FY 2011 budget for NSF's ISE program is $64.4 million – 2.4% below the FY 2010 level. In fact, NSF support for ISE has been frozen between $63 million and $66 million since FY 2004.

National Oceanic and Atmospheric Administration

Since 2005, NOAA's Office of Education has promoted the improvement of public environmental literacy through competitive education grants, also known as Environmental Literacy Grants. The recipients of Environmental Literacy Grants have consistently demonstrated: (1) alignment with NOAA's goals and NOAA's Education Strategic Plan; (2) a robust project evaluation plan; (3) partnership with NOAA offices and programs to leverage NOAA scientific, educational and human resources; and (4) the promotion of ocean and/or climate literacy – the components of environmental literacy closely tied to NOAA's mission. Additionally, NOAA strives to fund projects that complement other grant programs and

educational efforts offered by other offices within NOAA, and by other federal agencies, such as the U.S. Environmental Protection Agency, NASA, and NSF.

Successful NOAA projects catalyze change in K-12 and informal education through development of new partnerships, programs, and materials that not only increase knowledge of scientific phenomena, but also provide opportunities for the application of that knowledge to societal issues. To date, 59 competitive awards have been made supporting a wide range of projects from teacher training, to experiential learning for youth and families, to the development of media products and public opinion research.

In face of this progress, the Administration's budget would reduce NOAA's education programs by over 28%.

National Aeronautics and Space Administration

NASA's Education program works to: foster a science, technology, engineering, and math workforce in fields that support NASA's strategic goals; attract students to the disciplines through a progression of education opportunities; and build strategic partnerships between formal and informal education providers. NASA's education programs have been evaluated as part of the Administration's program assessment process with the following findings: NASA has taken several steps to improve the Education program's potential to strengthen and measure its performance. For instance, the agency developed a new education framework and implementation plan as well as new metrics by which to evaluate the program's achievement of intended outcomes; the program has made considerable progress in focusing the program's plans on achieving meaningful outcomes. The program has established baseline performance standards and has begun to collect and report some performance data against its new metrics; and the program has developed a solid plan and set aside resources to conduct independent evaluations of the portfolio's effectiveness and efficiency; now the program must implement that plan.

Despite these improvements, the Administration's budget for FY 2011, NASA's education programs would decline by nearly 21%.

ASTC and Educate to Innovate

As mentioned previously, the Administration has recently released its latest edition of the biennial Science and Engineering Indicators report. This report says that the state of U.S. science and engineering is strong, but that U.S. dominance of world science and engineering has eroded significantly in recent years, primarily because of rapidly increasing capabilities among East Asian nations, particularly China. On the heels of that report, the Administration announced a new set of public-private partnerships in the "Educate to Innovate" campaign, committing more than $250 million in private resources to attract, develop, reward, and retain science, technology, engineering, and mathematics teachers. This initiative is responsive to data, presented in Indicators, showing that American 15-year-olds are losing ground in science and math achievement compared to their peers around the world.

ASTC applauds the President's Educate to Innovate initiative, and ASTC members are active participants in this campaign. ASTC also applauds the efforts of the private sector to commit more than $250 million in resources to attract and retain K-12 STEM teachers. At the same time, we believe that any effective campaign to improve the quality and effectiveness of the STEM education provided to our students and teachers is grounded in a deeper appreciation by the public – and decision makers – in the importance of STEM education for the long term health and well-being of our Nation.

It is for this very reason that on January 28, ASTC leadership met with officials of the Office of Science and Technology Policy to put forth a new "Youth Inspired" initiative that is comprised of two parts:

"2 Million Hours to the Future" capitalizes on the fact that science centers and science museums are key partners for supporting the Nation's youth in becoming the innovative and creative thinkers needed for the 21st century workforce. We propose that 300 science centers and science museums, representing each of the 50 states, could engage approximately 30 students per year through either afterschool or youth employment programs. With at least one hour of in-person contact per week per student, the initiative would cumulatively reach 2 million hours of science and personal development at the end of three years.

"2 Million Teachers to Inspire" is a national initiative that takes advantage of the important role that science centers play in developing and supporting STEM teachers in America's schools. Through the initiative – which will be supported in part by private and corporate funding and substantial in-kind institutional investment – ASTC will collect, catalog, and share best practices in teacher professional development, providing a valuable resource for the 2 million teachers our members impact every year.

Conclusion

The reductions proposed by the Administration for valuable informal STEM education programs at NSF, NOAA, and NASA are counterproductive given all the concern expressed by public and private thought leaders regarding the importance of STEM education for the long-term health and well-being of the Nation. Informal STEM education programs reach over 80 million visitors a year – children, parents, teachers, and even adult learners – with irreplaceable hands-on experiences that stimulate creativity and foster a valuable appreciation for the role of science and technology in the world around us – both today and tomorrow.

To that end, ASTC urges the Congress – understanding the bounds of fiscal constraints – to continue to recognize the value of informal STEM education. ASTC respectfully requests the Subcommittee to reverse the reductions proposed by the Administration. In fact, to the maximum extent possible, ASTC suggests that given the fact these programs have remained relatively level since at least FY 2008, they should be re-vitalized at a rate commensurate with the Administration's intent to double the NSF over the next ten years.

Thank you for the opportunity to present these views. I would be happy to respond to any questions or provide additional information should it be needed by the Subcommittee.

Mr. ROCK. Thank you very much, Congressman Serrano. Thank you for giving me the opportunity to speak here today and for your willingness to join in for the very last presenter at the sessions here today. My name is Bud Rock, and I'm the CEO of the Association of Science-Technology Centers. We are a non-profit organization of science centers and museums that are dedicated to advancing science education and furthering public engagement with science.

I'm here today before you very briefly to urge the Subcommittee to consider reversing the administration's proposed budget reductions in the area of science education programs at the National Science Foundation, at the National Oceanic and Atmospheric Administration, and at NASA, as well. I have submitted written testimony for the record so I will be very brief today as the last presenter.

Just to emphasize that our science centers are sites of informal learning, and they are geared for people of all ages, from all backgrounds, who will learn the basics of science and who will understand how science addresses itself behind very important issues of our day—the climate, energy, environment, health, nutrition, and disease, and a heavy focus today on the new technologies and their impacts on our daily lives.

Mr. Chairman, we have nearly 500 member science institutions and we serve over 80 million visitors per year in our centers around the country. These centers are featuring interactive exhibits, they're featuring hands-on science experiences, there are educational programs for children and for adults, but they are also assisting our nation's teachers of science and technology and engineering and mathematics by offering workshops and instructional seminars and a variety of curriculum materials, as well. These are centers that range in scale from the largest centers, you certainly are familiar with the New York Hall of Science in New York, the Franklin Institute in Philadelphia, the Exploratorium in San Francisco, Museum of Science and Industry in Chicago. These are all very large institutions. And they range right through to some very small institutions as well, those that are tied to universities and tied to other laboratories around the country.

Our centers today are reaching 18 million students per year, and these are not just the school field trips that you tend to be most familiar with. These are centers that are offering classes and demonstrations. They are offering school outreach programs, they are offering science camps, resources for home schoolers. They are doing a great deal of work in the after-school programs and the youth development programs throughout the entire country.

We hope that this Committee will continue to support the work that our science centers do and it's through the National Science Foundation and NASA and NOAA that we look to this kind of support. This Subcommittee is responsible for approximately 40 percent of all the federal support for the STEM education programs that are so critical obviously to the nation's economic strength.

In the National Academy's Report, "Rising Above the Gathering Storm", there was a recommendation that the nation increase its talent pool, and that the emphasis be placed on K12 science and mathematics education. I just want to emphasize here today that

in order to improve STEM education, we must draw on a full range of learning opportunities and experiences including those that are informal and non-school settings, and it's for that reason that it's hard to understand why the administration has proposed such sharp reductions in informal science education. The budget of NSF's informal science education program, which has had no measurable growth for over five years now, would actually drop by 2.4 percent in this budget. That's $1.6 million dollars in a program that's only funded at $66 million to begin with, while the entire agency is anticipated to grow over seven percent.

NOAA and NASA, their education programs would each decline by over 20 percent, and that is really hard for us as science centers to grasp in the face of all that these programs have to offer. It's particularly hard for us to grasp in view of the fact that the administration's own initiatives are designed to improve the participation and the performance of American students in these areas of the STEM fields.

I thank the Subcommittee for the emphasis that they've placed in the past on climate change education, for example, and I would argue that we should continue in that same vein and put an emphasis utilizing the science centers and their museums in areas such as energy education and energy and environment, and in health and in areas that focus on applications of the new technologies.

We appreciate the tight fiscal constraints, and we understand that the Subcommittee is contending with these. Even so, we would respectfully request that the Subcommittee seek to reverse the reductions proposed by the administration for informal science education at these three agencies, NSF, NOAA, and NASA, and we would hope that you would consider revitalizing these programs at a rate that is similar to the administration's growth trajectory for these agencies overall, particularly the National Science Foundation.

My final point, Mr. Chairman, is that we look forward to the endorsement for informal science education that will be forthcoming, we anticipate in the Report of the President's Council of Advisors on Science and Technology where we've had a lot of engagement in this regard. Clearly the administration recognizes the value of what we are doing. The question now is whether or not we can associate that value with the larger role of the agencies involved, NOAA, NASA, and NSF and see that they are recognized with that same support.

Thank you very much for the opportunity to be here and be the last speaker here today, and for your willingness to join for this last statement. Thank you very much.

Mr. SERRANO. Well, we thank you for your testimony. We can assure you that the fact that we have the first full day back where we run around and visit seven meetings at the same time is not an indication of how worthy your testimony is. We take it very seriously, and I know this Committee well. Just one point. It is a very difficult fiscal situation that we have, but there is a commitment, I know, from this Chairman, Chairman Mollohan, and from this Committee to do the best that we can because there is a commitment to those sciences and there is a commitment to STEM, and

there is a commitment to making sure that we continue to move ahead, and you will see that as we go along trying to put this budget together.

Mr. ROCK. Thank you very much for your commitment on that.

Mr. SERRANO. Thank you. Thank you so much. I get to adjourn.

[The following additional written statements were provided for the record:]

Testimony of Congressman Walter B. Jones (NC-3)

House Appropriations Subcommittee on Commerce, Justice, Science

Member Hearing

April 14, 2010

Chairman, I want to thank you and the Ranking Member for holding this hearing to allow members and the public to weigh in on Fiscal Year 2011 funding matters under the Subcommittee's jurisdiction.

I come to you today on behalf of fishermen in my Eastern North Carolina congressional district and across the country who strongly oppose the National Oceanic and Atmospheric Administration's (NOAA) Fiscal Year 2011 budget proposal to add $36.6 million to expand implementation of catch share programs into fisheries across the nation.

The use of catch shares as a fisheries management tool is very controversial. Catch share programs give shares of the total allowable catch in a given fishery to particular fishermen or groups. I can tell you that North Carolina fishermen vehemently oppose catch share programs as nothing more than thinly veiled attempts to get fishermen to leave the business and to destroy fishing communities. These sentiments were validated by a 2009 assessment of catch share programs and the resulting industry consolidation performed by Dr. Julia Olson of the National Oceanic and Atmospheric Administration's (NOAA) Northeast Fisheries Science Center. Dr. Olson's report found:

> "The primary social impacts that have been documented in empirical cases involving consolidation range from employment loss, decreased income, decreased quality of life, changing relations of production, structural disadvantages to smaller vessels and firms, dependency and debt patronage, concentration of capital and market power, inequitable gains, regulatory stickiness, reduced stewardship, decreased community stability, loss of cultural values, and so on."

Given these problems, I was very troubled that the Fiscal Year 2011 Budget Request for NOAA included proposals to cut funding for fisheries science – which we all acknowledge is necessary for adequate management of our fisheries – in order to add $36.6 million to expand implementation of catch share programs into new fisheries across the country. The last thing the federal government should be doing in these economic times is spending millions of taxpayer dollars to expand catch share programs that will put even more Americans out of work.

To the extent that solid science demonstrates that catch reductions in any given fishery are necessary, there are far better options than catch shares for achieving those reductions. In my opinion, expanding catch shares is the wrong policy for the United States, and for North Carolina and other states in the Mid and South Atlantic regions in particular. I have submitted language to the Subcommittee that would prohibit any funding in the Subcommittee's FY2011 bill from being used to expand catch share programs into fisheries under the jurisdiction of the Mid and South Atlantic Fisheries Management Councils. I would respectfully urge the Subcommittee to include this language in the bill.

Thank you again for the opportunity to submit this testimony. I would be happy to answer any questions you might have regarding this request.

Prepared Testimony of Congress Dennis J. Kucinich
Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies
April 14, 2010

Last Thursday, the National Aeronautics and Space Administration (NASA) announced program assignments and budget allocations for its ten field centers. Ensuring the NASA Glenn Research Center's health is vital to the workers at NASA I represent, as well as to the economic health of the State of Ohio. I applaud the President's request for a $276 million increase in NASA's budget over its Fiscal Year (FY) 2010 enacted levels and I support the additional requested increases over the next few years. I urge the committee to support the significant investments in Heavy-Lift and Propulsion Technology, Aeronautics, and Green Aviation that will serve as a vital stimulus for America's burgeoning green economy and the cornerstone of future human space flight plans.

I support the President's request for a $572 million investment in Space Technology Development program. The rededication of resources toward space research and development programs will be critical for sustaining NASA's in-house intellectual competencies necessary for future mission success to destinations beyond Low Earth Orbit (LEO).

At the same time, significant changes proposed by the Administration must be carefully reviewed to guarantee the protection of its workforce and NASA's legacy as the premier aeronautics research and development (R&D) agency in the world.

Protecting the Civil-Servant Workforce
NASA Glenn has historically been a facility that is recognized as being among the best of NASA centers and the world. Glenn workers have brought home two out of every three R&D 100 Awards that have gone to NASA from R&D Magazine since 1966. Overall, Glenn is in the top ten of more than 600 national laboratories competing for these awards. These awards did not come from the Center or even the region, but from the workers.

But the workforce at NASA has been cut by more than half since the Apollo era. After years of threats of involuntary reassignments and layoffs, repeated disruptive program reorganizations, and major cuts to R&D funding, many NASA employees have left the agency for positions with more stability.

Protecting the workforce at NASA is a bipartisan issue. I request that the committee include an extension of the ban on involuntary Reductions in Force (RIF) through FY11 to ensure that the significant changes proposed by the Administration for NASA do not result in the loss of NASA's most valuable asset – its uniquely skilled and experienced workforce.

Aeronautics

I applaud the President's FY11 NASA budget request to reverse the downward trend in funding for aeronautics research. I support the proposed funding level of $580 million in FY11. The increase will help restore partially NASA's aeronautics programs that have been neglected over the past eight years. Like so much of NASA's work, this research represents the future of advancements is less environmentally damaging atmospheric flight and increases in safety because the research is too expensive and too high risk for the private sector to take it on.

The Constellation Program
I am also concerned that the proposed cancellation of the Constellation program could come at the expense of full-time positions at NASA Glenn. The results of privatization of governmental services frequently follow the same pattern: A company assumes control of the service, they request more governmental assistance to run it because they underbid to win the contract, and they cut important corners to save money in areas like worker pay and benefits, maintenance of facilities, and safety. The Government Accountability Office (GAO) has found that safety has been unacceptable levels. A December 2009 GAO report highlights significant challenges for the oversight of the commercial space launch industry by the Federal Aviation Administration (FAA). One of the challenges is in determining whether FAA's current safety regulations are appropriate for all types of commercial space vehicles. It raises serious questions about the lack of expertise to oversee the safety of commercial space launches. President Obama's plan fails to provide a plan, or details for federal oversight of such an endeavor.

The Administration has proposed to utilize the commercial space industry for transportation of crew and cargo to Low Earth Orbit (LEO). However, the capability of the commercial space industry to provide this service has yet to be demonstrated. Research and development of spacecraft to LEO, and other deep space destinations beyond LEO, has been, and should remain, an inherently governmental function at NASA. In addition, components of Constellation that are useful for human spaceflight beyond LEO should be preserved and transitioned to the new Exploration mission.

I request that the committee include report language directing the value of ongoing technical work on Service Module for human spaceflight beyond LEO be fully assessed before any irreversible transition decisions are made about that project.

I am also concerned that the proposed cancellation of Constellation could lead to further privatization in the future. I strongly oppose any plans to privatize programs and work that could be performed by NASA. Any calls for the further outsourcing of jobs at NASA must be unequivocally rejected.

I am grateful for the opportunity to share my priorities for FY11 with the Subcommittee and stand ready to help increase the workers and the work at NASA Glenn.

Statement by
John Huchra
President, American Astronomical Society
To
House Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies
Concerning NASA's FY 2011 Budget Request

I appreciate the opportunity to comment on NASA's 2011 budget from my perspective as President of the American Astronomical Society (AAS).

The AAS is pleased to see the increased investment in NASA and believes that the President's FY 2011 request of $19 billion is the minimum necessary to meet the agency's many challenges – from the reinvention of manned spaceflight, to the agency's many scientific missions in Astrophysics, Earth Science, Heliophysics and Planetary Science.

The AAS is supportive of the overall increase in funding for science at NASA. However, the funding level for astrophysics continues a downward trend and the AAS recommends that Congress fund NASA astrophysics at a minimum of 5% over the FY 2010 level. The AAS also recommends that Congress provide a similar funding increase for NASA heliophysics over the FY 2010 level in order to maintain both crucial studies of our Sun and the Explorer line of small to medium missions.

The AAS is the major organization of professional astronomers in the United States. The basic objective of the AAS is to promote the advancement of astronomy and closely related branches of science. The membership, numbering approximately 7500, includes not only astronomers & astrophysicists, but also physicists, mathematicians, geologists, engineers and educators whose interests lie within the broad spectrum of modern astronomy. AAS members advise NASA on scientific priorities, participate in NASA missions, and use the data from NASA's outstanding scientific discoveries to build a coherent picture for the origin and evolution of the Earth, the solar system, our Galaxy, and the Universe as a whole.

In recent years, the astronomical community, working together with NASA, has produced a remarkable string of successes that have changed our basic picture of the Universe. The Astrophysics Science Division at NASA is currently operating 15 astrophysics observatories at almost all wavelengths. Working together, they are providing us with an unprecedented view of the universe demonstrating that the universe is even more mysterious and fascinating than we could have imagined. America's *Hubble Space Telescope* now has new eyes on the skies after its latest servicing mission. The *Chandra X-Ray Observatory* and the *Fermi Gamma-ray Space Telescope* are providing us with X-ray and gamma-ray views of the universe, revealing it to be an extraordinarily violent place and helping to unlock the secrets of the extremely energetic sources that populate it.

The Kepler mission, in the first days of a several year mission, has already discovered several new extrasolar planets and is searching the heavens for planets that are like Earth. We have learned that the universe is filled with mysterious Dark Matter that makes the ordinary matter clump together to form stars and galaxies. Even more mysterious Dark Energy makes the expansion of the Universe speed up. These astronomical discoveries have changed the face of fundamental physics, opening up problems whose solutions promise to change the world in the way that quantum physics has driven the electronic revolution and America's prosperity for decades.

Similarly, exploration of the solar system has been a resounding success for NASA, with exciting missions to Mars and to Saturn revealing a beautiful and intricate history that is interwoven with the history of our planet Earth. A new mission is now on its way to Pluto. The discovery of planets around other stars has been a great triumph of the past decade, raising hopes for seeing planets like our own Earth, and placing our own solar system, and life itself, in a new context.

NASA's Heliophysics Division undertakes the study of the Sun-Earth connection, an interconnected system involving the Sun, interplanetary space, and the magnetospheres and upper atmospheres of the planets, especially our home planet Earth. As our nearest star, our Sun has a major affect on life and society. Solar variability influences Earth's climate over the long term, and over the short term it greatly impacts our technological systems. Solar storms disrupt communication and navigation systems, damage and destroy satellites, knock out electrical power grids, and produce dangerous doses of particle radiation for astronauts and airline crews flying polar routes. Due to its proximity to Earth, the Sun serves as a Rosetta Stone for uncovering the mysteries of other stars throughout our galaxy and the universe.

The operating missions in the heliophysics division at NASA have greatly increased our understanding of our star. Heliophysics is also home to the Explorer program of small to mid-sized satellites that can be rapidly developed and launched. However funding for the Explorer program has declined in recent years to the detriment of both scientific progress and technology development. NASA has had to eliminate the Heliophysics Guest Investigator competition for this year, which allows researchers to analyze the data about our Sun. This is especially disappointing in view of the successful launch this month of the Solar Dynamics Observatory, the first mission of the Living With a Star line. **The AAS therefore recommends that Congress mitigate the impact and fund NASA heliophysics at 5% over the FY 2010 level.**

Investment in basic science and technology, such as NASA science, reaps benefits far beyond expanding our knowledge of the cosmos. NASA science creates jobs ranging from scientist to technicians and students. In addition, investment in technology in NASA leads to technology spinoffs. Detectors first developed for use in X-ray astronomy are now used in medical imaging and security devices. Data mining techniques routinely used and finessed by astronomers are now proving extremely useful in many walks of life. Hubble Space Telescope (HST) images form one of the key databases behind *GoogleSky* and Microsoft's *World-Wide Telescope,* bringing state-of-

the-art imagery of the Universe into tools now available to anyone, anywhere in the world with a computer:

http://www.google.com/educators/spacetools.html

http://worldwidetelescope.org/

NASA's leadership brings high visibility to U.S. science and technology achievements and attracts young people to these fields. For a large number of college students, astronomy is *the* gateway subject to the physical sciences and engineering.

NASA's key role in these discoveries makes its science program of deep interest to AAS members. The AAS recognizes the current challenging budget climate in which federal non-security discretionary spending is severely constrained. We strongly support the President's vision that investment in science in an investment in the country's future. We are delighted to see the overall increase in funding for science at NASA. But we are concerned about the drop in funding for Astrophysics from $1.1 billion in FY 2010 to $1.07 billion in the FY 2011 request. This continues a steady downward trend in astrophysics funding for several years.

The astronomical community, under the leadership of the National Academy of Sciences (NAS), undertakes an "Astronomy and Astrophysics Decadal Survey" once every ten years. This is an opportunity to look forward toward the future of space astrophysics in the context of a broad, national astronomy and astrophysics program and provide guidance for federal investment in the next generation of ground and space-based telescopes. The Decadal Survey reflects a broad consensus of the community about the most important questions to explore and a balanced portfolio of programs and methods with which to explore them. Such a Decadal Survey is currently ongoing and will soon set priorities for the coming decade. The report will be available in the summer of 2010. If NASA astrophysics funding continues to decline the new opportunities highlighted by the Decadal Survey will not be attainable. This will represent a loss of investment in innovation and workforce and is a matter of great concern to the astronomical community in the United States.

The AAS therefore recommends that Congress fund NASA astrophysics at 5% over the FY 2010 level. This modest increase, which is in line with the increases proposed for other basic research activities, will allow increased investments in technology development within astrophysics that will set the groundwork for new telescopes and train the next generation of scientists and engineers. It will allow NASA to maintain a balanced program within the science portfolio, which is critical to our community and will allow the United States to maintain a vibrant program of scientific discovery.

Finally, the AAS strongly encourages the Administration and Congress to uphold the priorities of the NAS Decadal Survey in astronomy, and to heed the advice of the decadal survey report due in the summer of 2010.

The AAS and its members are prepared to work with Congress and with NASA to help find the best way forward. We will give you our best advice and work diligently to make the most of NASA's investment in science.

Statement by
John Huchra
President, American Astronomical Society
To
House Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies
Concerning NSF's FY 2011 Budget

I appreciate the opportunity to comment on the National Science Foundation's FY 2011 budget from my perspective as President of the American Astronomical Society (AAS).

The AAS strongly endorses an FY 2011 NSF budget of at least $7.424 billion. This level of funding is consistent with the goal of doubling the NSF budget between FY 2007 and FY 2017. The funding of the NSF at this level will allow us to maintain our worldwide leadership in science and technology.

The AAS is the major organization of professional astronomers in the United States. The basic objective of the AAS is to promote the advancement of astronomy and closely related branches of science. The membership, numbering approximately 7500, includes physicists, mathematicians, geologists, and engineers whose interests lie within the broad spectrum of modern astronomy. AAS members serve on the Astronomy and Astrophysics Advisory Committee (AAAC), which was created in the NSF Authorization Act of 2002.

NSF provides approximately two-thirds of all federal support for ground-based astronomy, including nearly all support for radio astronomy. NSF funds the construction and operation of the U.S. National Observatories, which play a critical role for researchers from smaller institutions that do not have the resources to own and operate their own facilities. NSF also provides access for American astronomers to the Southern hemisphere sky, where many important astronomical objects are located and cannot be observed from Northern hemisphere locations (e.g. the Magellanic Clouds, our nearest galactic neighbors and the center of the Milky Way itself).

In addition to facilities, the Astronomical Sciences Division of the Mathematical and Physical Sciences directorate at NSF funds critical research grants that support faculty, graduate and undergraduate students, post doctoral researchers and others in a wide array of research. These investments help train the next generation of scientists and engineers, as well as develop new technologies applicable inside and outside astronomy and astrophysics.

Astronomy and Astrophysics play a vital role in developing new innovations and technologies that spur the American economy. Astronomy also serves as a gateway science reaching hundreds of thousands of college students and millions of students in school, as well as the general public. The field attracts and trains some of the most

talented graduate students in the country whose wide-ranging scientific and technical expertise are necessary for the United States to continue its leadership role in the world.

Modern science is a truly multi-disciplinary enterprise with advances in one field having huge impact on others. As Dr. Harold Varmus pointed out almost ten years ago, many modern medical advances were driven by the physical sciences and it is more important than ever to keep the inter-connectedness of the sciences in mind. Two prominent examples are the use of X-ray machines and MRIs in medicine today. These major medical advances are the product of atomic, nuclear and high-energy physics, quantum chemistry, computer science, cryogenics, and solid-state physics.

Similarly, many of the studies and technologies developed to explore our universe have made their way into many walks of life. A subset of such examples is listed below to demonstrate the wide-ranging applications of some of this research and innovations.

1) Security: The most common type of airport luggage scanners use detectors first developed for X-ray astronomy. Astronomical image analysis techniques are used to sharpen photographs for police work.

2) Medicine: Research into optics and techniques needed by astronomers to obtain clear images are now used in Lasik eye surgery to correct people's vision even more safely. CCD imagers designed for astronomical telescopes guide biopsy procedures reducing surgery costs by 75%. X-ray imagers developed for X-ray astronomy are now commonly used in emergency rooms, sports health facilities and other areas where rapid, low-level X-ray images are vitally important. Such X-ray imagers also minimize the radiation risk to individuals.

3) Consumer electronics: Astronomers have been leaders in developing new optics systems and detectors and sensors. X-ray and UV optics developed by astronomers help improve microchips in PCs and other electronics. Astronomers developed infrared detectors now used in microchip quality-control systems that have led to more reliable and cheaper electronic products. X-ray spectrometers developed to analyze cosmic plasmas are now utilized to check for impurities during computer chip production.

4) Graphics and Computing Solutions: Astronomers must routinely deal with vast quantities of data. Data mining and analysis tools developed by astronomers are now commonly used in many fields well outside astronomy. For example, FORTH, a programming language developed at the National Radio Astronomy Observatory, has been used for tracking FedEx packages, analyzing auto engines, and manufacturing Kodak film. *Google* has teamed up with major astronomical telescopes to create tools such as *Google Sky*, *Google Mars*, and *Google Moon* that bring state-of-the-art imagery of the universe available to teachers and anyone with a computer [http://www.google.com/educators/spacetools.html]. Microsoft has also developed the World Wide telescope both as a public service and as an experimental tool for data mining and merging

[http://www.worldwidetelescope.org/Home.aspx].

5) Telecommunications: Studies of our Sun and its activity have allowed us to understand and predict its impact on our satellite systems. This allows us to protect the electronics onboard telecommunications and commercial satellites in orbit around the Earth that we depend on to conduct our daily lives.

6) Climate change studies: The first and best-known example of the runaway greenhouse effect, Venus, was discovered by astronomical exploration. It paved the way for our understanding of this phenomenon and provides a laboratory for studying the impact and end result of such major changes. Similarly studies of our Sun allow us to understand the Sun-Earth connection and the effect of solar variability on Earth's climate.

The doubling agenda and the American Recovery and Reinvestment Act have made great progress in creating a stronger NSF. The AAS is among the many societies and associations that urge continued and sustained investment in the NSF. While the ARRA included $3 billion for the agency, it is important that investment in science be sustained and not allowed to shrink after this stimulus funding ends. The ARRA funds allowed NSF to fund approximately a third of the proposals received, which represents the appropriate level of funding. In other years since FY 2003, due to a lack of adequate funding, NSF has had to routinely decline a large number of proposals that are almost as highly rated as those that receive funding. These declined proposals represent missed opportunities for the United States.

The astronomical community, under the leadership of the National Academy of Sciences, undertakes an "Astronomy and Astrophysics Decadal Survey" once every ten years. This is an opportunity to look forward toward the future of astrophysics in the context of a broad, national astronomy and astrophysics program and provide guidance for federal investment in the next generation of ground and space-based telescopes. The Decadal Survey reflects a broad consensus of the community about the most important questions to explore and a balanced portfolio of programs and methods with which to explore them. Such a Decadal Survey is currently ongoing and will soon set priorities for the coming decade. The report will be available in the summer of 2010.

The AAS is greatly encouraged by the overall increased funding for science despite the fiscal challenges facing the nation. But we are greatly concerned that funding for astronomy and astrophysics is not viewed as a part of the investment in the economic future of the country and thus is given low priority. We strongly believe that we have much to contribute to the innovation agenda and research enterprise of the country. The new opportunities highlighted by the Decadal Survey will not be attainable if funding for astronomy is not increased. That will represent a loss of investment in innovation and workforce and is a matter of great concern to the astronomical community in the United States.

Within the Mathematical and Physical Sciences directorate, the Astronomical Sciences

Division has received the smallest increase (2.5%). We urge the Congress to increase astronomy funding by 4.5%, which would bring it in line with the average increase within the rest of the directorate. This will permit the continued training of the younger workforce through research grants as well as allow the community to prepare to carry out the high priority projects recommended by the Decadal Survey Committee.

The AAS therefore recommends that Congress fund NSF astrophysics at 4.5% over the FY 2010 level. This modest increase will help maintain balance within the science portfolio, which is critical to our community. The AAS hopes that the Congress will fulfill the promise of ACI and America COMPETES and invest in the country's future by giving robust funding to the National Science Foundation in FY 2011.

Outside Witness Testimony in Support of Increased FY 2011 Funding for the National Science Foundation

April 14, 2010

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and

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Submitted to:
House Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies

The American Institute of Biological Sciences (AIBS) appreciates the opportunity to provide testimony in support of increased fiscal year (FY) 2011 appropriations for the National Science Foundation (NSF). We encourage Congress to provide at least the $7.424 billion requested by the President.

AIBS is a nonprofit 501(c)(3) scientific association dedicated to advancing biological research and education for the welfare of society. Founded in 1947 as a part of the National Academy of Sciences, AIBS became an independent, member-governed organization in the 1950s. Today, with headquarters in Washington, DC, and a staff of approximately 50, AIBS is sustained by a robust membership of individual biologists and nearly 200 professional societies and scientific organizations; the combined individual membership of the latter exceeds 250,000. AIBS advances its mission through coalition activities in research, education, and public policy; publishing the peer-reviewed journal *BioScience* and the education website ActionBioscience.org; providing scientific peer-review and advisory services to government agencies and other clients; convening meetings; and managing scientific programs.

Encouraging economic growth, improving science education, rebuilding our nation's scientific infrastructure, and solving the most challenging problems facing society requires a sustained federal commitment. New investments in NSF must be a central element of this federal commitment.

NSF provides funding for fundamental research through competitively awarded, peer-reviewed, extramural grants to researchers at our nation's universities and research centers. Approximately 68% of extramural federal grant support for fundamental biological research is provided by NSF. These research grants employ scientists and support the personnel required to build and maintain research equipment. These funds also help early career scientists establish research programs, and pay undergraduate and graduate students to conduct research while pursuing their education. In short, NSF grants are essential to the nation's goal of sustaining our global leadership in science, technology, engineering and mathematics (STEM), and reigniting our economic engines.

NSF's Biological Sciences Directorate (BIO) funds research in the foundational disciplines within the biological sciences. These fields of study further our understanding of how organisms and ecosystems function. Additionally, BIO supports innovative interdisciplinary research that improves our understanding of how human social systems influence -- or are influenced by -- the environment. BIO is working with physical science, computer science, and engineering programs to develop innovative new research programs that press forward the frontiers of all disciplines while simultaneously informing our understanding of current global-scale problems. Equally important, NSF provides essential support for our nation's biological research infrastructure, such as field stations and natural science collections (e.g. university-based natural history museums), and education and training programs for undergraduate, graduate and post-doctoral students.

The President's budget would enable NSF to continue to fund highly competitive grant proposals in the BIO directorate's five core programmatic areas: Molecular and Cellular Biosciences, Integrative Organismal Systems, Environmental Biology, Biological Infrastructure, and Emerging Frontiers. These funds are required to prevent another build-up of unfunded but highly rated and competitive grants – a problem partially addressed by the American Recovery and Reinvestment Act of 2009. Additionally, funding would be provided for research infrastructure. Our nation's natural science collections, long-term ecological research sites, and field stations are centrally important components of our research infrastructure. Indeed, the importance of scientific collections was recognized by the Interagency Working Group on Scientific Collections, convened by the Office of Science and Technology Policy, which reported: "...scientific collections are essential to supporting agency missions and are thus vital to supporting the global research enterprise."

Importantly, the budget includes a request for $10 million to support the digitization of high-priority U.S. specimen collections. This proposed funding is an important investment. We strongly encourage Congress to provide at least this level of funding for digitization of high-priority U.S. specimen collections. We also request that the Committee encourage the President to increase this important investment in the coming years. This funding will help the scientific community ensure access to and appropriate curation of irreplaceable biological specimens and associated data, and will stimulate the development of innovative new computer systems, digitization technologies, and database management tools. A sustained investment in this programmatic area will advance science and cultivate new technologies and economic markets.

The FY 2011 budget also includes funding in the Major Research Equipment and Facilities Construction account for the National Ecological Observatory Network (NEON). The requested $20 million is required to initiate construction of NEON. The NEON program has been designed to contribute to our understanding of continental-scale ecology through the use of integrated observations and experiments.

The President's budget would increase the number of Graduate Research Fellowships. The budget would provide for a 16.4 percent increase over the FY 2010 level by providing $6.87 million in new funding. These fellowships are important to our national effort to recruit and retain the best and brightest students in the STEM fields. Many fields of scientific study require prolonged hours in the field, library, or laboratory. Moreover, many experiments lack the flexibility to be conducted around shifts at a part-time job. In short, funding for these fellowships makes it possible for STEM graduate students to pursue science. We encourage the Committee to provide the requested funding for the Graduate Research Fellowship program.

Thank you for your thoughtful consideration of this request and for your prior efforts on behalf of science and the National Science Foundation.

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Testimony of the
American Museum of Natural History
presented to the
House Appropriations Subcommittee on Commerce, Justice, and Science
regarding
National Oceanic and Atmospheric Administration

April 2, 2010

Overview

Recognizing its potential to support NOAA in its goals to understand and predict changes in the Earth's environment; to conserve and manage coastal and marine resources; and to protect, restore, and manage the use of coastal and ocean resources to meet our Nation's economic, social, and environmental needs, the American Museum of Natural History (AMNH) seeks $2.5 million to advance a partnership with the agency to promote the environmental education, outreach, and research so pivotal to the health of our nation and our planet.

Common Goals of NOAA and AMNH

The National Oceanic and Atmospheric Administration (NOAA) is committed to understanding and predicting changes in the Earth's environment and to conserving and managing coastal and marine resources to meet the nation's needs. NOAA's Education Plan outlines a broad vision for reaching various audiences to build awareness and knowledge of issues related to the world's atmosphere, climate, oceans, and coastal ecosystems. Addressing the needs of teachers, students, and policy makers as well as the general public, the agency's goals include enhancing environmental literacy and knowledge, application of NOAA science, and development of a capable and diverse workforce for environmental science.

The AMNH, one of the nation's preeminent research and education institutions, shares NOAA's commitment to these environmental goals and to the scientific research and public education that support them. Since its founding in 1869, the American Museum has pursued its mission of scientific investigation and public education. Its renowned exhibitions and collections serve as a field guide to the entire planet and present a panorama of the world's cultures. Museum collections of some 32 million specimens and cultural artifacts provide an irreplaceable record of life. More than 200 Museum scientists conduct groundbreaking research in fields as diverse as systematic and conservation biology, astrophysics, and Earth and biodiversity sciences. The work of scientific staff fuels exhibitions and educational

programming that reach annually an on-site audience of nearly four million visitors—nearly half of them children.

The Museum's Center for Biodiversity and Conservation, founded in 1993, is dedicated to enhancing the use of scientific data to mitigate threats to global biodiversity, and to integrating this information into the conservation process and disseminating it widely. It conducts conservation-related field projects around the world, trains scientists, organizes scientific symposia, presents public programs, and produces publications geared toward scientists, policy makers, and the lay public.

The goal of all Museum resources and programming is to communicate to a broad public of varying ages and backgrounds about basic scientific concepts, scientific research, and new discoveries. The Museum's exhibition halls and the collections that give them life are perhaps the most visible way the Museum fulfills this educational mission. The Museum's renovated Hall of Ocean Life, for example, is a major focal point for public education on marine science issues. Drawing on the Museum's world-renowned expertise in Ichthyology as well as other areas of Vertebrate as well as Invertebrate Zoology, the Hall is pivotal in educating visitors about the oceans' key role in sustaining life on our planet. This Hall, together with the Halls of Biodiversity, Planet Earth, and the Universe, provide visitors with a seamless educational journey from the universe's beginnings to the formation and processes of Earth to the extraordinary diversity of life on our planet.

Environmental Literacy Initiative

In FY04, as a result of Congressional leadership, the Museum entered into a partnership with NOAA that launched a multi-year marine science and education initiative. Support for this initiative, which encompassed a broad range of education and research activities closely aligned with NOAA goals and purposes, was continued in FY05, recommended in the FY07 Senate report, continued in FY09, and further leveraged by Museum scientists who successfully secured competitive NOAA education and research funding.

Building upon this strong foundation, and in concert with the strategic priorities of NOAA and the Museum, we seek $2.5 million in FY11 to join with NOAA in education, outreach, and research activities that promote environmental literacy and knowledge. With the requested funds, the Museum will develop and deliver education programs and resources that leverage its environmental research programs and extend its recent major exhibitions on water and climate change. The AMNH environmental education program will include such components as:

- **New *Science Bulletin* Feature Documentary and Data Visualizations:** A 5-7 minute documentary story about current scientific research related to marine environments, and visualizations of large scale current climate and weather databases will be produced as part of the AMNH *Science Bulletins* multimedia exhibition program and disseminated via the free *Science Bulletins* website and to 38 partner venues in the U.S. and abroad.

- **Public Programs:** Public Programs target the full range of the Museum's current audiences—through evening lectures, adult and family programs, and children's programs—as well as extend to new audiences, such as policy makers and the international community.

- **Professional Development:** Professional development activities will target a broad audience of teachers, principals, university faculty, and NYC Department of Education leaders. Programs will include teacher institutes, City-wide professional development offerings, and *Seminars on Science*, a series of online science courses for educators.

- **Online Resources:** A variety of water and climate change themed digital resources will be produced and made available on the web for children and families, educators, and general audiences.

- **Environmental Research and Training:** AMNH scientists and experts in biodiversity conservation will advance research related to marine environments and train graduate students and postdoctoral fellows so as to help build a diverse STEM workforce.

The Museum has very successfully leveraged past NOAA investments with funds from other government and private sources, and will support the present project with funds from nonfederal as well as federal sources.

Rebecca Osthus, Ph.D.
Science Policy Analyst
The American Physiological Society

The American Physiological Society Statement on FY 2011 Funding For the National Science Foundation and NASA

The American Physiological Society (APS) thanks the Subcommittee for its sustained support of science at the National Science Foundation (NSF) and NASA. The scientific research and technology development programs supported by these two agencies are critical to the future technological excellence and economic stability of the United States. In this testimony, the APS offers its recommendations for the FY 2011 budgets for the NSF and NASA.

- **The APS recommends that Congress fund the FY 2011 NSF budget at a level of $7.68 billion.**
- **The APS urges Congress to restore cuts to NASA's life sciences research budgets and make every effort to fully fund the proposed 42% increase in the Human Research Program.**

The APS is a professional society dedicated to fostering research and education as well as the dissemination of scientific knowledge concerning how the organs and systems of the body work. The Society was founded in 1887 and now has nearly 10,000 members who do research and teach at public and private research institutions across the country, including colleges, universities, medical and veterinary schools. Many of our members conduct physiology research that is supported by funds allocated through the NSF and NASA.

Momentum from ARRA should be maintained at the NSF

With passage of the America COMPETES Act of 2007, Congress authorized a doubling of the agency's budget over several years. Unfortunately, the NSF budget failed to grow at the authorized levels in subsequent years and fell behind the doubling goal significantly. Congress remedied this in the American Recovery and Reinvestment Act of 2009 (ARRA), which provided an additional $3 billion in FY 2009 and 2010. This additional funding has allowed the NSF to significantly expand its efforts to fund cutting edge research and support the scientific enterprise. To date, the ARRA investment has provided funding for 4,599 competitive awards, supporting more than 6,700 investigators, including 2,352 new investigators.[1] In order to maintain the momentum generated by the ARRA investment and sustain the agency's research capacity, the APS recommends that Congress fund the FY 2011 NSF budget at a level of $7.68 billion.

The basic science initiatives funded by the NSF are driven by the most fundamental principles of scientific inquiry. The agency provides support for approximately 20% of federally funded basic science and is the major source of support (68%) for non-medical biology research, including integrative, comparative, and evolutionary biology, as well as interdisciplinary biological research. It has been shown time and again that the knowledge gained through basic biological

research is the foundation for more applied studies that lead to improvements in the lives of humans, animals and ecosystems.

The majority of the funding NSF provides is awarded through competitive, merit-based peer review, which ensures that the best possible projects are supported. NSF has an excellent record of accomplishment in terms of funding research endeavors that have produced results with far-reaching potential. Listed below are just a few recent advances in biological research that were supported by the NSF.

- Using three-dimensional computational models, researchers investigating the design and functionality of stents used to open blocked blood vessels showed that appropriate sizing of stents is necessary to prevent disturbances in blood flow and mechanical stress on the blood vessel wall. These processes contribute to blood vessels becoming re-blocked over time, leading to the need for additional treatment.[2]

- Researchers studying how inhaled particles, such as nanoparticles, pass from the lung into the rest of the body compared how well natural barriers blocked such particles in developing versus adult lungs. They found that developing lungs were more susceptible to allowing the passage of particles than adult lungs.[3]

- Researchers studying factors contributing to birth weight demonstrated that at high altitudes, babies born to mothers of Andean descent had higher birth weights than those born to mothers of European descent. They hypothesize that genetic factors in the Andean mothers contributed to increased blood flow and oxygen delivery to the developing fetus, resulting in more rapid growth late in pregnancy.[4]

In addition to funding innovative research in labs around the country, the NSF also fosters the next generation of scientists through education programs. The APS is proud to have partnered with NSF in this program to provide training opportunities and career development activities to enhance the participation of underrepresented minorities in science. The APS was recognized for these efforts in 2003 with a Presidential Award for Excellence in Science, Mathematics and Engineering Mentoring (PAESMEM), funding for which was provided by NSF and was reinvested in our education programs. We believe that NSF is uniquely suited to administer science education programs of the highest quality, and we recommend that Congress continue to provide federal funds for science education through the NSF.

The America COMPETES Act and the ARRA demonstrate the strong support of Congress for the NSF because of its highly-regarded research and education programs. **The APS thanks Congress for these votes of confidence in the NSF and joins the Federation of American Societies for Experimental Biology to recommend that the agency be funded at a level of $7.68 billion in FY 2011.**

Support for Life Sciences Research and the Human Research Program should be increased at NASA

NASA sponsors research across a broad range of the basic and applied life sciences, including gravitational biology, biomedical research and the Human Research Program (HRP). The

gravitational biology and biomedical research programs explore fundamental scientific questions through research carried out both on Earth and aboard the space shuttle and International Space Station, environments that offer the unique ability to conduct experiments in the space environment. The HRP at NASA conducts research and develops countermeasures with the goal of enabling safe and productive human space exploration.

During prolonged space flight, the physiological changes that occur due to microgravity, increased exposure to radiation, confined living quarters, and alterations in eating and sleeping patterns can lead to health problems and reduced ability to perform tasks. APS scientists are actively engaged in research that explores the physiological basis of these problems with the goal of contributing to the development of countermeasures. The knowledge gained from this research is not only relevant to humans traveling in space, but is also directly applicable to human health on Earth. For example, some of the muscle and bone changes observed in astronauts after prolonged space flight are similar to those seen in patients confined to bed rest. Some recent advances made by NASA funded physiologists are below.

- Scientists studying the effects of exercise on astronauts who spent six months aboard the International Space Station found that despite regular exercise, they still experienced a decrease in muscle mass. This indicates the need to determine how to improve the effectiveness of such exercise programs.[5]

- Researchers investigating how breathing changes during space flight showed that during certain stages of sleep, astronauts showed differences in their breathing patterns.[6]

NASA is the only agency whose mission addresses the biomedical challenges of manned space exploration. Recently the amount of money available for conducting this kind of research at NASA has dwindled. The overall number of projects and investigators supported by NASA through the HRP, National Space Biomedical Research Institute and Exploration and Technology Development program has decreased markedly over the last 5 years, falling from more than 900 projects funded in FY 2005 to only 336 in FY 2009.[7] In the past, appropriations legislation specified funding levels for biomedical research and gravitational biology, but recent internal reorganizations at NASA have made it difficult to understand how much money is being spent on these programs from year to year. The APS recommends that funding streams for these important fundamental research programs be clearly identified and tracked within the NASA budget.

The FY 2011 budget request to Congress includes a planned 42% increase in the HRP budget. We applaud this proposal and urge Congress to make every effort to fully fund that request. The APS also calls on Congress and NASA to restore cuts to peer-reviewed life sciences research.

As highlighted above, investment in the basic sciences is critical to our nation's technological and economic future. The APS urges you to make every effort to provide these agencies with increased funding for FY 2011.

1. NSF FY 2011 Budget Request to Congress http://www.nsf.gov/about/budget/fy2011/pdf/01-Overview_fy2011.pdf
2. H. Y. Chen *et al.*, *J Appl Physiol* **106**, 1686-91 (May, 2009).

3. R. Dickie, M. Cormack, M. Semmler-Behnke, W. G. Kreyling, A Tsuda, *J Appl Physiol* **107**, 859-63 (Sep, 2009).
4. C. G. Julian *et al.*, *Am J Physiol Regul Integr Comp Physio,* **296**, R1564-75 (May, 2009).
5. S. Trappe *et al., J Appl Physiol* **106**, 1159-68 (Apr, 2009).
6. R. C. Sa, G. K. Prisk, M. Paiva, *J Appl Physiol* **107**, 1406-12 (Nov, 2009).
7. Advanced Capabilities Division Research and Technology Task Book http://peer1.nasaprs.com

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Statement
Of the
AMERICAN PUBLIC POWER ASSOCIATION
Submitted to the
HOUSE APPROPRIATIONS COMMITTEE'S
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES
March 19, 2010

The American Public Power Association (APPA) is the national service organization representing the interests of over 2,000 municipal and other state and locally owned utilities in 49 states (all but Hawaii). Collectively, public power utilities deliver electricity to one of every seven electric consumers (approximately 45 million people), serving some of the nation's largest cities. However, the vast majority of APPA's members serve communities with populations of 10,000 people or less.

The Department of Justice's (DOJ) Antitrust Division and the Federal Trade Commission (FTC) play critical roles in monitoring and enforcing antitrust laws affecting the electric utility industry. With the repeal of the Public Utility Holding Company Act (PUHCA) included in the Energy Policy Act of 2005, the electric utility industry has experienced an increase in mergers that could result in increased market power in certain regions. This development, coupled with the volatility and uncertainty continuing to occur in wholesale electricity markets run by regional transmission organizations, makes the oversight provided by DOJ and the FTC more critical than ever.

APPA supports adequate funding for staffing antitrust enforcement and oversight at the FTC and DOJ. For the FTC's FY 2011 budget, we support the President's budget request of $314 million. We were pleased with the FY 2011 funding level of $167 million for the DOJ Antitrust Division, which is a slight increase from the previous year.

We appreciate the opportunity to submit this statement outlining our FY 2011 funding priorities within the Commerce, Justice and Science Subcommittee's jurisdiction.

Public and Scientific Affairs Board

Statement of the American Society for Microbiology
Submitted to the
House Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies
On the Fiscal Year 2011 Appropriation for the National Science Foundation

The American Society for Microbiology (ASM) is pleased to submit the following testimony on the Fiscal Year (FY) 2011 appropriation for the National Science Foundation (NSF). The ASM is the largest single life science organization in the world with approximately 40,000 members. The ASM mission is to enhance the science of microbiology, to gain a better understanding of life processes, and to promote the application of this knowledge for improved health and environmental well being.

The ASM strongly supports the Administration's FY 2011 budget proposal for the NSF of $7.4 billion, an 8 percent increase over the FY 2010 appropriation.

The NSF is the only federal agency dedicated to the support of basic research and education across all fields of science and engineering. Since 1950, the NSF has stimulated advances in multiple disciplines, through competitive grant awards. Seventy-four percent of the NSF's annual budget funds academic institutions, in support of approximately 241,000 scientists, students and teachers in all 50 states, the District of Columbia, and Puerto Rico. NSF funding has supported 187 Nobel laureates, including 21 in the last five years alone. The ASM commends Congress for increasing NSF funding over the past two years, helping to reverse the erosion of federal support for basic and applied research which declined from 64 percent to 60 percent between 2005 and 2008.

The American Recovery and Reinvestment Act (ARRA) provided additional funding that has helped NSF build on the nation's past investment in research. In FY 2009, the NSF evaluated over 45,000 grant proposals and made roughly 14,700 new awards, of which about 4,700 were ARRA funded. The ARRA grants are supporting more than 6,700 investigators, including 2,350 who had not previously received NSF funding.

Increased funding for the NSF in FY 2011 will stimulate future discoveries by NSF supported researchers at nearly 2,000 US institutions. The latest NSF report on science and engineering indicators, indicates that US global R&D competitiveness is at risk. The United States accounts for about one-third of the $1.1 trillion in annual global R&D expenditures. However, US growth in R&D funding averaged 5 to 6 percent annually between 1996 and 2007, while comparable growth rates in Asia were 10 to 20 percent. In the same period, US technology export shares fell by about one third, while China's share more than tripled. The NSF is critical to increasing public and private investment in R&D and encouraging technology and business innovation in the United States.

Public and Scientific Affairs Board

Directorate for Biological Sciences (BIO)
The ASM urges congress to fund BIO with $767 million in FY 2011, a 7.5 percent increase. BIO provides about 68 percent of federal funding for nonmedical, academic basic research in the life sciences, including the environmental biology research needed to answer questions related to climate change. In addition, BIO researchers works to find solutions to create national energy independence, as well as the development of new biologically based materials for diverse applications and better management of the environment.

Researchers supported by NSF grants regularly make compelling discoveries that impact human health and wellbeing. Recent discoveries supported by the NSF include: (1) the isolation of one of the smallest known microbes found more than 3 km deep in an ice core and estimated to be more than 120,000 years old. This organism will help scientists to understand and study the limits of life and will also provide important information on the functionality of biomolecules in cold temperatures. (2) Research involving a representative legume, a group of plants that collectively feed one third of the world's population. This has revealed a crucial control of the symbiosis through which a certain bacteria fixes nitrogen from the atmosphere in a form useful for plants. This research may lead to significant improvements in agricultural production and reduced dependence on fertilizers that require fossil fuels for production. (3) Researchers have used the growth responses of a common bacterium in stressful conditions as the basis for developing mathematical models to illuminate the complex decision making behavior of humans. The responses of some microbes provide valuable insights about the kinds of processes that humans use in a range of activities from politics to economics.

The BIO funding portfolio reflects the ongoing evolution of biology from once distinct disciplines into multi faceted interdisciplinary programs comprising diverse institutions, research specialties, and mission priorities. For example, BIO is a key contributor to the US Global Change Research Program involving thirteen US agencies, and a partner in the NSF Centers program supporting over 100 centers in seven interdisciplinary program areas. These large collaborative programs tackle complex problems requiring significant investments in equipment, facilities, personnel and other crucial resources.

BIO also leverages multidisciplinary expertise in its own focus areas, including its Emerging Frontiers (EF) Division, which is designed as an incubator for 21st century biology. Programs include "Assembling the Tree of Life" (ATOL), an effort to assemble phylogenetic data for all major lineages of life, and "Ecology of Infectious Diseases" (EID), which includes goals to develop better predictive models of disease transmission. Recently awarded EID grants include spatial modeling of onchocerciasis in Africa by remote sensing, epidemiology of leptospirosis in Latin America, the role of environment and direct transmission in chronic wasting disease, and incidence gradients in Lyme disease in the eastern United States.

BIO has also developed a major new multidisciplinary initiative, "Dimensions in Biodiversity" that is intended to dramatically transform what we know and how we perceive Earth's living systems.

The ASM supports the Administration's funding level of $20 million for the National Ecological Observatory Network (NEON) in FY 2011. NEON is an EF initiative and the first observatory of its kind. Designed to detect and enable forecasting of ecological changes, NEON will use cutting edge technology to collect data on climate change at 62 sites across the United States. It also will incorporate data from airborne observations, land use studies, invasive species studies and on site experiments. The proposed $20 million for NEON represents the first year of a five year project, with construction scheduled to begin this fiscal year and completion expected in FY 2016. The data collected will be available to all users, serving a diverse constituency, and will help scientists forecast change at continental scales over multiple decades.

Directorates of Geosciences, Engineering, Mathematical and Physical Sciences
The ASM urges congress to fund the Geosciences Directorate (GEO) the Engineering Directorate (ENG), and the Mathematical and Physical Sciences Directorate (MPS), with the Administration's proposed increases of 7.4 percent, 11 percent, and 4.3 percent, respectively.

The Geosciences Directorate encompasses wide ranging research activities that study living systems within the changing physical environment. For example, GEO supports the new Water Sustainability and Climate initiative that will understand and predict interactions among water quality and climate change, land use, present day water systems and services, and ecosystem characteristics. Within GEO, the Division of Earth Sciences (EAR) supports research that examines the shifting relationships between living and non living systems. The ongoing Continental Dynamics Program, for example, is identifying links between the geosphere, hydrosphere, atmosphere, and biosphere, funding large projects drawing from multiple disciplines. EAR funded research recently resulted in a discovery by geomicrobiologists that microbes living as biofilms in dark, oxygen free caves produce energy through previously unknown mechanisms that are still being studied. In an exploration of deep-sea venting systems, other researchers have shown that rare members of microbial communities can become dominant members; this result has broad implications for understanding the importance of microbial biodiversity in terrestrial and aquatic ecosystems.

NSF funding accounts for 39 percent of academic basic research in all engineering fields and is a significant contributor to the knowledge base and workforce development essential for US economic vitality. Through advances in innovative biosensors, biomaterials, bioimaging, waste and water treatment, food engineering and more, the Engineering Directorate's Chemical, Bioengineering, Environmental and Transport Systems Division (CBET) funds research that affects industry, including those producing pharmaceuticals, food, and medical devices. This year, CBET is soliciting new grant proposals for its Biosensing Program, targeting identification and detection of existing or emerging pathogenic microorganisms and toxins, as well as smart field deployable molecular sentinels for monitoring food, water, and air quality.

Support of the Mathematical and Physical Sciences Directorate is critical to all scientific disciplines, as innovation increasingly depends on state of the art cybertools and computational techniques. NSF underwrites 65 percent of basic academic research in mathematics, 47 percent in physical sciences and 82 percent in computer sciences. Efforts in molecular biology,

genomics and metagenomics, predictive infectious disease modeling, high volume drug discovery, and other fields now require collection and evaluation of massive amounts of data. MPS supports the development of new and innovative mathematical and statistical methods to better evaluate DNA sequence data. For example, MPS recently requested that researchers work to find new and improved mathematical and statistical methods to better evaluate an exponential increase in DNA sequence information for biological threats.

In addition, MPS funding for FY 2011 will boost the directorate's broad impact programs. Including the Science and Engineering Beyond Moore's Law (SEBML) initiative to overcome current limits in communications and computation capability. MPS will also contribute to a new NSF wide priority investment, Science and Engineering Education for Sustainable Well Being (SEES), designed to integrate NSF's existing efforts in climate and energy research with new education and cyber based activities.

Workforce Development and Training

The ASM supports increased funding allocated to strengthen the NSF's own workforce, which is responsible for administering programs of impressive scope and complexity. For example, NSF staff facilitated nearly 239,000 proposal reviews in FY 2009, involving almost 46,000 external reviewers.

NSF supports the nation's goal of advanced training and education in science and engineering through its extensive system of fellowships, training grants, and investigator grants that benefit both graduate and undergraduate students. Training tomorrow's technical workforce is vital to sustaining and enhancing the nation's scientific and economic competitiveness. To promote greater STEM training, NSF's FY 2011 funding opportunities include: Interdisciplinary Training for Undergraduates in Biological and Mathematical Sciences (a joint BIO/MPS program); Cyberinfrastructure Training, Education, Advancement, and Mentoring for Our 21st Century Workforce (CI-TEAM); and a new program, Comprehensive Broadening Participation of Undergraduates in STEM. The success of these programs relies on adequate, consistent and long term funding in FY 2011 and beyond.

Conclusion

The National Science Foundation supports multiple research disciplines and its far-sighted approaches to research at the frontiers of discovery have pushed the nation toward ever greater scientific achievements. The ASM urges Congress to provide and 8 percent increase for the NSF to ensure that basic and applied research in the United States is sustained in FY 2011 and beyond.

The ASM appreciates the opportunity to provide written testimony and would be pleased to assist the Subcommittee as it considers the FY2011 appropriation for the National Science Foundation.

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Position Statement on the FY 2011 Budget Request for the National Institutes of Standards and Technology (NIST) submitted by the ASME Technical Communities' NIST Task Force

March 26, 2010

The ASME Technical Communities' National Institute of Standards and Technology (NIST) Task Force is pleased to have this opportunity to provide comments on the Fiscal Year (FY) 2011 budget request for NIST. The NIST Task Force and ASME Standards & Certification have a long-standing relationship with NIST and thus recognize NIST as a key government agency that contributes significantly to the development and application of technology.

In the President's fiscal year 2011 (FY11) budget request, the Task Force supports the proposed increases for NIST programs, which are consistent with the doubling path by FY17 identified by the Administration as a goal for NIST.

Introduction to ASME and the NIST Task Force

Founded in 1880 as the American Society of Mechanical Engineers, ASME is a worldwide engineering society of over 127,000 members focused on technical, educational and research issues. ASME conducts one of the world's largest technical publishing operations, holds approximately 30 technical conferences and 200 professional development courses each year, and sets many industry and manufacturing standards.

Mechanical engineers play a key role in the research, technology development, and innovation that influence the economic well being of the nation. ASME has supported the mission of NIST since it was founded in 1901, as the National Bureau of Standards. In fact, ASME was instrumental in establishing the Department of Commerce, NIST's parent agency. The technical programs of NIST are unique in that they foster government and industry cooperation through cost-sharing partnerships that create long-term investments based on engineering and technology. These programs are aimed at providing the technical support so vital to our nation's future economic health.

Overview of NIST's Fiscal Year 2011 Budget Request

The Administration's budget request for NIST in FY 2011 is $918.9 million. This represents a $62.3 million increase over the FY10 appropriated amount and is on target to reach the doubling goal by FY17, as identified by the Administration for this agency.

This budget includes $584.6 million for the Scientific and Technical Research and Services (STRS), NIST laboratory research and $9.9 million for the Baldrige National Quality Program. A large portion of the NIST budget is devoted to the Industrial Technology Services programs, which consist of the Technology Innovation Program (TIP) as well as the Hollings Manufacturing Extension Partnership (MEP). This budget requests $79.9 million for TIP, a $10 million increase over the FY10 appropriated amount. Additionally, it requests $129.7 million for the Hollings Manufacturing Extension Partnership (MEP), a $4.6 million increase over the FY10 appropriated amount.

The NIST laboratories are critical to the economic health and national security of the United States as outlined in the President's Innovation Agenda, inspired, in part, by the bipartisan "America COMPETES Act of 2007" (P.L. 110-69), which authorizes the doubling of funding at key federal agencies, including NIST. Therefore, the NIST Task Force will be very anxious to learn more about NIST Director Dr. Gallagher's proposal for reconfiguring the NIST laboratories to better reflect technological innovations in manufacturing and product development. Additionally, the important work of NIST in the area of standards, including serving as the U.S. inquiry point for the World Trade Organization (WTO) Technical Barriers to Trade (TBT) Agreement, is vital to ensuring that U.S. technology and products are not unduly handicapped in the global market.

NIST's Standards Mission

Part of the mission of NIST is to promote the use of American codes and standards in countries and industries around the world as a means of enhancing U.S. competitiveness. Standards provide technical definitions and guidelines for design and manufacturing. They serve as a common global language, define quality and establish safety criteria. In the United States, standards are developed by private-sector organizations such as ASME in close collaboration with representatives from industry, government and academia. These standards are used by industry and are frequently adopted by government agencies as a means of establishing regulatory requirements. They are vital to the economic health of many industries, and – more important – they help to ensure the health and safety of the American people and of citizens in countless nations around the world.

The Department of Commerce and NIST have an indispensable role in ensuring acceptance by other nations of U.S.-developed standards that incorporate technological advances and that meet changing industry, regulatory, and public safety needs. Congress should be aware that, unlike in the United States where standards development is largely the province of private sector organizations, standards development in many other countries is undertaken with strong government support. The governments of many of our key trading partners invest significant resources -- in the millions of dollars -- to promote acceptance of competing standards (developed by organizations in those countries) in the global marketplace. It is therefore essential that the U.S. government, in partnership with private sector standards development organizations, strengthen its commitment to ensuring adequate representation of U.S. interests in international standards negotiations.

Enabling U.S. manufacturers to design and build to one standard or set of standards increases their competitiveness in the world market. The ability of NIST to assist U.S. domiciled standards developers in their negotiations with international and national standards organizations is important to the U.S. business community. The U.S. must be a full participant in global standards development if our industries are to compete effectively in a world market. Decisions made in standards bodies outside the United States have a profound impact on the ability of U.S. companies to compete in foreign markets.

Task Force Position

In the President's FY 2011 budget request, the Task Force supports the increases for TIP and MEP. The Task Force is tentatively supportive, pending a detailed plan from the NIST Director, of the recent announcement to undertake a restructuring of the NIST laboratories. These laboratories conduct critical research in areas like high-technology manufacturing and nanotechnology which have the potential to establish new industries and keep the U.S. manufacturing base strong.

The erosion of U.S. manufacturing jobs has become a key issue for the MEP to develop sustainable practices for the industry. The MEP incorporates competitive business practices and technologies into small- to medium-sized enterprises – companies that create a significant number of jobs. The Administrations request of $129.7 million reflects the importance of NIST as a part of the Administration's goals for innovation, as well as harkens to the bipartisan "America COMPETES Act."

The Task Force is pleased by the robust funding increase requested for the TIP. The TIP provides cost-shared funding to industry for high-risk research and development projects with potentially broad-based economic benefits for the United States. One key difference between the TIP program, versus its predecessor the Advanced Technology Program (ATP) is the inclusion of universities to draw upon the technical talents housed in these institutions for breakthroughs in "high risk, high reward" research for manufacturing. The Task Force supports the funding request for TIP to serve as an initial down payment to investing in high-risk research and development.

The Task Force firmly believes that TIP and the MEP are critical to the nation's future economic well-being and the health of the U.S. science, engineering, and technology base. These programs hold the potential to improve the transfer of new discoveries and developments in science and engineering to innovative technologies, global quality practice, and profitable manufacturing capabilities on the shop floor. The NIST Task Force has long supported MEP and TIP as a catalyst of technological innovation and is pleased to see the Administration's support for these two critical programs as NIST seeks to facilitate the development of new industries that will catalyze manufacturing and industrial practices in the U.S.

The Task Force is in full support of the $584.6 million proposed funding for the Scientific and Technical Research and Services (STRS) directorate in the FY11 budget. This funding will help support building and fire research, information technology, and manufacturing engineering laboratories.

Conclusion

Despite the proposed freeze on discretionary funding for the next three fiscal years, the Administration has demonstrated a willingness to support increases for key NIST initiatives for FY11. Accordingly, the Task Force remains strongly supportive of these initiatives as well as the underlying goals of NIST as it related to advanced manufacturing and technological innovation.

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This letter represents the views of the ASME Technical Communities' NIST Task Force and is not necessarily a position of ASME as a whole.

Testimony of Shawn Fremstad
Before the House Appropriations Subcommittee on
Commerce, Justice, Science and Related Agencies
April 14, 2010

My name is Shawn Fremstad and I am the Director of the Inclusive and Sustainable Economy Initiative (ISEI) at the Center for Economic and Policy Research (CEPR) in Washington, DC. My testimony addresses the Census Bureau's FY2011 budget request for $5 million in ongoing, annual funding to adopt a Supplemental Income Poverty Measure (SIPM) to complement the current official measure. I am an expert on anti-poverty policy and have been working and writing on issues related to basic economic security since 1992.

Congress should fund the Census Bureau's request but with some modifications. A CEPR report that will be released this week and available on CEPR's website (www.cepr.net) provides detailed recommendations related to the request. This testimony discusses two specific issues: 1) prioritizing the development of Family Living Standards over an additional poverty measure; and 2) concerns related to geographic adjustment of the proposed SIPM.

Prioritizing the Development of "Family Living Standards"

Congress should specify that any funding it provides to Census for the development of supplemental measures of poverty and basic economic security should be used not only to develop the proposed SIPM, but also a set of "Family Living Standards" similar to those produced by the federal government between the end of World War II and the early 1980s. Renewed federal development of these standards should be a priority over the development of a supplemental poverty measure.

Before being terminated in 1982, the Family Living Standards program, housed in the U.S. Department of Labor, developed family budget standards for several decades. These standards were similar to the basic family budgets and "Self-Sufficiency Standards" currently produced by non-governmental organizations and researchers.[1] During the 20th century in the United States, family budget standards were the most common official approach to setting income standards. Family budgets standards rarely used the term "poverty, " and instead were generally designed to reflect a "modest, but adequate" or a "lower" standard of living for working-class families.

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[1] For more information on the Self-Sufficiency Standard, see http://www.selfsufficiencystandard.org/ and http://www.wowonline.org/ourprograms/fess/sss.asp. The Center for Women's Welfare at the University of Washington has calculated Self-Sufficiency Standards for 37 states. Similarly, the Economic Policy Institute, has on online-calculator that produces basic family budgets for six family types for (1-2 parent families with 1-3 children) every all metro and rural areas in the United States, http://www.epi.org/content/budget_calculator/. The National Center for Children in Poverty provides both an online Basic Needs Budget calculator for 14 states and a Family Resource Simulator that shows how the Earned Income Tax Credit and other employment benefits can help families meet the basic budget standard.

The federal government continued to use and refine family budget standards after the poverty line was developed in the 1960s. In 1967, for example, it published three standards: a lower, intermediate, and higher budget standard. Over time, however, the official poverty line effectively displaced these measures. Even though an Expert Committee made recommendation for updating the standards in 1980, the program was terminated in 1982.

The elimination of the federal program has not reduced the need for these standards. Since the FLS program was discontinued, the task of developing basic Family Living Standards has fallen to non-governmental organizations and state/local-level agencies. These "unofficial" standards are widely used for policy and other public purposes. In fact, two recently enacted federal laws—the 2006 Carl Perkins Career and Technical Education Act (Perkins IV) and the Green Jobs Act of 2007—require that training leads to "economic self-sufficiency" and point to family budget standards as indicators of economic self-sufficiency.[2] Given the clear public demand for official family living standards, the role of the federal government in producing them should be restored.

As an alternative to providing funding to the Census Bureau and the Bureau of Labor Statistics for renewed development of Family Living Standards, some have proposed providing funding to the National Academy of Sciences to study and make recommendations for the development of such standards. While it may make sense for the NAS to review scientific issues related to the basic family living standards produced by the Census Bureau and BLS, the initial development of such standards is not clearly within the core scientific competence of the NAS, and would likely delay the restoration of the FLS program for many years, if not indefinitely.

The experience with the NAS poverty measure study is instructive here: the funding for the NAS study was appropriated by Congress in the fall of 1990; the NAS panel started meeting in 1992 and produced a report in 1995. Thus, it isn't unreasonable to think that merely having the NAS study family budget standards could defer their actual use by the federal government until 2030 or later. Similarly, the original Family Living Standards program was terminated two years after an Expert Committee made recommendations for updating the program. An external study by itself will do little to ensure or bring about the reestablishment of the Family Living Standards program, and is not necessarily as a prior step to adopting such standards. Thus, it would be preferable to allocate this funding directly to the Census Bureau and Bureau of Labor Statistics so that they can restore the Family Living Standards program in fiscal year 2011, rather than deferring restoration for further study.

The Role of Geographic Adjustment in the SIPM

The current federal poverty line does not include any adjustments for geographic differences in the living standards. As proposed by the Administration, the SIPM would include adjustments for

[2] For the use in the Perkins Act, see Wider Opportunities for Women, Building Lifelong Economic Security through the Career and Technical Education System, October 2008, http://www.wowonline.org/ourprograms/fess/GuidetoImplementingPerkinsBuildingSecurity1023.pdf. For the Green Jobs Act, see 29 U.S.C. 2916(e). For additional state and local uses of the Self-Sufficiency Standard, see http://www.selfsufficiencystandard.org/standard.html.

geographic differences in housing prices. This adjustment would have the effect of increasing poverty thresholds in states with above-average housing costs, and decreasing thresholds in states with below-average housing costs. An analysis conducted by the Center for Law and Social Policy, one that uses the Census Bureau's own on-line tool for developing alternative poverty estimates, suggests that poverty thresholds and rates could fall—relative to the current official poverty measure—in a *majority* of states (26 states) under a poverty measure that, like the SIPM, is based on the NAS recommendations.[3] While there may be good reasons to adjust thresholds upward in certain high-cost areas, there is no reasonable justification for adopting new "sub-minimum" poverty thresholds, ones that would have the effect of reducing poverty thresholds in many states below a national floor or the already too-low official thresholds.

Under an NAS-style measure, the largest percentage-point declines in poverty occur in Arkansas, West Virginia, Mississippi, Alabama, and Louisiana. These declines are surprising given these states' performance on other measures of human development. For example, these five states have the lowest rankings on the American Human Development Index (American HDI), a multi-dimensional index of well being based on health, education, and living standards. Since the living standards component of a state's HDI score is based on median earnings without any adjustment for geographic differences in housing costs, some may argue that the HDI underestimates well being in states with low housing costs. However, if one calculates an HDI based on health and education alone, the same states remain at the bottom (only Arkansas moves out of the bottom five, to the sixth lowest position).

The anomalous nature of these results can be further illustrated by comparing a relatively rich state (Massachusetts) with a relatively poor one (West Virginia). Under an NAS alternative measure that includes the recommended housing cost adjustment, the number of people counted as experiencing poverty in West Virginia would decline by almost 20 percent (and more than 50,000 people). West Virginia would have a lower poverty rate than Massachusetts and the United States overall. Yet the rate of food insecurity in West Virginia is 12 percent, compared to only 8.7 percent in Massachusetts. Similarly, on the American Human Development Index for Education and Health, West Virginia shows up near the very bottom, while Massachusetts is near the top. West Virginia also scores more poorly than Massachusetts on a host of other social indicators that are generally thought to be associated with poverty, including life expectancy, infant mortality, teenage pregnancy, education, and incarceration. Thus, a measure that shows that poverty is significantly higher in Massachusetts than West Virginia seems difficult to justify unless by "poverty" something very different is meant than what is conventionally understood by the term.

CEPR's report looks at this issue more systematically by examining the relationships between state poverty rates, state food insecurity rates, and HDI scores, and showing how these relationships change when an NAS poverty measure that is adjusted for geographic differences in

[3] Measure by Measure: The Current Poverty Measure v. the NAS Poverty Measures, Center for Law and Social Policy, November 2009, http://www.clasp.org/admin/site/publications/files/measurebymeasure.pdf. These results were replicated by CEPR.

housing price levels is substituted. We find a relatively linear positive relationship between food insecurity and poverty (the correlation is .49)—that is, as expected, state food insecurity rates increase as state poverty rates increase, although clear other factors also affect come into play. Similarly, we find a relatively linear negative relationship (the correlation is .41) between state-level poverty and a Health-Education Index derived from the American HDI. Again, as expected, higher poverty rates are associated with lower levels of health and education.

When an NAS-based poverty measure is substituted for the official poverty rates, the associations weaken considerably when NAS poverty rates are substituted for official poverty rates. The correlation between state-level NAS poverty rates and food insecurity falls to .11; while there is essentially no correlation between state-level NAS poverty rates and the Health-Education Index. If the same comparisons are done with an NAS-based poverty measure that does not include geographic adjustment, the original expected associations are restored, and even have somewhat higher correlations (.54 for food insecurity and .58 for the HDI), suggesting that other elements of an NAS measure improve on the official one. The analyses in this paper are admittedly basic ones, but other research reaches similar conclusions. Using multivariate regression analysis in a 2003 paper, Kathleen Short of the Census Bureau concluded that the NAS measure "fails to improve the relationship between income poverty and material hardship or financial hardship."[4]

Why does adjusting an NAS poverty measure for geographic differences in housing costs produce a measure that is less consistent with indicators of "real poverty"? One possibility is the index used to make the adjustments (in this case, derived from HUD's Fair Market Rents) is flawed. Census notes that housing price data from the American Community Survey appears to be the best data currently available. However, initial analysis using state-level poverty measures adjusted using ACS data produce roughly the same result as using FMRs.

A more likely answer is that other forms of geographic variation that matter for poverty measurement offset or systematically differ in their geographic distribution from housing costs. According to a Carsey Institute report on rural poverty: "rural families pay approximately 20 percent more for health care and 10 percent more on transportation, the cost of both of which is increasing rapidly."[5] Similarly, Julie Zimmerman and colleagues note that "sector specific research indicates that for some items, rural prices may … be higher" than urban ones.[6]

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[4] Short models material hardship as a function of indicators of poverty, age, region, metro area residence, marital status, family size, presence of children, health, ethnicity, race, employment, education, and assets. In the model using the official poverty measure, the coefficient for poverty is .8629. In the model using the NAS measure, the poverty coefficient is .7812, but the difference between the two coefficients is not statistically significant.

[5] William P. O'Hare, The Forgotten Fifth: Child Poverty in Rural America, Carsey Institute, University of New Hampshire (2009).

[6] Julie N. Zimmerman, Sunny (Seonok) Ham, and Sarah Michelle Frank, Does it or Doesn't it? Geographic Differences and the Cost of Living, Rural Sociology 73(3), 2008, pp. 463-486.

In the area of transportation, John Pucher and John Renne of Rutgers University have found that among households with income below $20,000, persons in rural and urban households made the same number of trips per day, but persons in rural households traveled nearly 60 percent more miles per day than persons in urban ones (28.5 miles for rural households compared to 17.9 miles for urban ones).[7] Higher costs for these items may offset lower housing in rural areas to a substantial degree. Julie Zimmerman's research in Kentucky indicated that there was "no consistent patter of lower prices in the rural [Kentucky] counties." Zimmerman also noted that "differences in the material conditions of rural living meant that there were additional costs that price comparisons did not capture." These differences may has particular implications for the non-metro South. According to the Housing Assistance Council, "the rate of substandard housing in the non-metro South is more than double that of any region of the country, and 63 percent of all rural substandard housing units are located in the South."[8]

There is also evidence suggesting the relatively high housing cost in certain metro areas, including several in the northeastern United States, are offset by relatively lower transportation costs, while the opposite is the case in various urban areas in the South and Midwest. Using a new "Housing + Transportation Index," researchers at the Center for Neighborhood Technology, Virginia Tech, and Center for Housing Policy found that low-to-moderate income ($20,000-$50,000) families in 28 metropolitan areas spent a slightly higher share of their income on transportation (30 percent) than on housing (28 percent), and that were notable regional variations in spending on housing and transportation.[9] For example, the families in New York City spent a larger share of their income on housing than the families in Houston, but the Houston families spent a considerably larger share of their incomes on transportation. As a result, the combined housing/transportation costs of Houston families were slightly higher (56 percent) than the combined housing/transportation costs of New York City families (55 percent). This raises a larger question for national policy: should the goal of national policy be to lift people in poor states, and the economies of the states they live in, up to a national standard or should we opt for poorer standards for poorer states? Just as we wouldn't be content to set lower standards for racial and ethnic groups that have below-average incomes, or support setting the federal minimum wage or Earned Income Tax Credit at a lower level in poorer states, we should not adopt "sub-minimum" poverty lines for poorer states and regions.

Because of the anomalous results produced by currently available methods of geographic adjustments in poverty thresholds, the SIMP should not be adjusted using these methods, except perhaps for upward adjustments in certain high-cost areas.

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[7] John Pucher and John L. Renne, Urban-Rural Differences in Mobility and Mode Choice: Evidence from the 2001 HNTS, April 2004.

[8] Housing Assistance Council (2002: 30). See also Mosley and Miller (2004: 9): finding higher rates of housing-related hardship in the South and West among families below 200 percent of poverty.

[9] Center for Housing Policy, A Heavy Load: The Combined Housing and Transportation Burdens of Working Families, October 2006. See also Peter Haas and others, Housing and Transportation Cost Trade-offs and Burdens of Working Households in 28 Metros, Center for Neighborhood Technology and Virginia Tech, July 2006.

COASTAL STATES ORGANIZATION

Official Written Testimony for programs under the National Oceanic and Atmospheric Administration (NOAA) for Fiscal Year 2011

Submitted To
Subcommittee on Commerce, Justice, Science and Related Agencies
Committee on Appropriations
United States House of Representatives
Washington, DC

Submitted By
Coastal States Organization
Kristen Fletcher, Executive Director
March 25, 2010

The Coastal States Organization (CSO) is a nonpartisan, nonprofit organization that represents the interests of the Governors of the 35 coastal states, territories and commonwealths in Washington, DC. Established in 1970, CSO focuses on legislative and policy issues relating to the sound management of coastal, Great Lakes, and ocean resources and is recognized as the trusted representative of the collective interests of the coastal states on coastal and ocean management. For fiscal year 2011, CSO supports the following coastal programs and funding levels within the National Oceanic and Atmospheric Administration (NOAA):

Coastal Zone Management Program (§§306/306A/309)	$88 million
Coastal and Estuarine Land Conservation Program	$60 million

Every American, regardless of where he or she lives, is fundamentally connected to our coasts, oceans, and Great Lakes. These valuable resources are a critical framework for commerce, recreation, energy, environment, and quality of life. The U.S. economy is an ocean and coastal economy: though federal investment does not reflect it, the oceans and coasts provide an irreplaceable contribution to our nation's economy and quality of life. With sectors including marine transportation, tourism, marine construction, aquaculture, ship and boat building, mineral extraction, and living marine resources, the U.S. ocean-based sector alone provides $138 billion to U.S. GDP and over 2.3 million jobs to our citizens. In addition, the annual contribution of coastal counties is in the trillions of dollars, from ports and fishing to recreation and tourism. In 2007, our nation's coastal counties provided $5.7 trillion to the economy and were home to 108.3 million people on only 18% of the U.S. land area. If these counties were their own country, they would have the world's second largest economy. Coasts and oceans also add to the quality of life of nearly half of all Americans who visit the seashore each year; the non-market value of recreation alone is estimated at over $100 billion.

Today, our nation's coasts are as vital for our future as they are vulnerable. As a result of their increasing draw and economic vitality, we are exerting more pressure on our coastal and ocean

resources. This demand, combined with an increase in natural hazards such as sea level rise, hurricanes and other flooding events, can be proven to show that the country is in danger of losing these invaluable assets. Despite the difficult budgetary times, we need to provide more funding and support for the key programs that are on the front lines of this daily battle, the programs utilizing the advances in coastal and ocean science, research, and technology to manage our coastal and ocean resources for future generations.

Programs that are engaged in these important efforts and working to balance the protection of coastal and ocean resources with the need for sustainable development include the Coastal Zone Management Program and the Coastal and Estuarine Land Protection Program. These programs reside within the National Oceanic and Atmospheric Administration (NOAA) and provide ***direct*** funding or services to the states and territories, which account for a small portion of the total NOAA federal budget. The funding for these programs is very cost-effective, as these grants are matched by the states and are used to leverage significantly more private and local investment in our nation's coasts. Increased funding for these programs that provide on-the-ground services to our local communities and citizens is well worth the investment.

Coastal Zone Management Program (§§306/306A/309)

CSO requests that these grants be funded at a level of ***$88 million dollars***, an amount that will be shared among the 34 states and territories that have approved coastal zone management programs. Pursuant to the Coastal Zone Management Act (CZMA), NOAA and the states partner to implement coastal zone management programs designed to balance protection of coastal and ocean resources with the need for sustainable development of coastal communities. States have the flexibility to develop programs, policies and strategies that are targeted to their state priorities while advancing national goals. Under the CZMA program, the states receive grants from NOAA that are matched by the states and are used to leverage significantly more private and local investment in our nation's coastal areas. These grants have been used to reduce environmental impacts of coastal development, resolve conflicts between competing coastal uses, and provide critical assistance to local communities in coastal planning and resource protection.

The CZMA state grants have essentially remained level-funded for 9 years, resulting in a decreased capacity in the state coastal zone management programs and less funding being granted out to local communities. An increase in funding to $88 million provides an additional $300,000 - $800,000 for each state and territory based on federal formula that takes into account coastal population and shoreline mileage. With the additional funding, states and territories could focus on near-term activities that would prepare their coastal communities to adapt to climate change and address changing sea and lake levels. The following is a representative list of activities that the states and territories could pursue with the increased funding:

- Acquire high resolution topography and bathymetry mapping data (for example, LIDAR, shallow water-penetrating LIDAR) and/or integrate these and existing datasets for consistent statewide coverage and public dissemination;
- Develop localized models of critical coastal areas that account for inundation and shoreline change in response to accelerated sea level rise and increased coastal storms;

- Conduct studies on the costs of response options along the coast, which may include retreat, increasing shoreline setbacks, renourishment, acquiring property, alternative or traditional shoreline armoring;
- Host workshops to assist local officials to assess resources and identify strategies to integrate climate change adaptation measures into local policies, regulations and programs;
- Work to implement new or modify existing state and local policies, regulations and programs to address climate change impacts, including those related to building design and construction, wetland conservation and restoration, stormwater systems and roadways, shore protection, general public infrastructure, etc.; and
- Support outreach and extension activities related to science and public education with partners such as the National Estuarine Research Reserves and Sea Grant.

A significant portion of the work to prepare for climate change adaptation needs to be done at the local level, in the near-term, and the CZMA state grants facilitate such work at local, state and regional levels. The federal interest is reliant on the contribution of our coastal communities to the U.S. economy. If these communities cannot effectively adapt their industries, environment, or public infrastructure to accommodate the impacts of climate change, those impacts could be economically detrimental to not only their local and state economy, but also the national economy. Loss of major tourism and recreation areas, functional ports and marine transportation capabilities, and the living marine resources and waterfronts that support those related industries would impact the national economy, whether it was loss or impairment of a major location or the sum of many smaller locations. With these grants, the states are working with all of their partners, including federal, regional, local governments and non-governmental organizations, to prepare for impending climate change impacts to our coasts at the local level.

Under the current level of funding, most states and territories receive between $850,000 and $2,000,000 to carry out their coastal management programs based on a formula accounting for shoreline miles and coastal population. Appropriate at the time, a cap of $2,000,000 was instituted years ago to allow for funding to spread more evenly across the states and territories, so as to prevent most of the funding from going entirely to the larger, more heavily populated states. But, now, over half of the states have met the cap and no longer receive an increase in funding, despite increased overall funding for CZMA state grants. Therefore, CSO requests that language be included in the appropriations bill declaring that each state will receive *no less than 1% and no more than 5% of the additional funds over and above previous appropriations.* As was provided for in fiscal year 2010, CSO requests that language be included in the appropriations bill that *directs NOAA to refrain from charging administrative costs to these grants.* This is to prevent any undue administrative fees from NOAA from being levied on grants intended for states.

Coastal and Estuarine Land Conservation Program

CSO requests ***$60 million*** for the Coastal and Estuarine Land Conservation Program (CELCP). Authorized by Congress in 2002, CELCP protects "those coastal and estuarine

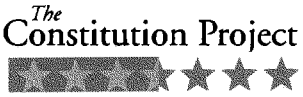
areas with significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreation states to other uses." To date, Congress has appropriated nearly $260 million for CELCP. This funding has allowed for the completion of over 125 conservation projects, with more in progress. CELCP projects in 27 of the nation's 35 coastal states have already helped preserve approximately 45,000 acres of the nation's coastal treasures. All federal funding has been leveraged by at least an equal amount of state, local, and private investments, demonstrating the broad support of the program, the importance of coastal protection throughout the nation, and the critical role of federal funding to its success.

The preservation of coastal and estuarine areas is critical to both humans and the environment. These areas shield us from storms, protect us from the effects of sea-level rise, filter pollutants to maintain water quality, provide shelter, nesting and nursery grounds for fish and wildlife, protect rare and endangered species and provide access to beaches and waterfront areas. CELCP is the only program entirely dedicated to the conservation of these vital coastal areas.

The demand for CELCP funding far outstrips what has been available in recent years. In the last three years, NOAA, in partnership with the states, has identified over $270 million of vetted and ranked projects. As demand for CELCP funding has grown, the funding has not kept pace. Adequate funding is needed to meet the demand of the increasingly high-quality projects developed by the states and submitted to NOAA.

This March, the CELCP program was formally authorized as part of H.R. 146, the *Omnibus Public Lands Management Act of 2009*, once again showing the broad, bi-partisan support for coastal and estuarine land conservation. In recognition of the significant demand for CELCP projects, H.R. 146 authorized the program at $60 million annually.

CSO greatly appreciates the support the Subcommittee has provided in the past. Its support has assisted these programs in working together to protect our coasts and sustain our local communities. We hope you will take our requests into consideration as you move forward in the FY 2011 appropriations process.



STATEMENT OF VIRGINIA SLOAN
PRESIDENT, THE CONSTITUTION PROJECT

SUBMITTED TO
THE SUBCOMMITTEE ON COMMERCE,
JUSTICE, SCIENCE AND RELATED AGENCIES
COMMITTEE ON APPROPRIATIONS
UNITED STATES HOUSE OF REPRESENTATIVES

APRIL 14, 2010

Introduction

Mr. Chairman, Representative Wolf, and Members of the Subcommittee, thank you for providing this opportunity to share with the Subcommittee the Constitution Project's perspective on the fiscal year 2011 (FY 2011) budget, particularly as it relates to the Department of Justice and federal funding for indigent defense services across the United States.

The Constitution Project is a nonprofit organization in Washington, DC, that promotes and defends constitutional safeguards through constructive dialogue across ideological and partisan lines, and through scholarship, activism, and public education efforts. It brings together political leaders from across ideological spectrums, policy experts, and legal scholars who share a common concern about preserving civil liberties. The National Right to Counsel Committee, one of the Constitution Project's seven bipartisan committees, seeks to address inadequacies in the current delivery of indigent defense services in state criminal justice systems and offers policy and program recommendations to protect the Sixth Amendment right to counsel for all Americans.

Right to Counsel and State Budget Realities

Our country and its citizens value the rule of law. The 1963 landmark U.S. Supreme Court ruling in *Gideon v. Wainwright*, along with its progeny, upheld this value by guaranteeing the right to counsel for indigent defendants charged with crimes that carry a sentence of imprisonment.[1] The Court's ruling has, over the years, been expanded to cover other individuals charged with a crime who cannot afford lawyers. While funding for indigent defense has increased over the past five decades, it remains woefully inadequate and has suffered steep cuts during the historic economic turmoil that currently confronts the nation.

In much of the country, insufficient funding of indigent defense programs has resulted in unacceptable levels of staffing, salaries, training, and supervision. State indigent defense programs face enormous budget and resource constraints. For example, in Kentucky, the Department of Public Advocacy handles an average of 147,000 cases annually, with a budget in

[1] 372 U.S. 335 (1963).

FY 2010 of $44.7 million.[2] That represents an expenditure of roughly $208 for each case. Yet, despite the overwhelming caseload and insufficient funding, Kentucky Governor Steve Beshear has proposed reducing the budget for the agency in both FY 2011 and FY 2012.[3]

This problem existed long before the financial crisis that emerged in late 2008. For years, numerous states have underfunded indigent defense programs. In fact, between 2002 and 2005, when adjusted for inflation, states including Connecticut, Hawaii, Missouri, New Mexico, Oregon, and Wisconsin had already decreased their funding for public defender programs.[4]

The problem is only growing worse. As the resources of average Americans dwindle, so too do the budgets of states across the country. In Montana, the Office of Public Defender will suffer a five percent budget cut, slashing nearly $1 million from a budget already confronting an $800,000 deficit.[5] For the Oklahoma Indigent Defense System, a $1.8 million shortfall is forcing the agency to lay off eight employees and has already resulted in its eviction from its offices.[6] As its Executive Director Joe Robertson explained, "Compared to other agencies, we really don't have any other funding source besides the state legislature."[7] These are but a few examples of what is happening across the country, as defendants' constitutional right to counsel is being threatened by the vagaries of state budgeting.

Tightening budgets across the country mean that every day, the caseload for public defenders increases. Facing such constraints, even the best-intentioned defense attorney cannot render competent and effective defense services to all of his or her clients. When there are too many cases, lawyers are forced to choose among their clients. In some cases, public defender programs are so constrained and stretched thin that they may be forced to turn away indigent defendants.

Not all states have public defender offices, even though they are the most cost-effective way of providing these kinds of legal services. In those states that rely on private attorneys, the situation may be even worse. Private lawyers assigned to cases for fees receive compensation insufficient to cover their overhead, discouraging their participation. In systems that have no public defenders, a dearth of private lawyers volunteering to represent indigent defendants threatens the efficient operation of the criminal justice system. Moreover, the appointment system is too often not independent, and the quality of lawyers is accordingly diminished.

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[2] Ronnie Ellis, *Public Defenders, KSP Plead for State Funding*, McCreary County Record, February 3, 2010, *available at* http://www.mccrearyrecord.com/statenews/local_story_034151953.html.
[3] Id.
[4] *See* The Spangenberg Group, *State and County Expenditures for Indigent Defense Services in Fiscal Year 2002* at 35-36 (2003); The Spangenberg Group, *State and County Expenditures for Indigent Defense Services in Fiscal Year 2005* at 35-37 (2006).
[5] Jennifer McKee, *State Public Defenders Face Cut on Top of Budget Shortfall*, Billings Gazette, February 2, 2010, *available at* http://billingsgazette.com/news/state-and-regional/montana/article_213b85be-105f-11df-94fb-001cc4c03286.html.
[6] Meghan McCormick, *OIDS Reduced Workforce*, The Norman Transcript, January 15, 2010, *available at* http://www.normantranscript.com/localnews/local_story_015032006.
[7] Id.

Finally, some states have simply been unable to appoint *any* lawyers at all, meaning that individuals are incarcerated without any legal representation for extended periods of time, in clear violation of the Constitution.

Even when attorneys represent indigent defendants, severe resource constraints mean that otherwise diligent attorneys can neglect essential tasks such as conducting client interviews, performing legal research, drafting motions, requesting investigative or expert services, or otherwise preparing for pretrial, trial or sentencing hearings. As Ed Monahan, director of Kentucky's Department of Public Advocacy, observes, many public defenders do not meet their clients until the day of their first hearing, and, "[s]ometimes there's not enough time to even talk to the client."[8] As a result, defendants throughout the country, especially in the lower criminal courts, are convicted and imprisoned each year because they are "represented" by lawyers who have hundreds of other cases and lack sufficient support staff, including persons who can investigate their clients' cases. In reality, too often the representation is perfunctory and so deficient as not to amount to representation at all.

Not only does this situation violate the Sixth Amendment; it immeasurably increases the risk of wrongful incarcerations and convictions, as well as the risk that the real perpetrator remains free to continue to prey on society.

The Federal Role in Indigent Defense

The Constitution Project recognizes that the budgets of states and the federal government – like those of families - must operate within the constraints of our current economic environment. While deficit spending is not popular, most states do not even have that luxury; they must balance their budgets every year, and as a result, indigent defense programs are on the chopping block across the country, despite the dire need to *increase* indigent defense spending rather than reduce it.

When states have to make deep cuts in their indigent defense programs, the federal government must step in to ensure defendants' federal constitutional right to effective counsel. Today, states across the country cannot afford to provide citizens accused of crimes constitutionally adequate legal representation; therefore, it is time for the federal government to help fill the void.

In its FY 2011 Budget Request, the Department of Justice (DOJ) seeks $1.3 million for a Bureau of Justice Statistics' (BJS) study of indigent defense by contract and pro-bono attorneys.[9] DOJ will also allocate a portion of the $5 million requested for the Ensuring Fairness and Justice Program to provide indigent defense training.[10] Additionally, the agency requests $2.5 million for Access to Justice and Rule of Law personnel, who, among several other responsibilities,

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[8] Ellis, *supra* note 2.
[9] U.S. Dept. of Justice, *FY 2011 Budget Request: Assist State, Local, and Tribal Law Enforcement* 3 (2010), *available at* http://www.justice.gov/jmd/2011factsheets/pdf/law-enforcement.pdf.
[10] Id.

would "ensur[e] indigent defense."[11] Neither of these budget requests identifies further spending specifically earmarked for indigent defense funding for the states.

The Constitution Project appreciates the Administration's commitment to exploring the need for and protecting access to indigent defense. Funding for research and oversight of state indigent defense programs is vital. As I have recounted in my testimony, however, the need for additional resources for indigent defense has been well established, and further study and DOJ oversight are not enough to address this issue. The federal government must ensure its citizens' Sixth Amendment rights by providing sufficient financial support for state indigent defense systems.

A potential source for additional federal funding can be found in the Byrne Justice Assistance Grant program (JAG), which the DOJ's Office of Justice Programs administers. This program is the largest single federal grant program for funding state law enforcement, court, prosecution, and related programs. States *can* use JAG money to fund public defense services. Unfortunately, the formulation for awarding grants neither conditions federal funding on the establishment of statewide public defense systems nor requires any percentage of the federal grant go toward public defense programs.[12]

Inquiries to both the DOJ and various state governments have failed to determine the exact percentage, if any, of JAG grants utilized for indigent defense in particular states and localities over the past few years. According to data the National Criminal Justice Association (NCJA) has compiled for FY 2009, of the $1.1 billion in state JAG spending accounted for nationally, states spent less than $3 million on public defense.[13] JAG funding for public defense funding is dwarfed by the over $400 million spent on law enforcement and nearly $160 million spent on prosecution and court programs.[14]

The funding imbalance in FY 2009 is consistent with what we know about how states have historically allocated JAG funding. States consistently spend either none or only a miniscule portion of the grant money for public defense programs, directing a vastly greater share to law enforcement and prosecutorial programs. For example, in FY 1999, of the almost $500 million in formula grants awarded to states under the Byrne Grant program, JAG's predecessor, only 1.4 percent was granted to public defense programs.[15] In 32 states, public defense programs received no such funding at all. A 2006 study that examined allocations of JAG funds in five states found that only one state awarded any money to public defense programs in the most recent year

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[11] U.S Dept. of Justice, *FY 2011 Budget Request: Restore Confidence in Our Markets, Protect the Federal Fisc, and Defend the Interests of the United States* 5 (2010), *available at* http://www.justice.gov/jmd/2011factsheets/pdf/defend-interests-unitedstates.pdf.

[12] *See e.g.*, American Bar Association, *Report with Recommendation to the ABA House of Delegates* 103 (Feb. 1991) (urging inclusion of public defense programs in federal grant funding), *available at* http://www.abanet.org/legalservices/downloads/sclaid/103.pdf.

[13] National Criminal Justice Association "Byrne JAG Funding by Project Type by Purpose Area- National" *available at* www.ncja.org.

[14] Id.

[15] *See* National Legal Aid & Defender Association report, *Federal Assistance to State and Local Indigent Defense Programs, FY 1998 and 1999, available at* http://www.nlada.org/DMS/Documents/1013119600.02/Federal%20Assistance%20Report%20FY98-99.pdf.

studied. That state awarded less than 4 percent of its JAG grant money to public defense programs, and nearly 80 percent for prosecution and law enforcement purposes.[16]

The President's budget proposes $519 million for JAG in FY 2011. As currently designed and utilized, the program exacerbates already existing resource imbalances between prosecutors and indigent defenders by furnishing funding to the states for prosecution and law enforcement functions, as well as for training and technical assistance for prosecutors and law enforcement agencies, without requiring analogous support for state-based indigent defense services.[17] These resource imbalances make it difficult for publicly funded defense counsel to assess the reliability of the prosecution's evidence and to validate their own evidence. The end result is that juries and judges are deprived of critical information necessary to ensuring accurate verdicts and fair sentences. It is inconceivable that justice can be served when most, if not all JAG money is provided for prosecutor and law enforcement resources and indigent defense is left with little or no federal funding. Moreover, while we do not question the need for resources for prosecution and law enforcement functions, without comparable federal resources for indigent defense systems, defenders are unable to effective represent the additional clients and perform the functions that are essential to our adversarial system of justice.

The Constitution Project seeks a renewed commitment to indigent defense and the promise of *Gideon*. The Project is aware that the Executive Branch cannot make these critically needed changes by itself. Congress must take the lead by changing the law. Thus, in its FY 2011 appropriations, Congress should set aside a sufficient percentage of JAG funding for the support of indigent defense within the states, whether through public defender agencies or the services of private attorneys who function in systems designed to ensure quality and independence.[18] Requiring each state to use a minimum of its JAG formulary allocation to fund indigent defense programs is the first step to equalizing the vast imbalance between the resources states provide to prosecute defendants and the resources public defense programs have to zealously represent those defendants. In our adversarial criminal justice system, only through a balance of such resources can we hope that justice is truly served.

Conclusion

Thank you for the opportunity to submit this statement for the record. The Constitution Project looks forward to working with you to secure federal funding for indigent defense programs and pass FY 2011 appropriations legislation that ensures the fair and efficient operation of the criminal justice system.

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[16] *See* Covington & Burling memo for The Constitution Project regarding JAG Program Funding Disparities (August 1, 2006).

[17] The 2009 Criminal Justice Transition Coalition, *Smart on Crime: Recommendations for the Next Administration and Congress* 141 (2008), *available at* http://www.constitutionproject.org/manage/file/62.pdf.

[18] *See* American Bar Association, *Ten Principles of a Public Defense Delivery System* (2002), *available at* http://www.abanet.org/legalservices/downloads/sclaid/indigentdefense/tenprinciplesbooklet.pdf; *see also*, The Constitution Project, *Justice Denied: America's Continuing Neglect of Our Constitutional Right to Counsel* 201-202 (2009).

The Council on Undergraduate Research
House Subcommittee on Commerce, Justice, Science and Related Agencies
FY 2011 Testimony Regarding the National Science Foundation

Submitted by Nancy Hensel, Executive Officer, Council on Undergraduate Research

The Council on Undergraduate Research (CUR) is an organization dedicated to the promotion of undergraduate research as a means by which students of mathematics, technology, the natural, physical and social sciences, as well the arts and humanities may participate in the intellectual life of our society. **To this end, CUR strongly urges the Subcommittee to increase funding for dedicated funding streams that support undergraduate research at the National Science Foundation and requests that the Subcommittee include report language recognizing the importance of undergraduate research.**

The symbiosis established between the faculty member and the undergraduate collaborator energizes and informs the faculty member's teaching and research while simultaneously introducing the student to the joys of discovery, as well as to lessons in persistence, problem-solving, and critical thinking. Faculty conducting research with undergraduates benefit enormously by having undergraduate collaborators invested in the research enterprise help to advance the faculty research program. Undergraduate students benefit from the opportunity both to learn the breadth and depth of their chosen fields of inquiry as well as to contribute meaningfully to the expansion of knowledge.

Presently, individual and institutional members representing nearly 600 colleges and universities from across the United States support the educational and research initiatives established by CUR to ensure that research partnerships between faculty and their students are encouraged and nurtured. A primary concern for CUR is that these partnerships facilitate the attainment of professional productivity and intellectual integrity at the standards of excellence consonant with those recognized by professional scholarly and research societies.

Research and research infrastructure funding provided by the National Science Foundation has been critical for the support of original, significant research that involves undergraduates, not only personally, but for the entire membership represented by CUR. Additionally, funding and legislative acknowledgment of the benefits of undergraduate research can help to reduce or minimize the barriers to undergraduate research, while promoting innovation in postsecondary education.

Accordingly, as stated above, CUR strongly urges the Subcommittee to increase funding for dedicated funding streams that support undergraduate research at the National Science Foundation and requests that the Subcommittee include the below report language in the FY 2011 Commerce, Justice, Science and Related Agencies bill:

"Undergraduate research programs are flourishing at various types of institutions of higher education around the country and funding should be used to expand or improve these programs or help develop new programs at emerging research institutions. The Subcommittee acknowledges that studies show that participation in undergraduate academic research programs improve college persistence rates among students, particularly among minority, low income, and first generation college students. Reviews of existing undergraduate research programs have also shown that these programs can boost undergraduate students' interest in entering STEM fields and other high-demand career paths."

To provide a clear understanding of the importance of support for undergraduate research and the value of funding research on the federal level, below are examples from CUR members on the impact of undergraduate programs funded by the National Aeronautics Science Administration, National Institute of Standards and Technology, and National Science Foundation.

Roger S. Rowlett, Professor of Chemistry at Colgate University (NY):

The NSF-MRI (major Research Instrumentation) program and its predecessors provided essential research instrumentation at Colgate, which is a predominantly undergraduate institution, and has allowed faculty to learn state-of-the-art research techniques. NSF funds have allowed Colgate to have access to modern high-field NMR and protein and small-molecule X-ray crystallography. Colgate is the only undergraduate institution in the nation to have a dual-beam X-ray diffractometer, and our students use the NSF-funded equipment in their research routinely.

Undergraduate access to modern research instrumentation is critical to training the next generation of scientists, and is a powerful enticement for recruiting a highly motivated and diverse pool of students into science careers. Over 90% of research students who have conducted research in my laboratory in the last decade have pursued postgraduate studies or careers in the sciences. The NSF-RUI (Research in Undergraduate Institutions) program has been a stalwart at providing the necessary support for individual faculty to conduct high-quality, publishable research with undergraduates at predominantly undergraduate institutions.

Historically, the NSF-REU (Research Experiences for Undergraduates) program has also helped establish our well-recognized summer undergraduate research program. The Department of Chemistry at Colgate held several consecutive REU grants in the 90s which allowed Colgate to offer full-time summer research opportunities to not only our own students but also students from other institutions, some of which do not offer research opportunities to their undergraduates. The legacy of NSF-REU funding at Colgate is a self-sustaining and well-organized summer research program that supports 80 or more students in the natural sciences each year.

Support of high-quality research at undergraduate institutions is critical to the national science enterprise, and is a wise investment. Not only does research at predominantly undergraduate institutions result in original discoveries that are published in the scientific literature, it also sustains excellent teaching by keeping faculty at these institutions intimately embedded in their scholarly communities and current in their fields of study. Undergraduates who have research experiences are more likely to consider post-graduate studies in the sciences or pursue science careers, if my personal experience is any guide.

In addition to re-affirming its commitment to undergraduate research embodied in current programs which have been highly successful in improving undergraduate research and education, perhaps NSF should consider establishing new ("starter") faculty research grant opportunities.

Chris Hughes, Associate Professor of Physics, James Madison University (VA):

The Physics and Astronomy Division of CUR (CUR-P&A) has recently worked with all of the major national physics organizations to develop a statement which says "We call upon this nation's physics and astronomy departments to provide, as an element of best practice, all undergraduate physics and astronomy majors a significant research experience." Additionally, the American Astronomical Society (AAS), Society of Physics Students (SPS), American Physical Society Committee on Education (APS-CoE), and the American Association of Physics Teachers (AAPT) have adopted this or similar statements in agreement with CUR-P&A

These statements are a significant signal that the academic physicists in the United States believe that an undergraduate education in physics or astronomy is incomplete without the experiential learning that comes from a research experience. Research is the utmost form of inquiry in the sciences and data shows that physics and astronomy majors who participate in research programs see improvement in their classroom performance and increased retention to graduation. Already, surveys of the approximately 6000 graduates in P&A each year show that around 70% participate in some form of undergraduate research. This is an impressive figure, but it also means that there is an immediate need for opportunities for around 1800 students each year.

One of the primary programs for funding undergraduate research has traditionally been NSF's REU. We would like to see these programs augmented to support even more students. Another program that will be critical to meeting this need is the NSF CCLI (Course, Curriculum and Laboratory Improvement) since this addresses the issue of building the infrastructure needed to support experiential learning at many institutions where this is not currently available.

Diane Husic, Professor of Biological Sciences, Moravian College (PA):

In 2004, I had just moved to Moravian College to chair and help revitalize the biology department. The college didn't have a strong track record of grant writing, but had hired several new faculty who were interested in both teaching and scholarship. As I took the new position, I also had just become a co-PI on an NSF Undergraduate Research Center pilot grant. The goal of our proposed project was to develop a consortium of faculty and students at seven institutions to promote greater interest amongst students in plant science. Living near the Palmerton Superfund site, we tapped into contacts at the Lehigh Gap Nature Center and Wildlife Refuge (LGNC) that had purchased 750 acres of the site and was beginning a restoration project using warm season native grasses. Our initial visit and subsequent summer research "field trip" prompted by the NSF-URC grant has subsequently led to wonderful partnerships and collaborative research that has transformed not only a mountainside, but also an academic department. Over the past few years, we have had 10 students and 2 faculty engaged in research there, the results of which have been presented at regional and national meetings. We are in the process of writing an ecological assessment report to be used by the LGNC, the EPA and other state and federal agencies in developing the adaptive management plan for the site. Our department has taken the lead in organizing a consortium of researchers at twelve other partner colleges and universities and a number of state and federal agencies who are involved in some aspect of the revitalization of the Lehigh Gap. State and federal funds are supporting much of these efforts, and the site recently received funding from the Audubon/Toyota Together Green program – a project that brings together the local Audubon chapter and community and college volunteers.

The Department of Biological Sciences at Moravian College now routinely brings classes to the refuge/Superfund site for field trips and class-based research projects. Not only are biology and environmental studies majors benefitting from this unique outdoor laboratory, but also students in science courses that are required as part of the liberal studies curriculum. We have developed a new Conservation Biology and Ecological Restoration course in partnership with the Lehigh Gap Nature Center, and students in the premiere offering of course participated in the experimental design for the Together Green projects of habitat enhancement and deer exclosure studies which are now being implemented. Faculty are involved with K-12 teacher workshops in conjunction with the Lehigh Gap Nature Center and, along with some of the research students, serve as mentors to a youth naturalists group, the members of which are also involved in authentic research at the site. These youth were recently recognized by the National Audubon Society. This exhilarating partnership between citizen scientists, an academic department, other campuses, state and federal agencies and the local community was prompted by a mere $50,000 NSF grant!

Despite the examples of success stories noted above, there are many campuses where the teaching and research facilities and other infrastructure lag sorely behind and can't provide up-to-date inquiry-based learning opportunities for students, much less support faculty-student research. Economic difficulties threaten many, if not all, of our campuses and our collective efforts to enhance undergraduate scholarship and to be innovative in our research and curriculum. These threats come at a time when there is unprecedented evidence of the value of

undergraduate scholarship for students in terms of engagement, learning, and retention. They also come at a time when President Obama and Congress have expressed deep concerns about the slipping status of U.S. competitiveness internationally.

Essential to the innovation that will be needed to meet these challenges is the development of a research-rich curriculum, high-quality undergraduate research experiences, first-rate faculty scholars and research mentors, modern outfitted facilities for teaching, learning and research and funds to support the actual research projects. Federal support, including grant funding from the National Science Foundation, is essential to enabling this innovation which can and does happen at undergraduate institutions and as a result of collaborative research between faculty and undergraduates.

Testimony of
Anne Lee
President and Chief Executive Officer
Darkness to Light
before the Commerce-Justice-Science Subcommittee
of the House Appropriations Committee
on Thursday, February 11, 2009
in support of the
"*Stewards of Children*" Child Sexual Abuse Prevention Program

Chairman Mollohan and Members of the Subcommittee:

I am pleased to have this opportunity to be here today to discuss the important issue of child sexual abuse and what non-offending adults can be doing to prevent this tragedy that is affecting our children and their long-term emotional and physical health -- in addition to costing our country over $38 billion per year.

Darkness to Light believes that adults should shoulder the responsibility of preventing child sexual abuse. School-based programs that teach children to say "no" are valuable, but they are not a substitute for adult responsibility. *Darkness to Light* has developed and distributes highly respected prevention training and educational products for adults throughout the nation who are associated with youth-serving organizations, care for children or simply want to become more responsible members of their community.

More than 185,000 adults have completed *Darkness to Light*'s signature "*Stewards of Children*" child sexual abuse prevention program. There are 2,300 facilitators of this program in 46 states and the District of Columbia, in addition to 10 countries around the world. $400,000 in funding support has been requested in the Fiscal Year 2010 Commerce, Justice, Science Appropriations bill through the *Office of Juvenile Justice and Delinquency Prevention Programs* as we seek to make South Carolina a national leader in child sexual abuse prevention.

Background on *Darkness to Light*

Darkness to Light is a national non-profit organization whose mission is to empower people to prevent child sexual abuse. This mission is accomplished through an award winning media campaign that raises public awareness of the issue and directs adults to educational resources. *Darkness to Light*'s signature educational program, *Stewards of Children*, educates adults to prevent, recognize, and react responsibly to child sexual abuse, and motivates them to courageous action.

The *Stewards of Children* program is the only nationally available adult-focused child sexual abuse prevention program that has been rigorously evaluated and has been shown to increase knowledge, improve attitudes and change the child-protective behaviors of adults over the long-term. The program has been evaluated through a CDC grant by the National Crime Victims Center at the Medical University of South Carolina, the University of South Carolina and the College of Charleston. The *Stewards of Children* program is available in English and Spanish, in both a facilitator-led and online format.

One of *Darkness to Light*'s most important achievements to date is the training of 19,000 South Carolina teachers through a partnership with the South Carolina Department of Education and an HHS appropriation. Private funding will bring the total of educators trained to almost 27,000 -- a full 50% of all South Carolina teachers! This is the most significant child sexual abuse project ever undertaken, and is all the more important because nearly 50% of abuse cases that are substantiated by Child Protective Service agencies are a result of reports from schools. Yet 66% of teachers have never received any training in child sexual abuse!

The Incidence of Child Sexual Abuse

If child sexual abuse left life-long visible scars on children of the same magnitude as the actual emotional and behavioral scars, there would be a massive outcry for something to be done. By anyone's measure, child sexual abuse is a significant problem that has enormous and lifelong impact on victims and society. Retrospective research has found that one in four women and one in six men were sexually abused as children. Most people are not aware of the magnitude of the problem because the majority of children do not disclose their abuse to anyone.

Many adults believe they are protecting their children from sexual abuse by teaching their children to stay away from strangers. Most are surprised to learn that:

- 90% of all victims know and trust their perpetrators.
- More than 35% of perpetrators are family members.

The effects of child sexual abuse can be severe and devastating to an individual's psychological, emotional, and physical well-being. Child sexual abuse increases the risk for:

- Alcohol and drug abuse lasting into adulthood.
- Posttraumatic stress, depression and anxiety.
- Delinquent behaviors and dropping out of school.
- Suicide attempts.
- Physical aggression and hyperactivity.
- Sexual risk behaviors.
- Problems with friendships, family relationships and intimate relationships.

Further, immediate consequences to child victims can result in long-term, life-altering consequences as the victim matures into adulthood. *Child sexual abuse is a root cause of many expensive societal problems.*

Many experts believe that, with appropriate education, adults who are responsible for children (e.g., parents, teachers, coaches, and mentors) can reduce child sexual abuse and improve outcomes for children who are abused. However, research suggests that adults currently do an inadequate job of preventing abuse.

Youth-serving organizations are particularly vulnerable to child sexual abuse incidents because pedophiles seek organizations and situations that lend themselves to adult-child interaction.

Darkness to Light's Solution: Train Non-Offending Adults to Prevent, Recognize and React Responsibly to Child Sexual Abuse

Adults interacting with children -- the "front line" of child protection -- must be properly informed about how to prevent abuse, recognize the signs of abuse and react responsibly when abuse is suspected. *Darkness to Light*'s goal is to:

- *Expand Training into All Communities in South Carolina*: Our initial goal is to train 5% of the adult population throughout the state so that all communities have the information and tools they need to protect children from child sexual abuse.

- *Partner with Schools, Youth-Serving Organizations, Faith Centers & Youth Athletic Clubs:* Those that interact with children through their professions or volunteer activities are in a position to help protect large numbers of children. Training and the establishment of meaningful organizational policies and procedures are essential.

- *Assist Communities in South Carolina with Programs for Sustaining Child Sexual Abuse Prevention Efforts with Private Funds: Darkness to Light* has developed a package of events and "tools" so that community organizations can launch and sustain a dynamic community prevention initiative.

Benefit to the Public:

Darkness to Light's Stewards of Children child sexual abuse prevention program benefits taxpayers and the public in that it prevents the damaging and costly consequences that can destroy the lives of children and lead victims onto a destructive path as adults. We must do all that we can to protect our children from this atrocity.

Mr. Chairman, with federal support, *Darkness to Light* seeks to expand its programs throughout the state of South Carolina so that our state can be a true national leader in the prevention of child sexual abuse and serve as a model to other states as they seek to address this important issue. Our children only have one childhood. Let us do all we can to protect them so that they may grow up to be healthy, prospering adults.

Thank you again for your time and attention to this important matter.

Testimony of Thomas McClure
Executive Secretary, Educational Association of University Centers
Director, Millennial Initiative at Western Carolina University
House Appropriations Committee
Subcommittee on Commerce, Justice, Science and Related Agencies
April 14, 2010

On behalf of the Educational Association of University Centers (EAUC), an organization that represents university based economic development service programs I would like to thank you, Chairman Mollohan, for the opportunity to submit these comments for the record. We are grateful for your support of the Economic Development Administration (EDA) and the University Center Program. Outlined below are slight modifications that can help improve the program, including increasing the EDA's funding level to $500 million per year in the upcoming Reauthorization and $500 million in the FY 2011 Commerce, Justice, Science and Related Agencies bill. We are particularly appreciative and grateful for your strong leadership as our program seeks to help our nation's economy stabilize and recover.

Background

The EDA University Center Program is a national network of institutions of higher education, funded in part by EDA, that conduct applied research, provide technical assistance to public and private sector organizations, and conduct other activities with the goal of enhancing regional economic development. The program was begun in 1966 with six Centers and today it is a national network comprised of 52 centers in 42 states.

The program is the only federally funded network specifically designed to link the higher education system in the U.S. with local and regional economic development organizations, units of government, private sector companies, and non-profits to foster broad based economic development in distressed communities. Particularly during this economic crisis, and time of increased global competition, universities can play a key role of assisting local communities to diversify and regenerate their economic bases.

EDA's University Center Program has a proven, successful model for leveraging university resources to assist economically distressed communities. These Centers are helping to carry out and advance the Administration's economic development priorities through their programming and such a network can serve as a foundation for implementing national priorities such as innovation, entrepreneurship and energy independence.

In December, 2001, EDA released "An Evaluation of EDA's University Center Program," prepared by Mt Auburn Associates, an independent professional consulting firm. The Report concluded that "Overall, the Program is a valuable educational and technical assistance tool in support of local and regional economic development." The analysts found that 97% of all clients were satisfied with the timeliness of the work; 95.8% were satisfied with the quality of the work, and 93.1% would definitely use the centers again. Among the Report's 12 recommendations was

the need for an increase in the number of Centers and an increase in the amount of funding provided for each Center.

Increasing Program Funding
The EAUC continues to be thankful for your leadership, Chairman, and we strongly support the reauthorization of the EDA during the current Congress. The EDA is the only federal agency with the exclusive mission of job creation in distressed communities. Though we realize the budget constraints in place, we believe that EDA's funding should be increased. It is evident that the EDA has strong bi-partisan support in both Chambers and we hope that as both the Reauthorization and Fiscal Year 2011 Appropriations processes move ahead, funding for the EDA will be increased to help it carry out its mission.

Specifically, the EAUC believes that EDA's minimum funding level should be set at $500 million per year in the upcoming Reauthorization measure. Further, our organization believes that the EDA should receive $500 million to support EDA's programs in the FY 2011 Commerce, Justice, Science and Related Agencies Appropriations.

Expanding the University Center Program
EDA's university center program needs to rebuild a national network of Centers in every State to ensure that economically distressed communities are not further burdened by lack of access and the need to stretch already limited resources. Comparable programs, such as the SBDCs and the MEPs also have national networks.

- Recognizing the impact that these Centers have on their communities, and their overall ability to help stabilize the nation's economy, there should be a minimum of one University Center in each state.

- The EAUC believes that the EDA should immediately conduct a competitive selection of a University Center in each State (including the District of Columbia) that currently does not have a Center. Having a Center in each state can help local, state, and regional economies rebound, while furthering the overall goals of the EDA.

- Additionally, we believe that EDA should develop a plan so that funding for the national network is restored to historic levels. This figure, approximately $250,000 per year, would better equip centers. Proper funding for the University Center program will help our nation become prepared to adequately to respond to the challenges of global competitiveness and localities across the nation to respond to economic distress. As the University Center program network is already in place, these funds would be devoted entirely to programming that has a proven track record of helping local economies while supporting EDA's priorities.

Modifications of the Competition Process
We recognize the benefits of a transparent and open competition and strongly believe that EDA should continue its current policy of rigorous review of Center performance. This evaluation system ensures that Centers remain accountable for implementing robust programming that help

their communities, carry out the EDA's mission, and further the Administration's goals. However the current approach is costly and disruptive for the Centers and its clients, and does not further Congress' goals for the Economic Development Administration. Several small adjustments could drastically improve the program.

- The current short term, three year evaluation system has resulted in expensive grantsmanship, unpredictability in funding, an inability of Universities to make long term commitments, a slow ramp up of new centers and interruptions of service from de-funded centers. To ameliorate these negative consequences, the EDA should modify the three year review process to a five year review process. In addition to strengthening the program, this timeframe is more consistent with the term of other university funded program centers. For example, university funded from NSF and NIH, which typically are for a minimum of 5 years, and often longer, with renewal options.

Particularly at this moment of economic crisis, we believe that the agency should be enlisting the full attention and resources of all of its local partners, without the uncertainties and distractions of a flawed mechanism.

- Also, in 1998, Congress authorized a peer review mechanism for evaluating university centers. Subsequent to the enactment, a detailed protocol for the peer review system was developed and the approach was implemented. This Congressionally prescribed approach was discarded in 2004. The EAUC would like Congress to re-establish this proven method to enable and encourage centers to disseminate their best practices.

Evaluation

Finally, the EAUC believes that an independent study to evaluate the performance of the University Center program should be commissioned. The last such study was conducted in 2001, and a new one is overdue. This evaluation could include an analysis of the best methods of evaluating individual centers and help centers to maximize the impact they have on their communities and better serve their clients. We respectfully present these recommendations and urge you and the Committee to consider these modifications.

Conclusion

We believe that the Educational Association of University Centers (EAUC) can be extremely helpful to EDA's initiatives and can help advance several of the Administration's job creation priorities through innovation, entrepreneurship, and technology commercialization.

These several slight changes to the University Center program can enhance and stabilize the program and more fully leverage the resources of participating institutions. On behalf of the EAUC organization, Mr. Chairman, I would like to thank you again for the opportunity to share these recommendations with you and the Committee. We appreciate your consideration of these ideas and are eager to work with you to implement them.

Testimony Submitted

by

Dr. Raymond Bye, Jr.

Director of Federal Relations

The Florida State University

Before the Subcommittee on Commerce, Justice, Science and Related Agencies

Committee on Appropriations

U.S. House of Representatives

February 11, 2010

Summary of Request: Florida State University is requesting **$3,500,000** from the National Oceanic and Atmospheric Administration (NOAA) Air Research Laboratory (ARL) Account to fund the **Consortium for the Study of Mercury in the Atmosphere**.

Mr. Chairman, I would like to thank you and the Members of the Subcommittee for this opportunity to present testimony before this Committee. I would like to take a moment to briefly acquaint you with Florida State University.

Located in Tallahassee, Florida's capitol, FSU is a comprehensive Research university with a rapidly growing research base. The University serves as a center for advanced graduate and professional studies, exemplary research, and top-quality undergraduate programs. Faculty members at FSU maintain a strong commitment to quality in teaching, to performance of research and creative activities, and have a strong commitment to public service. Among the current or former faculty are numerous recipients of national and international honors including Nobel laureates, Pulitzer Prize winners, and several members of the National Academy of Sciences. Our scientists and engineers do excellent research, have strong interdisciplinary interests, and often work closely with industrial partners in the commercialization of the results of their research. Florida State University had over $200 million this past year in sponsored research awards.

Florida State University attracts students from every state in the nation and more than 100 foreign countries. The University is committed to high admission standards that ensure quality in its student body, which currently includes National Merit and National Achievement Scholars, Rhodes and Goldwater Scholars, as well as students with superior creative talent. Since 2005, FSU students have won more than 30 nationally competitive scholarships and fellowships including 3 Rhodes Scholarships, 2 Truman Scholarships, Goldwater, and 18 Fulbright Fellowships.

At Florida State University, we are very proud of our successes as well as our emerging reputation as one of the nation's top public research universities. Our new President, Dr. Eric Barron, will lead FSU to new heights during his tenure.

Mr. Chairman, let me summarize our primary interest today. It is known that the atmosphere dominates mercury transport pathways, yet the fraction of mercury entering lakes and rivers that is natural vs. man-made, or global vs. local, is unknown. Most US mercury emissions occur in the northeast yet most mercury falls on Florida and the northern Gulf Coast. The sources of mercury falling on Florida are increasingly thought to be global rather than regional. Regional and global distributions of gaseous elemental mercury are unknown even though vapor mercury is the largest source of mercury to the atmosphere. These gaps in scientific knowledge undermine public policy initiatives to protect human health and natural environments and to find safe energy solutions to our power and transportation needs. Because of the critical impacts of mercury emissions on ecosystem and human health and the reliance of America's electric power grid on coal, a focused effort on the atmospheric mercury cycle is required to predict and regulate the dominant man-made sources.

The Southeastern Mercury Consortium, a partnership between NOAA's Air Resources Lab (ARL), Florida State University, Georgia Tech, the University of Miami, and the University of Tennessee Space Institute (UTSI) will study the large-scale sources and fates of atmospheric mercury. ARL's mercury research group pioneered ground and airborne measurements and models of atmospheric mercury. FSU's Oceanography and Isotope Geochemistry Programs in the National High Magnetic Field Lab excel in ultra-trace element chemistry and isotopes of mercury in global atmospheric and aquatic environments. GaTech's Schools of Earth & Atmospheric Sciences and Civil & Environmental Engineering have extensive regional and global programs in urban photochemistry, "tailpipe" and "smoke stack" gases, and global mapping of reactive trace gases and aerosols from research airplanes and satellites. UM's Rosenstiel School has advanced new technologies to detect atmospheric mercury speciation. UTSI is pioneering sampling capabilities needed for next generation atmospheric mercury analyses with their existing research airplanes. Our efforts to map gaseous elemental mercury and reactive gaseous mercury in the air over the Southeastern US will fill the gap between ground-based time series observations in the coastal zones by adding synoptic flight level measurements. We are requesting $3,500,000 for this initiative.

Mr. Chairman, this project is extremely important and I appreciate your consideration.

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION
P. O. Box 9 • Odanah, WI 54861 • 715/682-6619 • FAX 715/682-9294

MEMBER TRIBES

MICHIGAN	WISCONSIN		MINNESOTA
Bay Mills Community	Bad River Band	Lac Courte Oreilles Band	Fond du Lac Band
Keweenaw Bay Community	Red Cliff Band	Lac du Flambeau Band	Mille Lacs Band
Lac Vieux Desert Band	Sokaogon Chippewa	St. Croix Chippewa	

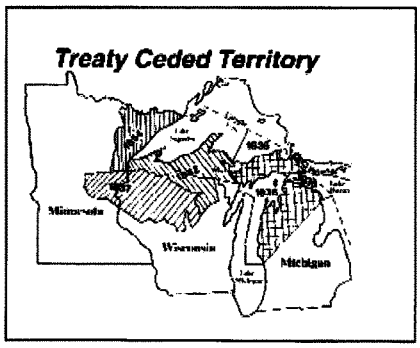
FY 2011 TESTIMONY
HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES
BY
JAMES E. ZORN, EXECUTIVE ADMINISTRATOR
GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION (GLIFWC)

AGENCY INVOLVED: Department of Justice

PROGRAM INVOLVED: COPS Tribal Resources Grant and Universal Hiring Programs

SUMMARY OF GLIFWC'S FY 2011 TESTIMONY: GLIFWC supports the Administration's FY 2011 proposal to increase tribal COPS funding to $67 million but not the $15 million reduction in the Tribal Resources Grant Program (TRGP). The Administration's proposal to set aside tribal funding within the Universal Hiring Program (UHP) is timely given the great need in Indian country. However, the proposed decrease of $15 million for the Tribal Resources Grant Program (TRGP) is an unwise trade-off that will undercut the effectiveness of tribal law enforcement. Not only must new officers be trained and equipped, something which cannot be done with UHP funding, but fully-staffed agencies still need the logistical support that the TRGP provides. The TRGP has enabled GLIFWC to solidify its communications, training, and equipment requirements, essential elements that help ensure the safety of GLIFWC officers and their role in the proper functioning of interjurisdictional emergency mutual assistance networks in the treaty ceded territories.

CEDED TERRITORY TREATY RIGHTS AND GLIFWC'S ROLE: GLIFWC was established in 1984 as a "tribal organization" within the meaning of the Indian Self-Determination Act (PL 93-638). It exercises authority delegated by its member tribes to implement federal court orders and various interjurisdictional agreements related to their treaty rights. GLIFWC assists its member tribes in:



- securing and implementing treaty guaranteed rights to hunt, fish, and gather in Chippewa treaty ceded territories; and

- cooperatively managing and protecting ceded territory natural resources and their habitats.

For over 25 years, Congress and various Administrations have funded GLIFWC through the BIA, Department of Justice and other agencies to meet specific federal obligations under: a) a number of US/Chippewa treaties; b) the federal trust responsibility; c) the Indian Self-Determination Act, the Clean Water Act, and other legislation; and d) various court decisions, including a 1999 US Supreme Court case, affirming the treaty rights of GLIFWC's member tribes. GLIFWC serves as a cost efficient agency to conserve natural resources, to effectively regulate harvests of natural resources shared among treaty signatory tribes, to develop cooperative partnerships with other government agencies, educational institutions, and non-governmental organizations, and to work with its member tribes to protect and conserve ceded territory natural resources.

Under the direction of its member tribes, GLIFWC operates a ceded territory hunting, fishing, and gathering rights protection/implementation program through its staff of biologists, scientists, technicians, conservation enforcement officers, and public information specialists.

COMMUNITY-BASED POLICING: GLIFWC's officers carry out their duties through a community-based policing program. The underlying premise is that effective detection and deterrence of illegal activities, as well as education of the regulated constituents, are best accomplished if the officers work within tribal communities that they primarily serve. The officers are based in reservation communities of the following member tribes: in Wisconsin – Bad River, Lac Courte Oreilles, Lac du Flambeau, Red Cliff, Sokaogon Chippewa (Mole Lake) and St. Croix; in Minnesota – Mille Lacs; and in Michigan – Bay Mills, Keweenaw Bay and Lac Vieux Desert. To develop mutual trust between GLIFWC officers and tribal communities, officers provide outdoor skills workshops and safety classes (hunter, boater, snowmobile, ATV) to 300 tribal youth in grades 4-8 annually. Recently GLIFWC officers worked to support drug and alcohol prevention efforts in the Lac du Flambeau school system by sponsoring a snowshoe making workshop for tribal youth.

INTERACTION WITH LAW ENFORCEMENT AGENCIES: GLIFWC's officers are integral members of regional emergency services networks in Minnesota, Michigan and Wisconsin. They not only enforce the tribes' conservation codes, but are fully certified officers who work cooperatively with surrounding authorities when they detect violations of state or federal criminal and conservation laws. These partnerships evolved from the inter-governmental cooperation required to combat the violence experienced during the early implementation of treaty rights in Wisconsin. As time passed, GLIFWC's professional officers continued to provide a bridge between local law enforcement and many rural Indian communities.

GLIFWC remains at this forefront, using DOJ funding to develop interjurisdictional legal training attended by GLIFWC officers, tribal police and conservation officers, tribal judges, tribal and county prosecutors, and state and federal agency law enforcement staff. DOJ funding has also enabled GLIFWC to certify its officers as medical emergency first responders trained in the use of defibrillators, and to train them in search and rescue, particularly in cold water rescue techniques. When a crime is in progress or emergencies occur, local, state, and federal law

enforcement agencies look to GLIFWC's officers as part of the mutual assistance networks of the ceded territories. In fact, the role of GLIFWC's officers in these networks was further legitimized in 2007 by the passage of Wisconsin Act 27. This law affords GLIFWC wardens the same statutory safeguards and protections that are afforded to their DNR counterparts. GLIFWC wardens will now have access to the criminal history database and other information to identify whom they are encountering in the field so that they can determine whether they are about to face a fugitive or some other dangerous individual.

DOJ has acknowledged that, "[t]he officer-to-population ratio still remains lower on Indian reservations than in other jurisdictions across the country. . . .tribal law enforcement has a unique challenge of patrolling large areas of sparsely populated land" (DOJ 2011 Budget Summary). GLIFWC's participation in mutual assistance networks located throughout a 60,000 square mile region directly addresses this problem in an effective and cost efficient manner.

GLIFWC Programs Funded by DOJ: GLIFWC recognizes that adequate communications, training, and equipment are essential both for the safety of its officers and for the role that GLIFWC's officers play in the proper functioning of interjurisdictional emergency mutual assistance networks in the ceded territories. GLIFWC's COPS grants have provided a critical foundation for achieving these goals. Significant accomplishments with Tribal Resources Grant Program funds include:

Increased Versatility and Homeland Security: In 2007, GLIFWC used COPS funding to obtain a 22-foot boat to expand patrol capabilities and coverage on Lake Superior. This boat also provides greater versatility than GLIFWC's larger patrol boat to access bays and harbors in the Lake. In 2008, GLIFWC used COPS funding to purchase an incident command center trailer that will be used to provide a base for enforcement activities and to improve response to incidents that trigger joint law enforcement actions.

Emergency Response Equipment and Training: Each GLIFWC officer has completed and maintains certification as a First Responder and in the use of life saving portable defibrillators. Since 2003, GLIFWC officers have carried First Responder kits and portable defibrillators during their patrol of around 275,000 miles per year throughout the ceded territories. In remote, rural areas the ability of GLIFWC officers to respond to emergencies provides critical support of mutual aid agreements with federal, state, and local law enforcement agencies.

Ice Rescue Capabilities: Each GLIFWC officer maintains certification in ice rescue techniques and was provided a Coast Guard approved ice rescue suit. In addition, each of the patrol areas was provided a snowmobile and an ice rescue sled to participate in interagency ice rescue operations with county sheriffs departments and local fire departments.

Wilderness Search and Rescue Capabilities: Each GLIFWC officer completed Wilderness Search and Rescue training. The COPS Tribal Resources Grant Program also enabled GLIFWC to replace a number of vehicles that were purchased over a decade ago, including 10 ATV's and 16 patrol boats and the GPS navigation system on its 31-foot Lake Superior Patrol Boat. These vehicles are used for field patrol, cooperative law enforcement activities, and emergency response in the 1836, 1837 and 1842 ceded territories. GLIFWC officers also utilize these

vehicles for boater, ATV, and snowmobile safety classes taught on reservations as part of the Commission's Community Policing Strategy, providing critical outreach to tribal youth.

Hire, Train and Equip Three Additional Officers: Funding was contracted in FY 2003 to provide three additional officers to ensure tribes are able to meet obligations to both enforce off-reservation conservation codes and effectively participate in the myriad of mutual assistance networks located throughout a vast region covering 60,000 square miles. As required by the program, GLIFWC has absorbed the salary costs related to sustaining those positions, however COPS funding is needed now more than ever to sustain the other components of the program related to training and equipment.

Consistent with numerous other federal court rulings on the Chippewa treaties, the United States Supreme Court re-affirmed the existence of the Chippewa's treaty-guaranteed usufructuary rights in *Minnesota v. Mille Lacs Band*, 526 U.S. 172 (1999). As tribes have re-affirmed rights to harvest resources in the 1837 ceded territory of Minnesota, workloads have increased. In addition, a consent decree signed in 2007 will govern the exercise of treaty rights in inland portions of the 1836 ceded territory in Michigan, where one of GLIFWC's member tribes exercises treaty rights.

But for GLIFWC's COPS grants, this expanded workload, combined with staff shortages would have limited GLIFWC's effective participation in regional emergency services networks in Minnesota, Michigan and Wisconsin. The effectiveness of these mutual assistance networks is more critical than ever given: 1) national homeland security concerns, 2) state and local governmental fiscal shortfalls, 3) staffing shortages experienced by local police, fire, and ambulance departments due to the call up of National Guard and military reserve units, and 4) the need to cooperatively combat the spread of methamphetamine production in rural areas patrolled by GLIFWC conservation officers. Examples of the types of assistance provided by GLIFWC officers follow:

- As trained first responders, GLIFWC officers routinely respond to, and often are the first to arrive at, snowmobile accidents, heart attacks, hunting accidents, and automobile accidents (throughout the ceded territories) and provide sheriffs departments valuable assistance with natural disasters (e.g. floods in Ashland County and a tornado in Siren, Wisconsin).

- Search and rescue for lost hunters, fishermen, hikers, children, and the elderly (Sawyer, Ashland, Bayfield, Burnett, and Forest Counties in Wisconsin and Baraga, Chippewa, and Gogebic Counties in Michigan).

- Being among the first to arrive on the scene where officers from other agencies have been shot (Bayfield, Burnett, and Polk Counties in Wisconsin) and responding to weapons incidents (Ashland, Bayfield, Burnett, Sawyer, and Vilas Counties in Wisconsin).

- Use of a thermal imaging camera (purchased through the TRGP) to track an individual fleeing the scene of an accident (Sawyer County, Wisconsin).

- Completing snowmobile death investigations in cooperation with other agencies using skills learned through investigation training funded through the TRGP program (Vilas County),

- Organizing and participating in search and rescues of ice fishermen on Lake Superior (Ashland and Bayfield Counties in Wisconsin), Lake Superior boats (Baraga County in Michigan and with the U.S. Coast Guard in other parts of western Lake Superior), and kayakers (Bayfield County in Wisconsin).

In 2010, GLIFWC proposes to utilize DOJ TRGP funding to provide: 1) training to maintain law enforcement, first aid, and emergency rescue certifications, 2) specialized training in human tracking to support cooperative efforts with newly stationed Lake Superior border patrol agents and other agencies, 3) the capability to issue electronic tickets (e-tickets), and 4) equipment necessary to maintain officer safety and efficiency. TRGP resources will allow GLIFWC conservation officers to conduct essential cooperative conservation, law enforcement, and emergency response activities. We ask Congress to support a restoration of the DOJ COPS TRGP program to its FY 2010 level.

Benjamin N. Cardozo School of Law, Yeshiva University

WRITTEN TESTIMONY OF STEPHEN SALOOM, ESQ.
DIRECTOR OF POLICY, INNOCENCE PROJECT
ON THE FISCAL YEAR 2011 DEPARTMENT OF JUSTICE BUDGET
PREPARED FOR THE SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES OF THE COMMITTEE ON APPROPRIATIONS
U.S. HOUSE OF REPRESENTATIVES

On behalf of the Innocence Project, thank you for allowing me to submit testimony to the House Committee on Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies as it considers budget requests for fiscal year 2011. I write to request the continued funding of the following programs at the following levels:

- Paul Coverdell Forensic Science Improvement Grant Program (the "Coverdell Program") at $35 million through the National Institute of Justice (the "NIJ");
- Kirk Bloodsworth Postconviction DNA Testing Program (the "Bloodsworth Program") at $5 million through the NIJ;
- The Capital Litigation Improvement Grant Program at its current level of $5.5 million, so that the Wrongful Conviction Review Program may continue to be funded at its current level, $3.0 million, through the Bureau of Justice Assistance (the "BJA"); and
- The National Institute for Standards and Technology Preservation of Evidence Working Group (the "NIST Preservation Working Group") at $350,000 through the NIJ.

Further, I will discuss a concern with regard to block-granting these important programs.

As you may know, the Innocence Project represents convicted persons who seek to prove their innocence through post-conviction DNA testing. To date, 252 men and women have been exonerated by such testing nationwide. The mission of the Innocence Project is to free innocent people and prevent wrongful convictions through reform. Yet it is very important to note that this work has tremendous benefit for the public safety. There are two aspects to this. First, every time DNA identifies a wrongful conviction, it enables the identification of the real perpetrator of those crimes. Indeed, the true perpetrators have been identified in 106 of the DNA exoneration cases. What's more, the reforms that can prevent wrongful convictions are simply measures to enhance the accuracy of criminal investigations and prosecutions, and thus have the effect of enhancing criminal investigations and strengthening criminal prosecutions.

We recognize, through our work with Congress, that these dual benefits are well recognized by this body, and it has been our great pleasure to work closely with many of you on the very programs we're supporting in this testimony. I am writing to underscore the value of these programs to both safety and justice, and to request the continued funding of each of these critical programs in fiscal year 2011.

Barry C. Scheck, Esq. and Peter J. Neufeld, Esq., *Directors* **Maddy deLone, Esq.,** *Executive Director*
100 Fifth Avenue, 3rd Floor • New York, NY 10011 • Tel: 212/364-5340 • Fax: 212/364-5341

Coverdell Program

Recognizing the need for independent government investigations in the wake of forensic scandals, Congress created the forensic oversight provisions of the Coverdell Program, which provides state and local crime laboratories and other forensic facilities with much needed federal funds. Specifically, in the JFAA, Congress required that

> [t]o request a grant under this subchapter, a State or unit of local government shall submit to the Attorney General...a certification that *a government entity exists* and *an appropriate process is in place* to conduct *independent external investigations* into *allegations of serious negligence or misconduct substantially affecting the integrity of the forensic results* committed by employees or contractors of any forensic laboratory system, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility in the State that will receive a portion of the grant amount.[1]

The Innocence Project views the Congressional mandate under the Coverdell Program as a crucial step toward ensuring the integrity of forensic evidence. Unfortunately, however, because of administration problems at its outset, the Coverdell Program is only now beginning to reach its potential as a rigorous oversight mechanism. And now, more than ever, as forensic science budgets find themselves on the chopping block in state legislatures all over the country, their very survival may be dependent upon these federal funds. With such import and capacity for positive change, we ask that you continue to fund the Coverdell Program at, in the very least, its current level of $35 million.

Section 413 Programs

Congress, recognizing the critical importance of requiring that states receiving federal support for forensic DNA evidence enable the wrongfully convicted to prove their innocence through post-conviction DNA testing, created the "innocence incentive" requirements outlined in Section 413 of the JFAA. The four DNA programs covered by Section 413 are the following JFAA Sections:

- 303, DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers;
- 305, DNA Research and Development;
- 308, DNA Identification of Missing Persons; and
- 412, Kirk Bloodsworth Postconviction DNA Testing Grant Program.

Under Section 413, all of these programs specifically require that recipient states properly preserve biological evidence and allow post-conviction DNA testing. However, despite the good intentions and great promise of Section 413, the Bloodsworth Program is the only Section 413 program that has been funded pursuant to the Section 413 mandate.

Bloodsworth Program

The Bloodsworth Program provides hope to inmates who might otherwise have none by helping states more actively pursue post-conviction DNA testing for those who claim innocence. Tied to funding are those "innocence incentive" requirements discussed above. As we have testified to the House and Senate Judiciary Committees in the past, under President Bush, the NIJ moved

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[1] 42 U.S.C. § 3797k(4) (emphasis added).

very slowly and hesitantly on implementation of the Bloodsworth Program. Despite its authorization for five years, these monies were only disbursed in two of those years. The good news is that once these program funds began flowing, they had a solidly positive impact that led to even more success in the subsequent offering. Many organizational members of the national Innocence Network partnered with state agencies that have received Bloodsworth funding.[2] According to the Innocence Network's President, Keith Findley, the Bloodsworth Program

> will dramatically improve the ability of Innocence Network members to meet the tremendous need for post-conviction DNA testing. Many of the projects funded under the Bloodsworth Program will enable projects in various states to proactively search for and identify forcible rape, murder and non-negligent manslaughter cases in which DNA testing can prove guilt or innocence, but which are otherwise overlooked or hidden.[3]

It is worth noting that the Bloodsworth Program does not fund the work of Innocence Projects directly. In fact, the Office of Justice Programs has encouraged state applicants to draft proposals that fund a range of entities involved in settling innocence claims, from law enforcement agencies to crime laboratories. Additionally, the Bloodsworth Program has fostered the cooperation of innocence projects and state agencies. For example, with the $1,386,699.00 that Arizona was awarded for fiscal year 2008, the Arizona Justice Project, in conjunction with the Arizona Attorney General's Office, began the Post-Conviction DNA Testing Project. Together, they have canvassed the Arizona inmate population, reviewed cases, worked to locate evidence and filed joint requests with the court to have evidence released for DNA testing. In addition to identifying the innocent, Arizona Attorney General Terry Goddard has noted that the "grant enables [his] office to support local prosecutors and ensure that those who have committed violent crimes are identified and behind bars."[4] Such joint efforts have followed in Connecticut, Louisiana, Minnesota, North Carolina and Wisconsin.

The Bloodsworth Program will continue to be vital to states' work in providing meaningful post-conviction review of innocence claims. As such, we ask that you continue to fund the Bloodsworth Program at its current funding level of $5 million.

Wrongful Conviction Review Program

Particularly when DNA isn't available, or when it alone isn't enough to prove innocence, those innocents languishing behind bars require expert representation to help navigate the complex issues that invariably arise in their bids for post-conviction relief. And the need for such representation is enormous when only a small fraction of cases involve evidence that could be subjected to DNA testing (for example, it is estimated that even among murders, only 10% of cases have the kind of evidence that could be DNA tested). Realizing the imperative presented by such cases, the BJA carved-out of its Capital Case Litigation Initiative funding to create the Wrongful Prosecution Review (now the Wrongful Conviction Review) discretionary grant program.[5] The program provides applicants—non-profits and public defender offices dedicated

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[2] The Innocence Network is an affiliation of organizations dedicated to providing pro bono legal and investigative services to individuals seeking to prove innocence of crimes for which they have been convicted and working to redress the causes of wrongful convictions.

[3] Strengthening Our Criminal Justice System: Extending the Innocence Protection Act. 111th Cong., 1st Sess., 10 (2009) (testimony of Keith Findley, President of the Innocence Network).

[4] Arizona receives federal DNA grant, http://community.law.asu.edu/news/19167/Arizona-receives-federal-DNA-grant.htm (last visited Mar. 17, 2010).

[5] Reauthorization of the Innocence Protection Act. 111th Cong., 1st Sess., 8 (2009) (testimony of Lynn Overmann,

to exonerating the innocent—with funds geared towards providing high quality and efficient representation for potentially wrongfully convicted defendants in post-conviction claims of innocence. Eleven offices in ten states received a total of $2,475,285.00 for fiscal year 2009.

The program's goals, in addition to exonerating the innocent, are significant: to alleviate burdens placed on the criminal justice system through costly and prolonged post-conviction litigation and to identify, whenever possible, the actual perpetrator of the crime. Above all, though, this program forms a considerable piece of the comprehensive federal package of innocence protection measures created in recent years; without it, a great deal of innocence claims might otherwise fall through the cracks. Accordingly, we urge you to re-appropriate the Capital Litigation Improvement Grant Program at its current level of $5.5 million, so that the Wrongful Conviction Review Program may continue to be funded at its current level through the BJA.

NIST Preservation Working Group

The need for the NIST Preservation Working Group is particularly pressing as outdated policies and practices still fail to consider the power of DNA in biological evidence. And, while many state legislators have expressed a desire to more effectively and efficiently preserve evidence to harness the probative power of DNA, they find themselves unable to secure the information necessary to do so. Failures in preservation practice can frustrate even the most aggressive efforts to solve active cases and cold cases or the quests of the wrongfully convicted to prove their innocence.

With funds recently disbursed by the NIJ, the NIST Preservation Working Group is currently being formed. Its first meeting is tentatively scheduled for June 2010, when the group will gather to begin its critical work towards identifying and recommending best practices for the preservation of biological evidence. According to Sue Ballou of NIST, generally, $60,000 covers a meeting of 25 attendees. The $250,000 will cover labor costs as well as travel, per diem and other costs for all invitees to the year's meetings, which will number at least three. However, Ms. Ballou estimates that $350,000 would enable the group to more quickly and thoroughly complete its critically important mandate of educating the states on the proper preservation of evidence. As such, we ask that Congress provide funding to the NIJ sufficient for the disbursement of $350,000 for fiscal year 2011 so that the NIST Preservation Working Group may carry on with its work – so that "the discovery of preserved biological evidence – to protect the innocent and the public at large – will no longer have to rely on serendipity and happenstance."[6]

An Additional Note on the Department of Justice's Requested Budget for FY 2011

The Department of Justice's fiscal year 2011 budget request appears to do away with many of the above programs as separate programs; instead, it seems to advocate providing a blanket $150 million for what is termed "DNA Initiative."[7]

We are particularly concerned about the impact that block-granting the above programs will have on the requirement incentives that the Bloodsworth Program and the Wrongful Conviction

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Senior Advisor, Office of Justice Programs).

[6] Reauthorization and Improvement of DNA Initiatives of the Justice for All Act of 2004. 110th Cong., 2d Sess., 27 (2008) (testimony of Peter Neufeld, Esq.).

[7] U.S. Department of Justice, FY 2011 Budget Request Factsheet, pp. 13, 15. http://www.justice.gov/jmd/2011factsheets/pdf/law-enforcement.pdf.

Review Program currently provide for states to prevent wrongful convictions and otherwise ensure the integrity of evidence.[8] These incentives have proven significant for the advancement of state policies to prevent wrongful convictions.

To the extent these incentives would no longer exist, or be diminished, if delivered in block grant form, the Innocence Project would recommend that they not be so delivered and that Congress maintain and fund the individual programs in order to preserve their important incentive and performance requirements. Doing away with these requirements would thwart the original intent of the JFAA, which was to provide funding only to states that demonstrate a commitment to preventing wrongful convictions in those areas. Should these innocence protection requirements of the above programs remain in full force and in all instances despite a change to block grants, however, this specific issue will no longer be of concern.

Conclusion

Thank you for your time and consideration of these important programs, and the opportunity to submit testimony. We look forward to working with the Committee this year.

[8] Of course, the other Section 413 Programs once reauthorized and appropriated under Section 413 will add to these incentives.

Statement of Albert F. Brandel on behalf of Lions Clubs International
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Lions Clubs International Foundation – Commerce, Justice, State Priorities 2010 Juvenile Justice Programs

Statement of Albert F. Brandel
Chairperson, Lions Clubs International Foundation
Immediate Past International President, Lions Clubs International

Before the U.S. House Subcommittee on Commerce, Justice, Science and Related Agencies

April 14, 2010

I would like to begin by thanking Chairman Alan Mollohan, Ranking Member Frank Wolf and members of this distinguished panel for the opportunity to provide testimony on juvenile justice spending priorities before the Commerce, Justice, Science and Related Agencies Subcommittee. The topic of my testimony today is specifically positive youth development issues, and to share Lions Clubs success with anti-drug and other critical campaigns through our signature program, "Lions Quest."

I would also like to thank the subcommittee for its careful consideration of programs that address juveniles in crisis from violent, chronic offenders to victims of abuse and neglect. While an active police officer with the Nassau County Police Department, I was assigned to the Juvenile Aid Bureau and observed the need for programs that provide services to juveniles in crisis. I know firsthand how critical these issues are for our nation. That is why I stand in strong support of full-funding for programs at the Justice Department's Office of Juvenile Justice and Delinquency Prevention (OJJDP) designed to meet these challenges. Lions Clubs own youth service programs generally work in ways that are similar and complementary to OJJDP programs as we collaborate with professionals from diverse backgrounds to improve youth policies and practices.

As Immediate Past President of Lions Clubs International, I represent the largest and most effective NGO service organization presence in the world. Awarded and recognized as the #1 NGO organization for partnership globally by The Financial Times 2007, Lions Clubs International also holds the highest four star (highest) rating from the CharityNavigator.com (an independent review organization).

Lions and its official charity arm, Lions Clubs International Foundation (LCIF), have been world leaders in serving the vision, hearing, youth development, and disability needs of millions of people in America and around the world, and we work closely with other NGOs to accomplish our common service goals. Since LCIF was founded in 1968, it has awarded more than 9,000 grants, totaling more than US $640 million for service projects.

Soon after its founding in Chicago in 1917, Lions Clubs became a service-oriented "export" to the World. Our current 1.3 million-member global membership, representing over 200 countries, serves communities through the following ways: protect and preserve sight; provide disaster relief; combat disability; promote health; and serve youth. The 14,000 individual Lions Clubs representing 400,000 individual citizens in North America are constantly expanding to add new programs its volunteers are working to bring health services to as many communities as possible.

Today's youth face many complex challenges to their well-being that often lead to alcohol and drug use, violence, truancy, and bullying. That is why our youth services component represents 22% of Lions Clubs implemented activities. These "Lions Quest" programs provide a format for children to make good decisions and an improved quality of life for people across the nation. Not only does LCIF work with key partners in developing and implementing effective programs for juveniles, but we provide training initiatives and volunteer hours, disseminate information about juvenile justice issues, and award funds for local clubs to support their programs.

Lions Quest has been a prominent part of school-based K-12 programs since 1984. Fulfilling its mission to teach responsible decision-making, effective communications and drug prevention, Lions Quest has been involved in training more than 350,000 educators and other adults to provide services for over 11 million youth in programs covering 43 states. LCIF currently invests more than $2 million annually in supporting life skills training and service learning, and that funding is matched by local Lions, schools, and other partners.

The program has drawn positive reviews from educators and high ratings from government agencies. Over the past 25 years, the program developer, school districts, universities, and independent research firms have conducted program evaluations. Results show improved achievement test scores; change in knowledge, attitudes, and beliefs regarding substance abuse and violence; lower rates of disciplinary problems; lower risk of dropping out of school; as well as decreased use of alcohol, tobacco and other drugs.

Lions Quest curricula incorporate parent and community involvement in the development of health and responsible young people in the areas of: life skills development (see social and emotional learning section below), character education, drug prevention, service learning, and bullying prevention. There is even a physical fitness component to this program that can assist Federal goals of reducing obesity in school-aged children.

Social and Emotional Learning Programs

Social and emotional learning (SEL) contribute to the social and emotional development of youth, and they also provide invaluable support to school-aged childrens' school success, health, well-being, peer and family relationships, and citizenship. While still conducting scientific research and reviewing the best available science evidence, over time Lions Clubs and its SEL partners have increasingly worked to provide SEL practitioners, trainers and school administrators with the guidelines, tools, informational resources, policies, training, and support they need to improve and expand SEL programming.

Overall, SEL training programs and curricula have outstanding benefits for school-aged children:

- SEL *prevents* a variety of problems such as alcohol and drug use, violence, truancy, and bullying. SEL programs for urban youth emphasize the importance of cooperation and teamwork.
- Positive outcomes increase in students who are involved in social and emotional learning programming by an average of *11 percentile points* over other students.
- With greater social and emotional desire to learn and commit to schoolwork, participants benefit from improved attendance, graduation rates, grades, and test scores. Students become caring, concerned members of their communities.

The Bank of America Foundation recently partnered with the Lions Quest program to support growth in Chicago public schools. Lions Quest has a positive presence in this schools system, a critical at-risk region where the high school graduation rate of just over 50 percent, more than 83 percent of students are low income, and less than two-thirds of high school students met or exceeded standards for their grade level. By reaching out to these high-risk students in Chicago and

many other urban and rural areas, LCIF and Bank of America are helping reverse some of these trends on a school-by-school basis.

Positive Youth Development -- Lions Partnerships

Lions Clubs International has cultivated a variety of partnerships from Habitat for Humanity, Special Olympics, the U.S. National Eye Institute, Service Nation and many others. With respect to youth services, there are a few partnerships that area particularly crucial to our efforts:

Community Anti-Drug Coalition of America (CADCA) -- In 2007, Lions Quest began a relationship with the Character Education Partnership (CEP) to bring workshops with CEP's framework and Lions Quest lessons to schools and partnered with and became a member organization of the Community Anti-Drug Coalition of America (CADCA). CEP's mission of quality character education and ethical citizenship and excellence is accomplished through developing cultures that "foster and reinforce core values such as honesty, respect, responsibility and diligence" and "modeling social, ethical, and emotional competencies, they contribute to their own success and to the success of others."

Collaborative for Academic, Social and Emotional Learing (CASEL) -- Lions Quest has a crucial partner in its mission to decrease drug use, improve responsibility for students own behavior, as well as foster stronger decision-making skills and test scores in math and reading. In August 2002, Lions Quest received the highest "Select" ranking from the University of Illinois at Chicago-based Collaborative for Academic, Social and Emotional Learning (CASEL) for meeting standards in life skills education, evidence of effectiveness and exemplary professional development.

Federal Government -- Lions Quest has extensive experience with Federal programs. Lions Quest Skills for Adolescence received a "Promising Program" rating from the U.S. Department of Education Safe and Drug Free Schools and a "Model" rating from the U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA).

Lions Quest also has extensive experience of partnering with state service commissions to reach more schools and engage more young people in service learning. Successful partnerships have been active in Michigan, New York, Oklahoma, Tennessee and West Virginia with progress being made in Texas and Ohio.

Conclusion

Lions Clubs remains committed to its youth activities aimed at improving the lives of school-aged children. As the unemployment remains high across the nation, we face particularly acute challenges in the youth sector. By implementing these positive youth development programs that prevent delinquency and substance abuse, youth can become more engaged in helping their communities. The success of non-profit entities such as Lions Clubs, working to support and complement local and national youth development programs, provide an extra ray of hope for today's most vulnerable young people. Lions Clubs International looks forward to working with you and your colleagues on taking up these important challenges.

About Albert F. Brandel

Albert F. Brandel of Melville, New York, USA, was elected president of The International Association of Lions Clubs at the association's 91st International Convention, held in Bangkok, Thailand, June 23-27, 2008.

He is a retired police detective. For many years he investigated child abuse and neglect, juvenile delinquency, domestic violence involving children and missing children. He has also served as a presenter and panelist at USA/Canada Lions Leadership Forums. He worked with the Long Island Lions Eye Bank as a transporter and has been the Lions Representative to UNICEF in New York for 10 years. He helped coordinate Lions relief efforts at the World Trade Center following September 11, 2001.

Statement of Bruce J. Stedman, Executive Director of the
Marine Fish Conservation Network
For the Record of the
House Subcommittee for Commerce, Justice, Science, and Related Agencies
Of the House Appropriations Committee
Regarding the FY 2011 Budget
For the National Oceanic and Atmospheric Administration

February 11, 2010

On behalf of the nearly 200 member groups nationally who are dedicated to conserving marine fish and achieving sustainable fisheries, the Marine Fish Conservation Network (Network) submits the following testimony for the record on the Fiscal Year (FY) 2011 budget for National. Marine Fisheries Service (NMFS) within the National Oceanic and Atmospheric Administration (NOAA), Department of Commerce. For FY 2011, the Network is asking the Subcommittee to increase funding for core fisheries conservation and management programs **$62** million above the amount provided to NMFS in the Omnibus Appropriations Act of 2010, in the following program areas (Table 1):

Table 1. – Core Fisheries Research and Management programs supporting implementation of the MSA's overfishing, bycatch reduction and habitat conservation mandates

	FY 2009 Omnibus Appropriations Enacted	**FY 2010 Omnibus Appropriations Enacted**	**MFCN FY 2011 Request**
	Millions U.S. $	Millions U.S. $	Millions U.S. $
Expand Annual Stock Assessments – Improve Data	41.0	50.9	60.0
Survey and Monitoring Projects	17.5	23.7	30.0
Fisheries Statistics	15.8	21.0	32.0
Enforcement	56.4	65.6	66.5
Observers/Training	32.7	41.0	60.0
Fisheries Cooperative Research	11.5	17.5	20.0
Reducing Bycatch	3.4	3.4	10.0
Reduce Fishery Impacts on Essential Fish Habitat	0.51	0.53	5.0
Fish Information Networks	22.0	22.0	22.0
Economics and Social Sciences Research	7.4	10.7	11.0
Regional Councils and Fisheries Commissions	27.8	31.8	32.1

Ending overfishing and preventing its reoccurrence was the highest priority of the reauthorized Magnuson-Stevens Act of 2006 (MSRA), signed into law in January 2007. Effective and full

implementation of the mandate to end overfishing requires significant increases in funding for core fisheries research and management programs supporting implementation of annual catch limits (ACLs) and accountability measures (AMs) – especially the data collection components of the budget involving resource surveys, fisheries catch monitoring and stock assessment development. Further discussion of selected funding recommendations is provided below.

- **Expand Annual Stock Assessments/Improve Data Collection**

FY2011 Request: $60,000,000

The expanded requirements of the MSRA of 2006 for ACLs in all U.S. fisheries increase the need for fisheries data and stock assessments compared to past years. Quantitative stock assessments provide the scientific and technical basis for setting numerical catch limits that avoid overfishing. Absent significant new funding for stock assessment development, many fishery ACLs will be determined without assessments or using assessments that are infrequently updated. Without a current knowledge base and more data, fishery managers will have to set ACLs lower to account for the high degree of uncertainty in estimates. Thus, funding to improve stock assessments increases certainty and therefore may allow increased fishing opportunities.

The Omnibus Appropriations Act of 2010 funds this program at NOAA's requested FY 2010 level of $50.9 million. While we welcome and support the increase in funding, it is not sufficient to achieve the agency's goal of developing stock assessments for all 230 major stocks in the Fish Stock Sustainability Index (FSSI). A funding level of at least $60 million for expanded stock assessment development in FY 2011 is needed to ramp up the capacity to provide stock assessments for all 230 major fish stocks in the FSSI, for the following reasons. Based on analysis in the NOAA budget request from recent years, only 128 of the 230 major stocks in the FSSI were considered to have adequate assessments in 2007. Personal communications with NMFS scientists indicate that it costs approximately $1 million per stock assessment; therefore it will take approximately $100 million in additional funding to develop assessments for all 230 FSSI stocks.[1] NOAA has sought modest budget increases for expanding stock assessments in recent years, but its own analysis indicates that the number of major stocks with adequate assessments would increase only marginally over five years to 2014 and that less than 60% of the 230 stocks in the FSSI would have adequate assessments through FY 2014 if funding remained level at the requested amount.[2]

- **Survey and Monitoring Projects**

FY2011 Request: $30,000,000

In the Omnibus Appropriations Act of 2009, funding for critical survey and monitoring projects was reduced from NOAA's FY 2009 budget request of $23 million to $17.5 million. The President's FY 2010 budget request and the enacted FY 2010 budget restore funding to the

[1] The 230 FSSI stocks represent less than half of the stocks reported to Congress annually but comprise a large (>90%) share of the total annual catch.
[2] See NOAA FY 2010 Budget Request (Blue Book), Exhibit 13, pp. 215-217.

agency's FY 2009 requested level in recognition of the fact that this activity provides essential data needed for developing and updating stock assessments. Nevertheless, many regions will continue to experience chronic underfunding of basic data collection (both resource surveys and fishery catch sampling and monitoring) to support stock assessment development, thus we recommend that FY 2011 funding for this program should be increased to at least $30 million in order to support increased collection of catch data and expanded stock assessment development in all regions, for both commercial and recreational fisheries.

- **Fisheries Statistics**

FY2011 Request: $32,068,000

The Omnibus Appropriations Act of 2010 funds this program at NOAA's requested FY 2010 level of $21 million, but additional funding will be necessary to support an improved and expanded recreational fisheries statistics survey program and other data-collection activities related to implementation of the MSRA. For instance, dedicated funding estimated by NMFS at $20 million per year is needed to manage recreational fisheries effectively and fully implement the Marine Recreational Information Program (MRIP). Increased funding for this program will improve data on recreational fishing participation by expanding the National Registry to state and federal waters. However, the program is not designed to provide timely in-season data needed to prevent the fisheries from exceeding annual catch limits. Therefore, we urge the Subcommittee to address this shortcoming and provide funding for a recreational fishery data collection system that expands sampling and electronic reporting programs in recreational fisheries and prioritizes the timely collection and analysis of recreational catch data. As part of a stepwise effort to ramp up funding to achieve these objectives and ensure full implementation, we recommend a funding level of at least $32 million for FY 2011, reflecting an increase of $11 million over the enacted FY 2010 level in order to raise funding for the MRIP from $9 million to $20 million.

- **Fisheries Enforcement**

FY2011 Request: $66,500,000

The Omnibus Appropriations Act of 2009 funds this program at NOAA's requested FY 2010 level of $65 million – 15% higher than the enacted FY 2009 funding level of $56.4 million. This includes additional funding for the Enforcement and Surveillance budget line to address Illegal, Unregulated and Unreported (IUU) fishing on the high seas as required by the MSRA of 2006. While we support recent increases in funding for enforcement, the new MSRA requirements will require even greater commitments of funding in order to ensure compliance with annual catch limits and other management objectives in *all* regions and fisheries. We support the President's FY 2011 request of $66.5 million, but we anticipate the need for future increases to this program to support the expanded deployment of cost-effective technologies such as vessel-monitoring systems (VMS) on U.S. fishing vessels, as recommended by the U.S. Commission on Ocean Policy (2004).

- **Fishery Observers and Training**

FY2011 Request: $60,000,000

The Omnibus Appropriations Act of 2010 provides $41 million to the national observer program, slightly above NOAA's requested FY 2010 level of $38 million. Current funding levels support at-sea observer programs in 40 fisheries nationwide, only 23 of which are considered by NMFS to have adequate levels of observer coverage. The agency's goal for observer coverage is approximately 85 fisheries, based on a list of fisheries prioritized for observer coverage in the 2004 national bycatch report.[3] In other words, *NMFS is currently able to deploy observers in less than half of the fisheries that the agency has determined to be in need of coverage, and is only able to provide adequate coverage in about one-quarter of those fisheries*. Therefore we strongly object to the Administration's FY 2011 request to cut $3 million from the FY 2010 enacted funding level for Observers.[4]Although the agency has not provided an estimate of how much additional funding is needed to meet its goals for coverage via the national observer program, we estimate that the NMFS observer budget will need to be approximately doubled in order to ensure that the national program can provide effective administration, data quality control, and training to all new observers. These increases will also create jobs for an expanded professional observer corps.

- **Cooperative Research**

FY2011 Request: $20,000,000

The Omnibus Appropriations Act of 2010 funds this program at NOAA's requested FY 2010 level of $17.5 million to expand a national cooperative research and management program involving fishermen in the collection of fisheries data to improve stock assessments, estimates of bycatch, and other information. Cooperative Research funding will support additional fish assessments, and increase the amount of data collected on bycatch and mortality. It will also fund partnerships that involve key stakeholders, lead to more well-informed and supportive fishing communities, and create employment opportunities in these communities. Therefore we are concerned that the Administration's FY 2011 request would cut approximately $6 million from the FY 2010 enacted funding level for Cooperative Research and would reallocate those funds to the development of "catch share" programs.[5] Substantial new opportunities for cooperative research remain untapped and therefore we recommend a net increase of $2.5 million from the enacted FY 2010 level for a total budget of $20 million in FY 2011.

- **Bycatch Monitoring and Reduction**

FY2011 Request: $10,000,000

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[3] See NOAA FY 2010 Budget Request (Blue Book), Exhibit 13, p. 245. The full list of fisheries prioritized for observer coverage in 2004 can be found in: U.S. Dep. of Commerce/NOAA/NMFS, *Evaluating Bycatch: A National Approach to Standardized Bycatch Monitoring Programs*, NOAA Technical Memorandum NMFS-F/SPO-66, October 2004. 108 p.

[4] See President's Budget, Congressional Submission, Exhibit 13, p. 195.

[5] See President's Budget, Congressional Submission, Exhibit 13, p. 159.

The Omnibus Appropriations Act of 2010 funds this program at NOAA's requested FY 2010 level of $3.39 million, but this level of funding is woefully inadequate to address the scope of the problem. Greater funding is needed to develop and test bycatch reduction technologies, to support cooperative research opportunities with fishermen, and to collect and process reliable fisheries bycatch information for use in stock assessments and management decision-making. The Network recommends that Congress provide at least $10 million in FY 2011 for the Bycatch Reduction Initiative as part of a plan to ramp up program funding toward the $30 million per year level recommended by the U.S. Commission on Ocean Policy.[6]

- **Reduce Fishing Impacts on Essential Fish Habitat (EFH)**

  FY2011 Request: $5,000,000

The Omnibus Appropriations Act of 2010 funds this program at NOAA's requested FY 2010 level of $0.53 million, but this critical element of sustainable fisheries management has been severely underfunded in recent years. The Magnuson-Stevens Act of 1996 gave fishery managers a clear mandate to identify and protect EFH, but the low level of funding for this line item speaks to the low priority currently given to this program area. A higher level of funding is necessary to identify and conserve vulnerable EFH. Healthy fish habitat is an essential precondition for rebuilding overfished stocks and sustaining fisheries over the long-term. Program funding should reflect that importance. The Network recommends that Congress provide no less than $5 million in FY 2011 for EFH conservation and management as part of a plan to ramp up program funding toward the $15 million per year level recommended by the U.S. Commission on Ocean Policy.[7]

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All of these programs complement each other and work together to meet the requirements of the MSRA for accurate, timely data that support implementation of ACLs aimed at ending overfishing and rebuilding overfished stocks. The focus of these programs is to improve data collection, monitor compliance with catch and bycatch limits, expand the development of stock assessments, and conserve essential fish habitats – activities which form the backbone of sustainable management of America's valuable fish species.

However, we urge the Subcommittee to reject the Administration's proposed FY 2011 cuts to the fishery observer program line and reject the shifting of funds from the cooperative research program to the "catch shares" program line. The development of new catch share programs under the terms of the MSA's limited access privilege program (LAPP) provisions should not come at the expense of programs which are essential for the sustainable management of the nation's fisheries and which also require funding increases.

Thank you for considering our request.

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[6] See USCOP 2004: Table 30.1; Appendix G.
[7] USCOP 2004: Table 30.1; Appendix G.

31 March 2010

Captain , USN (ret.); pilot-astronaut
Independent Aerospace Consultant

House Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies. This testimony concerns the Government Fiscal Year 2011 Budget for the National Aeronautics and Space Administration (NASA), specifically relating to the cancellation of the CONSTELLATION Program and the $1.9 billion in GFY 2011 and $600 million in GFY 2012 funds allocated for the termination thereof, as well as the missing funds for otherwise ongoing program operations.

While on active duty in the United States Navy, it was my pleasure and honor to serve for 24 years as an astronaut assigned to the NASA Johnson Space Center, Houston, TX. I made two spaceflights aboard the Space Shuttle, STS 41-B, being the first to fly the Manned Maneuvering Unit freely in space, and STS-31, participating in the development and deployment of the Hubble Space Telescope. For anyone wishing to access it, my official NASA biography is available online at http://www.jsc.nasa.gov/Bios/htmlbios/mccandless-b.html . Since retiring from the Navy with 32 years of active commissioned service, and leaving NASA, I have worked for the then Martin Marietta Aerospace Group, now Lockheed Martin Space Systems Company, Denver, CO, in assorted mid-level management positions. I retired from Lockheed Martin at the end of March, 2005, and was subsequently re-hired on a "casual" basis – an hourly part-time/on-call arrangement – within the Sensing & Exploration Systems Product Area, which ***does not*** have cognizance over the ORION efforts.

The opinions stated herein are my own, and do not necessarily reflect the positions of Lockheed Martin or of NASA.

"The journey of a thousand miles starts with a single step, but is never completed if one returns to his starting point every evening."

Bruce McCandless II
- 2009

On the evening of July 20th, 1969, I was fortunate to be the CAPCOM (communicator) in NASA's Houston Mission Control working with the Apollo 11 crew on the moon, and with President Nixon in congratulating them. Twenty years later, to the day, I stood on the National Mall in front of the National Air and Space Museum and watched and listened to President Bush-41 as he firmly committed our nation to returning to the moon

and going on to Mars, within 30 years – which would be the year 2019. On January 14, 2004, I watched on NASA Television as President Bush-43 unveiled his vision for manned spaceflight featuring the Crew Exploration Vehicle, later to be named "ORION," as an element of the CONSTELLATION Program. Coming, as it did, on the heels of the COLUMBIA Accident Investigation Board recommendation (R9.2-1) to not fly the Space Shuttle beyond 2010 without recertification, I took this as a sort of ***quid pro quo*** – yield gracefully on flying the Shuttle, and we'll press on to bigger and better things in the immediate future! For all its capabilities, the Shuttle Orbiter does have a mass of 100 tons, 200,000 pounds, in low earth orbit (LEO) with a crew and normal consumables, but no payload – with our current technologies, that's too heavy to go to the moon. And, the Orbiter's thermal protection system could not handle the higher velocities associated with a direct return lunar mission. In this context it is worth remembering that several of the Orbiter's key (and burdensome) design requirements, such as the sixty-foot long Payload Bay, the 1200 mile (aerodynamic) cross range capability, and the West Coast launch requirements, originated not with NASA, but from other Government agencies.

AND, let us not forget the ***raison d' être*** of the Space Shuttle – we, as engineers, taxpayers, and citizens had tired of seeing all but 11,000 pounds of a 6.7 million pound SATURN V vehicle thrown away. Eleven large rocket engines, state of the art redundant computers, electronics, a lunar module, a service module, an escape rocket, and several tank assemblies were all "expended" during every Apollo lunar mission. For six lunar landings, SKYLAB and the Apollo-Soyuz Test Project, we used up fifteen Command Modules, recovering, but never reusing them after immersion in sea water. The Space Shuttle was designed for maximum reusability of its elements. As finalized, only the relatively unsophisticated External Tank (ET) was expended each mission. On completion, the Shuttle Program will have successfully completed 132 missions, utilizing a total of six Orbiters (including the atmospheric flight test unit, ENTERPRISE) – an average of over 26 missions each for the orbital units!

The proposed cancellation of the CONSTELLATION Program is especially vexing coming on the heels, as it does, of so many previously aborted manned programs. NASA has compiled a truly abysmal record, with lots of help from the *administration du jour*, cancelling after significant investment in each: National Aerospace Plane, Supersonic Transport, SP-100 nuclear reactor, Space Launch Initiative, Orbital Space Plane, X-33/VentureStar®, Assured Crew Return Vehicle, Crew Return Vehicle, Space Transportation Architecture Studies-I, -II, -III, most Shuttle Upgrades, and (Shuttle) Liquid Flyback Booster, ... to name a few.

CONSTELLATION is not "just like Apollo"; it is NOT "Apollo on steroids" – no matter how "catchy" that unfortunate simile. CONSTELLATION was structured to support the ***totally unmanned*** dispatch to and precision landing upon the moon of major items of equipment, supplies, and modules (*e.g.*, habitat "living quarters" and

support systems buildings). It was also designed to provide a ***very safe*** mode of transporting humans to and from the ISS (6 at a time), to/from the moon (4 at a time), and with additional equipment to/from Mars.

With all the discussion about building a "new, big booster" to carry humans back to the moon, we need to remember that the Ares I launch vehicle was ***intentionally specified as a small vehicle*** in order to minimize the mass of potentially explosive propellants immediately beneath the crew during launch! I admit to a personal bias against riding a solid rocket booster due to the difficulty in controlling the combustion process once ignited. However, such concern can be mitigated by the incorporation of a highly capable escape system, an excellent example of which is well under development as a part of the ORION crew vehicle.

The criticism that CONSTELLATION would take astronauts to the moon in the same way as APOLLO is likewise specious. The laws of physics in general, and of orbital mechanics in particular, are unchanging. No matter what the Congress does, these laws are not subject to repeal or modification! Given that, the relatively unchanged relationship between the Earth and our moon, and the fact that the APOLLO planners were extremely intelligent individuals, their general approach is still the best way to design a lunar mission. Note that the end of the APOLLO lunar missions did not occur because the interesting science had been exhausted; we had barely scratched the surface, with the high latitude / polar regions and the "back side" totally unexplored. Rather it was a combination of diminishing returns in the demonstration of further technological triumph over the Soviet Union *vs.* the risk of a face-losing accident, the chagrin at the high cost per mission for these almost completely expendable vehicles, and, in my opinion, the lack of finesse with which the NASA conducted its relations with then-President Richard Nixon.

The conversion of the CONSTELLATION Program into a research and development (R&D) effort is akin to the legislative tactic known as "referral to committee." At that point it is unclear what the future holds. Research and development that is not tied to a program and to milestones tends to drift, and is subject to being funded in "dribs and drabs"; whatever is convenient in the budget under consideration can be shown to be acceptable. In 1985 I worked on the Space Station FREEDOM program. At one point we had approximately 450 distinct R&D contracts averaging about $1 million apiece in progress, casting around for striking new technologies to be incorporated into the program – and going nowhere. It was not until the pressure of an international commitment, especially with the Russians, that NASA was forced to converge on a specific design, and to focus on bringing that to fruition.

In addition to the philosophical aspects of R&D, I am also concerned about some of the specifics. For example, the development of "new propellants" has a nice ring to it, but, when you qualify it as "new environmentally safe propellants," the field is

considerably constricted. The liquid oxygen + liquid hydrogen (LO_2 + LH_2) used in the Space Shuttle Main Engines (SSME's) is about as benign as you can get; they produce water vapor as the combustion product, and nothing else. The SSME's boast a specific impulse of about 450 seconds – think of it as analogous to "miles per gallon" in motor vehicles – and are very close to being "as good as you can get." Advanced propellants such as liquid fluorine + liquid hydrogen, liquid fluorine + molten lithium, and liquid ozone + liquid hydrogen were extensively investigated in the 1970's. All gave moderate increases in "mileage" over LO_2 + LH_2, but had noxious side effects; such as, the emission of hydrofluoric acid gas that etches glass, mildly toxic lithium fluoride byproducts, or the tendency to decompose unexpectedly and violently.

Engines for use in "booster" or first stage propulsion have a somewhat different basis for selection. Here sheer thrust level is more important than maximum specific impulse, in order to get the vehicle up off of the launch pad at its maximum gross weight and through the sensible atmosphere. For this reason high thrust configurations such as the solid propellant SRB and the LO_2 + kerosene RD-180 Russian engine are popular. But instead of developing our own, recall that the original Energomash contract, approved by Pres. Boris Yeltsin during his visit to Denver with the G8 in 1993 covered the purchase of 101 engines at a fixed price, ***and the transfer of technology*** to enable production of such engines inside the United States within four years. This capability was never realized, but the legal basis is there and should be investigated further to see if would help to solve NASA's needs. If a more powerful engine is needed, the RD-180 predecessor, the RD-170, delivers twice the thrust with many of the same components.

Even if CONSTELLATION should be cancelled, there is no reason why the ORION module(s), which are well along in development to NASA's stringent human-rating requirements, should not be brought into production – and sale to COTS (Commercial Orbital Transportation Services) providers. A brief glance at the commercial airline industry reveals that the aircraft manufacturers are not the operators! They learned long ago to avoid competing with their customers. The COTS operators can buy (or obtain as Government Furnished Equipment (GFE)) the ORION modules, build or buy launch vehicles, hire and train "company astronauts" to NASA or FAA standards, and start carrying passengers to/from the ISS. What the COTS operators really need now is "bankable" anchor tenancy contracts – binding contracts from NASA agreeing, upon demonstration of capability, to purchase a certain number of such passenger carrying flights per year at a specified price for an extended period of time, say fifteen years. In the past NASA, even though granted "special powers" in the National Aeronautics and Space Act of 1958, has demurred, hiding behind the Anti-Deficiency Act. The threat of competition from the Shuttle has further spoiled the commercial prospects.

Once well clear of the Earth's atmosphere, the quest for new means of propulsion makes eminent sense. I would propose as a worthy new National Goal the follow-

ing: Develop and operate a mid-solar-system "cruiser" with propulsion having a ten-fold increase in specific impulse over current state-of-the-art chemical systems. Such a cruiser would enable compliance with the recommendation of the Second Augustine Commission that we ***develop the means first***, and ***later select the destination(s)***. It would have the capability to proceed orbit-to-orbit to Venus, Mars and its moons, Jupiter and many asteroids. Such increase in propulsive performance virtually demands the use of nuclear fission, precluding responsible operation within the Earth's atmosphere. Thus, the ORION, Shuttle, or similar vehicle is still needed to bring the crew up to LEO, and to return them home at the end of their mission. Instead of spending billions of dollars to stop work in progress, let us bring it to maturity and into service.

This would not be the first use of nuclear reactors in space – far from it – in fact thirty-one of them, 30 derelicts from old Soviet RADAR Ocean Reconnaissance Satellites (ROR-Sats) are still up there! The U. S. launched one, SNAP-10A (System for Nuclear Auxiliary Power – in 1965), which had a successful but prematurely terminated life, and it is still in orbit as well. More recently the Project Prometheus/JIMO (Jupiter Icy Moons Orbiter) program made it into Phase B, with a contract awarded to Northrop-Grumman / TRW / Bureau of Naval Reactors, before termination shortly after the 2005 departure of nuclear fission advocate and NASA Administrator Sean O'Keefe. Properly implemented. such use of nuclear fission power will transform the nature of space travel from custom-designed systems for a specific journey with narrow propellant margins into multi-missions systems with great flexibility and ample margins. Doubters need only look, for example and for inspiration, at the U. S. Navy submarine service – transformed by the switch ***from*** air breathing Diesel engines and storage batteries ***to*** nuclear fission steam plants from the "pig boats" of World War II into the capital ships of today.

In these days of trillion dollar "stimulus packages," it seems incomprehensible that an extra two billion dollars per year (on top of the one billion dollar increase already proposed in the GFY 2011 NASA Budget) cannot be found to avoid laying off thousands of NASA and aerospace industry workers. A laid off aerospace worker gets just as hungry as a laid off auto worker! Within the human spaceflight sector of NASA the workforce can be divided into "developers" and "operators." In order to have a healthy, balanced, organization, each must have ongoing programs. You cannot "fire and hire" at will the sort of talent required for executing NASA's missions at the exemplary National Level that we have come to take for granted!

With apologies to Capt. James A. Lovell, Jr., of Apollo 13 fame –

"WASHINGTON, we have a problem – And it's you!"

☹

National Association of State Alcohol and Drug Abuse Directors, Inc.

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Executive Director
Robert I. L. Morrison

Testimony on FY 2011 Federal Funding for Substance Abuse Prevention and Treatment Programs for Criminal Justice Populations

Submitted to the House Appropriations Subcommittee on Commerce, Justice and Science

The Hon. Alan Mollohan (WV), Chairman
The Hon. Frank Wolf (VA), Ranking Member

Submitted by Robert Morrison, Executive Director

On behalf of the National Association of State Alcohol and Drug Abuse Directors (NASADAD)

Regarding FY 2011 appropriations for:

Department of Justice (DOJ): Residential Substance Abuse Treatment (RSAT), Enforcing Underage Drinking Laws (EUDL), Drug Courts, Second Chance Act, Mentally Ill Offender Treatment Crime Reduction Act (MIOTCRA), Byrne/JAG.

Quick Facts: Crime and Addiction

- Over 7.3 million people were in jail or prison, or on probation or parole, in 2008 (Correctional Surveys, DOJ/BJS, 2009).
- 64.3 percent of Federal prisoners and 69.3 percent of State prisoners regularly used drugs before being incarcerated (Drug Use and Dependence, DOJ/BJS, October 2006).
- Less than 10 percent of adult offenders and 20 percent of juvenile offenders across all settings receive the treatment they need [Criminal Justice/Drug Abuse Treatment Studies (CJDATS), National Institute on Drug Abuse (NIDA), April 2007].
- In 2006, 40 percent of admissions to the publicly funded substance abuse system managed by State substance abuse directors were referred by the criminal justice system [Treatment Episode Data Set (TEDS), Substance Abuse and Mental Health Services Administration (SAMHSA), 2008].
- For every dollar spent on addiction treatment programs, there is an estimated $4 to $7 reduction in the cost of drug-related crimes. With some outpatient programs, total savings can exceed costs by a ratio of 12:1 (NIDA InfoFacts, 2006).

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Chairman Mollohan, Ranking Member Wolf, members of the Subcommittee, thank you for your leadership on issues related to addiction. I serve as Executive Director of the National Association of State Alcohol and Drug Abuse Directors or NASADAD, which includes our component groups the National Prevention Network (NPN) and National Treatment Network (NTN). Our members are responsible and accountable for planning, managing and improving each State's substance abuse prevention, treatment and recovery system.

State Substance Abuse Agency-supported Services to Criminal Justice Populations: In a NASADAD inquiry of the membership released in February 2009, State substance abuse directors were asked to estimate the percentage of cases referred to them from the criminal justice system. NASADAD found that 13 States estimated between 31 and 40 percent; 12 States estimated between 41 and 50 percent; 10 States estimated between 51 and 60 percent; and 3 States estimated between 61 and 70 percent of referrals came from the criminal justice system.

The principle source of funding for NASADAD members is SAMHSA's Substance Abuse Prevention and Treatment (SAPT) Block Grant, which represents 40 percent of State substance abuse agency expenditures. Yet funding for the SAPT Block Grant has been stagnant over the past few years. While we certainly appreciate the increase of $20 million for the program in FY 2010, it is estimated that an additional $403.7 million was needed just to maintain services at FY 2004 levels.

As a result, DOJ-supported programs represent an extremely critical resource for State substance abuse agencies as they provide services to such a large percentage of criminal justice populations. A critical component of this work is the promotion of policies that require strong and direct linkages between federal programs pertaining to addiction and State substance abuse agency directors. This direct linkage helps promote clinically appropriate standards of care; accurate performance and outcome data; and effective, efficient and coordinated service delivery.

FY 2011 Recommendations: We respectfully ask for your support of the following recommendations as you consider FY 2011 appropriations for DOJ programs:

Residential Substance Abuse Treatment (RSAT) - $45 million: NASADAD supports $45 million, an increase of $15 million compared to FY 2010, for the Residential Substance Abuse Treatment (RSAT) program. RSAT benefits all 50 States by awarding grants for the establishment of drug treatment programs within State and local correctional facilities. These grants call for collaboration between the criminal justice administrators and State substance abuse agencies to help ensure that evidence-based practices and qualified personnel are available to assist offenders address their substance abuse problems. With an estimated 80 percent of all offenders in the criminal justice system having some level of substance abuse problem, programs like RSAT that offer treatment during incarceration, matched with aftercare services, are vital to any successful reentry strategy.

Enforcing Underage Drinking Laws (EUDL) - $25 million: NASADAD is extremely concerned with the Administration's proposal to consolidate all Title V programs within the Office of Juvenile Justice and Delinquency Prevention (OJJDP) into one funding stream. This proposal would have the effect of eliminating the EUDL program which is housed within Title V.

The EUDL program is allocated as a block grant to every State and the District of Columbia in order to help reduce underage drinking and improve public safety through the enforcement of laws, policies and sanctions. The EUDL program also includes discretionary grant portfolio to help local jurisdictions

initiate and maintain underage drinking laws programs. Overall, EUDL encourages collaboration between State agencies, which is critical when establishing a comprehensive Statewide underage drinking strategy. In addition to alcohol compliance checks, States use the funds to help local coalitions, schools and communities expand their substance abuse prevention efforts and their work with law enforcement. EUDL is a critical tool that helps law enforcement and the prevention and treatment field work together to reduce the negative effects of underage drinking.

The proposal to eliminate EUDL funding arrives during a time when substance abuse prevention resources are dwindling. In FY 2010, the Department of Education's Safe and Drug Free Schools and Communities (SDFSC)—State Grants program was eliminated – representing a loss of approximately $300 million. In FY 2011, the Administration is proposing a $9 million decrease in for the Substance Abuse and Mental Health Services Administration's (SAMHSA) Drug Free Communities (DFC) grant program. The loss of EUDL funds would represent another devastating loss for State substance abuse prevention systems. NASADAD requests level funding, or $25 million, for the EUDL program.

Second Chance Act Programs: NASADAD is supportive of funding for Second Chance Act programs. The statute itself notes the importance of State substance abuse agencies, noting "successful reentry programs require close interaction and collaboration with each State's Single State Authority for Substance Abuse as the program is planned, implemented and evaluated." While NASADAD supports finding for all Second Chance Act programs, we offer specific recommendations for the following:

Adult and Juvenile Offender State and Local Reentry Demonstration Projects - $50 million: The Adult and Juvenile Offender State and Local Reentry Demonstration Projects provide grants to State and local governments to coordinate reentry efforts and establish best practices. Allowable uses of the funds include substance abuse treatment, employment services, housing, mental health treatment, mentoring, among other things. The authorization also requires a strong linkage with the State substance abuse agency. NASADAD believes that the projects are vital in helping offenders successfully reenter society and requests $50 million in FY 2011, an increase of $13 million compared to FY 2010.

State, Tribal and Local Reentry Courts - $15 million: The State, Tribal and Local Reentry Courts program authorizes the Attorney General to make competitive grants to States, local governments, and Indian Tribes that improve drug treatment in prisons, jails, juvenile facilities; develop and implement programs for "long-term substance abusers" through assessment, treatment and case management; provide recovery support services; and establish pharmacological treatment services as part of drug treatment programs. Each eligible applicant must certify that the program has been developed in consultation with the State substance abuse agency. NASADAD requests of $15 million for the reentry courts in FY 2011, representing an increase of $5 million compared to FY 2010.

Grants for Family-Based Substance Abuse Treatment - $12.5 million: The Second Chance Act authorized grants to States, local governments and Indian Tribes to develop and implement comprehensive family-based substance abuse treatment programs. The program must ensure coordination and consultation with the State substance abuse agency. NASADAD requests $12.5 million for this program in FY 2011, representing an increase of $5 million compared to FY 2010.

Offender Reentry Substance Abuse and Criminal Justice Collaboration Program - $15 million: The Second Chance Act authorized competitive grants to States, local governments, and Indian tribes for the purpose of improving drug treatment programs in prisons, jails, juvenile facilities and reducing drug and alcohol use by "long-term substance abusers." Grants may support assessments, treatment, case

management services, recovery support, and pharmacological drug treatment services as part of any drug treatment program. Each eligible applicant must certify that the program has been developed in consultation with the State substance abuse agency and certify the program is clinically appropriate and provides comprehensive treatment. NASADAD requests $15 million for this program in FY 2011, for an increase of $2 million compared to FY 2010.

Drug Courts - $65 million: DOJ's Bureau of Justice Assistance (BJA) reports that all 50 States and the District of Columbia, several Native American Tribal Courts, two territories and two federal courts operate Drug Courts. Drug Courts work to address the high level of drug use and abuse found within the non-violent offender population by linking them to substance abuse treatment programs. Reports have shown Drug Courts to improve retention rates - a significant factor in recovery – and reduce recidivism. The Association also encourages strong linkages with State substance abuse agencies in the planning and implementation of the Drug Court Program. This partnership will ensure that drug courts use clinical treatment standards set by the State substance abuse agency, discourage system fragmentation, promote sustainability and encourage the use of common client level performance and outcomes data.

NASADAD opposes the Administration's FY 2011 proposal to consolidate the Drug Court and Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA) programs into a Problem Solving Court Program. The Association recommends stakeholder dialogue and consensus before any such changes are proposed. NASADAD recommends implementing $65 million for the Drug Court Program in FY 2011, representing an increase of $20 million compared to FY 2010.

Mentally Ill Offender Act Program - $15 million: The Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA) is an authorized program aimed at preventing the mentally ill and those with co-occurring mental health and substance use disorders from revolving in and out of the criminal justice system without appropriate treatment. Again, the Association remains concerned about the proposal to consolidate the MIOTCRA program with the Drug Court Program. While one aspect of the MIOTCRA program focuses on mental health courts, a large piece of the program seeks to foster collaboration between the criminal justice, mental health and substance abuse agencies to ensure that mentally ill offenders receive the appropriate treatment services they need. We hope that Congress will provide $15 million for the MIOTCRA program in FY 2011, representing an increase of $3 million compared to FY 2010.

Byrne/Justice Assistance Grants (JAG) - $1.1 billion: The Edward Byrne Memorial Justice Assistance Grant (JAG) program is the primary provider of federal funding for criminal justice activities to State and local jurisdictions. This program supports a broad range of activities including education, prevention and treatment for substance use. Specifically, the 2007 application notes that a core purpose area is drug treatment programming. NASADAD encourages strong linkages with State substance abuse agencies in the planning and implementation of Byrne/JAG. NASADAD joins our criminal justice coalition partners in calling for the authorized funding level of $1.1 billion in FY 2011.

Appreciation DOJ-SAMHSA Partnership: NASADAD recognizes the work of DOJ and SAMHSA as they partner on issues pertaining to addiction and crime. This work has moved forward under the leadership of Ms. Laurie Robinson, Assistant Attorney General, Office of Justice Programs (OJP); Ms. Pam Hyde, SAMHSA Administrator; Dr. Eric Broderick, SAMHSA's Deputy Administrator; Dr. H. Westley Clark, Director of the Center for Substance Abuse Treatment (CSAT); and others.

Thank You: Thank you for the opportunity to provide input. We look forward to working with the Subcommittee on these important issues.

Written Testimony Presented to
House Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies

Submitted by
Steve Derene, Executive Director
National Association of VOCA Assistance Administrators

on the
Fiscal Year 2011Appropriations

The National Association of VOCA Assistance Administrators (NAVAA) represents the 56 state agencies that manage Victims of Crime Act (VOCA) victim assistance formula grants administered through the Department of Justice, Office of Justice Programs, Office for Victims of Crime (OVC). NAVAA respectfully requests the Subcommittee to recommend a minimum cap on obligations from the Crime Victims Fund account for 2011 of $867 million.

Unless the 2011 VOCA cap is high enough, under the Administration's proposed budget, grants for state VOCA victim assistance programs could be cut by $20 million.

The Crime Victims Fund is unlike most other programs under the Subcommittee's jurisdiction in that all revenues deposited into the Fund are considered "special and trust fund receipts" that are derived from criminal fines and other monetary penalties collected from convicted Federal criminals. The Fund does not receive any General Fund or taxpayer dollars.

From its inception in 1984 until 2000, all moneys deposited into the Fund in any fiscal year were distributed to support victim services the following fiscal year. Since 2000, Congress has delayed (or "capped") obligations from the Fund "to ensure that a stable level of funding will remain available for these programs in future years" [Conf. Rpt. 106-479]. As a result of these caps, a substantial balance has been retained in the Fund which the statute requires shall be available only for VOCA programs.

State VOCA victim assistance formula grants support critical, often life-saving, assistance to some 4 million victims of all types of crimes throughout our nation. This assistance is provided by 4,400 direct service agencies, such as domestic violence shelters, rape crisis centers, child abuse treatment programs, support groups for survivors of homicide victims and victims of drunk driving crashes, mental health counseling services, crisis response programs, court-appointed special advocates, child advocacy centers, prosecutor- and law enforcement-based victim assistance programs, and many others.

VOCA assistance subgrant funds can only be used to provide direct services to crime victims. This means that virtually all of that money pays for victim advocates, counselors, shelter staff and other direct service staff. OVC data indicate that more than 13,500 full-time equivalent jobs were paid for with VOCA assistance funds.* Most VOCA-funded advocates working in non-profit agencies earn minimal salaries that typically range from $25,000 to $30,000 (with some as

* This is ten-year old data from OVC's Subgrant Award Reporting System; the number is undoubtedly larger today.

low at $9,600). Few are offered health insurance or other benefits. The ability to recruit and retain trained advocates is essential to maintaining quality services for crime victims, particularly given that nowadays advocates and counselors typically work beyond capacity to meet the needs of victims and survivors. Direct assistance provided by VOCA-funded projects is further leveraged by the use of an estimated 36,000 full-time equivalent trained and supervised volunteers.

However, victim assistance projects funded by state VOCA victim assistance grants are not the only programs that rely on the Crime Victims Fund for financial support. Under the statute's allocation formula, these other programs get funding precedence over state VOCA assistance grants:

- Children's Justice Act grants used to improve the prosecution and investigation of child abuse cases;
- Victim witness coordinators in United States Attorneys' Offices;
- Victim assistance specialists in the FBI;
- Federal Victim Notification System;
- OVC discretionary grants supporting national scope training and technical assistance and services to victims of Federal crimes;
- Formula grants to state crime victim compensation programs.

The VOCA statute specifies the sequence in which these programs are allocated annual sums from "under the cap" so that, in effect, the amount available for state VOCA victim assistance grants is whatever remains after the other programs are funded. As a result, the amount of state VOCA victim assistance grants depends, not only on the total cap set each year by Congress, but the costs for new and/or expanded other VOCA-funded programs. Unless the cap is set high enough, new and expanded funding for the other programs reduces the amount available for state victim assistance grants. Indeed, there have been years when Congress raised the cap but state assistance grants were reduced. Between 2006 and 2008, state victim assistance grants were cut by $87 million or 22 percent which in turn led to a reduction in direct crime victims' services at these already underfunded agencies. OVC, for example, reported that 336,580 *fewer* crime victims received VOCA assistance funded services in 2008 compared to the previous year.

NAVAA and the dozens of other national, state and local victim advocacy and allied criminal justice organizations that support VOCA are very appreciative of the efforts of this Subcommittee to recognize the need to restore funding for state victim assistance grants. In 2009, Congress not only raised the VOCA cap but allocated $100 million in Recovery Act funds for VOCA programs. Together, these brought state victim assistance grants back to the 2006 level, including inflation. Although the 2010 VOCA assistance grants have not yet been determined, we believe they are likely to remain level with total 2009 funding, i.e. VOCA formula plus Recovery Act grants.

Meanwhile, the need for critical victim assistance services continues to grow. The National Crime Victims Helpline reported a 25 percent increase in calls. The National Domestic Violence Hotline cites a similar increase in calls, many of which are tied to recent financial stress. Local shelters and crisis lines are also reporting increased demand. The most recent census by the

National Network to End Domestic Violence (NNEDV) reports that 8,927 requests for services on a single day in 2008 went unmet. The census noted that "many programs reported a critical shortage of funds and staff to fully assist victims in need of services such as transportation, childcare, language translation, mental health and substance abuse counseling, and legal representation."

Although the Administration's FY 2011 request would raise the VOCA cap to $800 million—an increase of $95 million—the request also proposes some new and expanded earmarks from the Crime Victims Fund. This is not sufficient to avoid reductions in state VOCA assistance grants. These additional requests include a new and additional $100 million OVC discretionary grant program to support temporary shelter, transitional housing and other assistance for victims of violence against women, $32.6 million in increased funding for 240 FTE victim witness coordinators in United States Attorneys' Offices and $21.4 million for 155 FTE victim assistance specialists in the FBI.*

The net effect of these new and expanded programs is to reduce the amount under the VOCA cap that would otherwise be available for state VOCA assistance grants. In fact, under the Administration's proposals, based on current information, 2011 state VOCA assistance grants could be as much as $20 million less than the 2009 and 2010 grants. This decrease will further reduce the capacity of victim service agencies across the nation to provide necessary and essential advocacy and counseling services for free to victims of crime.

We strongly urge a 2011 VOCA cap of at least $867 million. We estimate this would provide funding for state VOCA victim assistance programs at the 2006 amount in real dollars with a modest 3.5 percent increase to begin meeting new and additional needs for services.

At a time when the economic downturn has resulted in restricted state government funding and significant decreases in private giving, the Crime Victims Fund has grown to historic proportions. The Administration estimates the 2011 opening Fund balance will be $4.3 billion with an additional $1 billion to be deposited during the year. This means there will be more than enough money in the Fund to maintain the Subcommittees' laudable commitment to help meet crime victims' vital needs for assistance services while also ensuring the Crime Victim Fund's ongoing sustainability.

We therefore strongly encourage the Subcommittee to raise the 2011 VOCA cap to $867 million which we believe is the minimum necessary to support these core programs without jeopardizing the Fund's long-term stability.

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* The original appropriation limited VOCA funding for USAO victim witness coordinators to 170 FTEs at $14.4 million a year, stating "the conferees expect that appropriate sums will be made available under this provision in succeeding fiscal years to continue this program at the current level." [Conf. Report 106-479] VOCA funding for the FBI victim assistance positions was limited to 112 FTEs at $7.4 million a year. [Conf. Report 106-1005] The 2011 requests thus represent increases of 126 percent and 189 percent respectively over the original appropriations.

Testimony of J. Robert Carr, Executive Director, National Bar Association

Thank you for the opportunity to discuss the Equal Employment Opportunity Commission (hereinafter referred to as the EEOC). My name is James Robert Carr and I am the Executive Director of the National Bar Association (hereinafter referred to as the NBA). The NBA was organized in 1925 and is the nation's oldest and largest professional association of predominantly African American lawyers. Today, the NBA is the leading bar association for attorneys of color with a network of over 44,000. The National Bar Association would like to congratulate Chairwoman Berrien on her new post. We are extremely proud of the fact that she has been a member of our organization for over 20 years, and we are confident that she will take the Commission to new heights.

EEOC Budget for Fiscal Year 2011

We strongly encourage the House and Senate to approve the EEOC budget as proposed. The EEOC's budget request is $385,303,000 for FY 2011. This represents an $18 million increase from FY 2010. This increase is necessary to rebuild EEOC's enforcement resources and to begin to decrease its growing number of backlog cases. The EEOC also needs more funding because of its increased statutory authority and a shift in its mission to combat more systemic forms of discrimination.

The EEOC needs more funding and staffing to reduce its great number of backlogged cases

The Commission's workforce is down twenty-five percent since FY 2001 and the agency is grappling with record numbers of discrimination charges and backlogged cases. The FY 2011 budget seeks to increase the number of EEOC's full time employees from 2,470 to 2,577. EEOC's new hires will include twenty new attorneys and support staff in the agency's field offices. The budget will also provide for an additional 100 investigators and 6 mediators. We believe that this increase in staff is desperately needed to reduce the EEOC's staggering number of backlogged cases.

Due to a decline in the number of frontline investigators beginning in FY 2000 and continuing through FY 2008, the number of backlogged cases pending with the agency has steadily grown. As of September 2009, the Commission had a backlog of 85,768 unresolved cases. This growing backlog has caused many cases to be resolved in an untimely fashion. According to the Commission's congressional budget justification, only 39.7 percent of private sector charges and 40.6 percent of federal sector hearings are resolved in 180 days or fewer. In some instances, cases are taking eight to nine months to resolve. The NBA is concerned with the length of time it takes to bring these cases to resolution. We would assert that the public is not receiving effective due process. More funding and staff is needed to reduce the number of backlog cases and to resolve cases in a timely manner.

EEOC needs more funding to enforce litigation received under increased statutory authority

In order for the EEOC to effectively carry out its mission, the EEOC needs more funding and staff to enforce the newly enacted ADA Amendments Act of 2008 (ADAAA), title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) and the Lilly Ledbetter Fair Pay Act. During fiscal year 2008, Congress passed the ADAAA of 2008 which revised the definition of "disability" to more broadly encompass those impairments that substantially limit a major life activity. This new law will require the EEOC to issue regulations interpreting the Act, and conduct outreach and education activities to ensure that the public is knowledgeable about the change. While the law took effect in January 2009, many potential charging parties were not initially aware of the new law. Notwithstanding this, the EEOC has already seen about a six percent increase in disability cases. As public knowledge of the ADAAA grows, the EEOC anticipates that disability charges will comprise a greater percentage of the agency's total workload.

The EEOC is also responsible for enforcing Title II of GINA which became effective on November 21, 2009. Title II of GINA prohibits public and private employers from using genetic information in making employment decisions, and strictly limits employers from collecting or disclosing such information. The EEOC has to provide training, technical assistance, and outreach on GINA throughout FY 2010 and FY 2011. Based on figures from the EEOC, GINA will add slightly more than one percent to charge receipts in FY 2010 and FY 2011.

Finally, in fiscal year 2009, the Lilly Ledbetter Fair Pay Act of 2009 became law. This legislation provides that discriminatory compensation decisions or other unlawful practices occur each time compensation is paid. The EEOC anticipates 200-300 additional charge filings because of this newly enacted legislation. Because of this legislation, the EEOC will need additional funding to litigate these new cases.

The EEOC needs more funding to focus on systemic litigation

In years past, the EEOC has focused primarily on resolving individual cases of discrimination. The NBA applauds the EEOC's desire in recent years to focus on systemic cases versus individual litigation. By investigating the patterns, practices, policies and class cases where alleged discrimination occurs, employment discrimination can be eradicated on a broader scale. Due to the sheer magnitude of these cases and the resources required to prosecute them, additional funding is needed to pursue cases of systemic discrimination. These cases require greater resources, more highly trained investigators and attorneys, and sophisticated expert analysis by statisticians, industrial psychologists, and labor market economists. The EEOC needs additional funding to build a stronger systemic program to battle unlawful patterns and practices of discrimination on a broader scale.

The EEOC's mission is critical to our nation's employment system and to preserve the guarantees of a constitutional democracy. Employment discrimination is a problem that our country has been battling for generations. As evidenced by the increased number of discrimination charges, this problem is not going away anytime soon. As a former employment lawyer, human resources professional and now the executive director of a bar association, I am keenly aware of the importance of the EEOC. The National Bar Association encourages the House and Senate to approve the budget as requested so the EEOC can continue battling employment discrimination and doing its important work.

Thank you.

Member and Outside Witness Hearing
House Committee on Appropriations
Commerce, Justice, Science, and Related Agencies Appropriations Subcommittee
Written Testimony of
National Corn Growers Association
April 14, 2010
Regarding
Fiscal Year 2011 Appropriations Priorities

The National Corn Growers Association (NCGA) is a national organization founded in 1957 and represents more than 36,000 members in 48 states, 47 affiliated state organizations and more than 300,000 corn farmers who contribute to state check-off programs for the purpose of creating new opportunities and markets for corn growers.

NCGA's top priority in the FY2011 Science, State, Justice and Commerce appropriations bill is increasing funding and maintaining the focus of the National Science Foundation (NSF) Plant Genome Research Initiative (initiative). The initiative is supported by the Interagency Working Group on Plant Genomes under the auspices of the National Science and Technology Council within the Office of Science and Technology Policy. We urge that this budget be increased to $105.5 million for FY2011. For the first 10 years of this initiative, we were doing basic research. We have now reached a place where we can use the important information we have gained to make real world applications and innovative technological advances to improve plants and expand their uses to meet societal needs.

In 1997, NCGA spearheaded the effort on legislation that authorized major plant genome research, which resulted in the Plant Genome Research Initiative. Obtaining genome sequence information frequently leads to breakthroughs in the study of a particular organism. The goal of the initiative is to understand the structure and function of plant genes in species of economic importance at all levels, the initiative has led to an unprecedented increase in our understanding of the genomics and genetics of plants. The initiative also changed the way research is conducted in plant biology and helped to attract a new generation of scientists to the plant sciences field at U.S. colleges and universities.

Bringing agriculturally important plant species into the genomic age is an important goal. Initial major accomplishments included the completion of the model laboratory plant Arabidopsis and rice genome sequences. Completion of these genomes demonstrated that genomic sequence was the most comprehensive way toward gene discovery - a first step toward identifying the role of each gene. Building upon lessons learned sequencing smaller plant genomes, sequencing the corn genome became feasible.

In 2005, NSF, the United States Department of Agriculture (USDA) and the Department of Energy (DOE) awarded $29.5 million to sequence the corn genome. NSF selected a consortium of four research institutions to sequence the maize genome: The University of Arizona, Washington University in St. Louis, Iowa State University in Ames and Cold Spring Harbor Laboratory in Cold Spring Harbor, New York. The goal of the Maize Genome Sequencing Project is to unravel the DNA sequence of the maize plant, to identify the genes and to determine their position on the chromosomes, and ultimately create a path to crop improvement. The corn genome sequence will, in turn, help in the eventual completion of other major crop genome sequences. Corn will also serve as a model system to aid in elucidating clues to improve the growth and development of other related grass crops, such as wheat, sorghum, millet and barley. Importantly, access to all of this information is shared through GenBank, Gramine, MaizeGDB and other public repositories for genome-sequence data.

The completed corn genome sequence and the application of its information will provide a wide range of benefits. Both the public and private sectors will be able to expedite their breeding programs and increase their knowledge of corn's important agronomic traits. Corn growers will be able to plant varieties of corn that are better suited to market and environmental needs, such as pest resistant traits, lower nitrogen and water needs, and higher yields – all increasing sustainability. Quality researchers will continue to be attracted to the field of plant genomics and genetics. Consumers will also benefit from more abundant and sustainable food, feed and fuel supplies. Improvements aim at increasing yield and enhancing nutritional value to achieve cheap, plentiful and safe food products that will directly benefit consumers. Corn is also an important material for many industrial purposes and products including rubber, plastics, fuel and clothing. Corn is a model system for studying complex genomic structure, organization and function, and its high quality genetic map will serve as the foundation for studies that will lead to improved biomass and bioenergy resources from corn and related plant species.

With focused funding, we will be much closer to achieving the goal of this initiative – understanding the structure and function of all economically significant plant genes and transferring this science from the laboratory to the field. The corn industry, including the academic research community, grain handlers, growers, and seed companies supported the corn genome sequencing project, and will continue to support a program that maintains its focus on discovering the functionality of genes in economically important plant species.

Maintaining and improving upon the resources available for crop systems is now more important than ever, as agriculture tries to meet the demands of consumers worldwide by providing a safe and secure supply of resources for human and animal nutrition, fiber, bioenergy, and industrial feeds. Continued strong governmental support of basic agricultural research is essential to ensure that the innovation pipeline remains robust. NCGA requests that this subcommittee include in the FY2011 Science, State, Justice and Commerce appropriations bill language that increases the PGR budget to $105.5 million, to be applied exclusively to species of economic importance, keeping in line with the original intent of the program.

Official Written Testimony for Fiscal Year 2011
Submitted to the Subcommittee on Commerce, Justice, Science and Related Agencies
Committee on Appropriations
United States House of Representatives
Washington, DC

Submitted By
National Estuarine Research Reserve Association
Matthew E. Menashes, Executive Director

On behalf of the National Estuarine Research Reserve Association (NERRA), thank you for the opportunity to provide recommendations for the Fiscal Year 2011 budget for the National Estuarine Research Reserve System (NERRS or reserve system) and related programs at the National Oceanic and Atmospheric Administration (NOAA). The NERRS plays a significant role in a number of high priority initiatives that provide critical information to coastal decision-makers at the local and regional levels to protect our nation's estuaries and coasts.

For Fiscal Year 2011, NERRA strongly recommends the following reserve system programs and funding levels within NOAA:

NERRS Operations	$33 million
Local, Regional, National Implementation	*$27.7 million*
Science Collaborative	*$5.3 million*
NERRS Construction and Acquisition	$15.6 million

In addition, we also support within NOAA:

Coastal Zone Management Grants	$88 million
Coastal Zone Management and Stewardship	$12.5 million
Coastal and Estuarine Land Conservation Program	$60 million
Coastal Services Center	$56 million

We very much appreciate the support the Subcommittee provided for reserve system operations in Fiscal Year 2010. Thanks to your work, the House of Representatives led the way in allowing us to make new investments in protecting our nation's estuaries. In anticipation of the designation of the 28th reserve, the proposed Lake Superior National Estuarine Research Reserve in Wisconsin, your committee provided funding that will allow the new reserve to begin operating when it is formally designated later this year. You also provided funding for the reserve system to make partial new investments in K-12 education programming and biological monitoring. These investments are important to our member reserves, the state and community

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partners they serve, and to the sustainability of estuaries and coasts. We greatly appreciate the Subcommittee recognizing their value.

About the National Estuarine Research Reserve Association

As you know, the NERRA is a not-for-profit scientific and educational organization dedicated to the protection, understanding, and science-based management of our nation's estuaries and coasts. Established in 1987, NERRA's mission is to inspire protection of our nation's estuaries and to promote conservation-based research, education, and stewardship through the reserves. Our members are the 27 reserves (soon to be 28) that make up the NERRS.

About the National Estuarine Research Reserve System

Since 1974, with the designation of the South Slough National Estuarine Research Reserve in Oregon, the coastal states and the federal government have collaborated to create a unique network of estuarine areas protected for long-term research and education. The National Estuarine Research Reserves, unlike the National Marine Sanctuaries or National Wildlife Refuges for example, are managed and staffed by state government and state universities. The priorities of the reserve system are developed through a collaborative approach between the states and NOAA to address both national and local concerns. The reserves have a mandate to support the coastal states through research and education as the states address today's most pressing coastal issues such as impacts from changes in sea and lake levels, or increased nutrient loading.

There are now 27 reserves throughout the country that collectively protect over one million acres of habitat in 22 states and territories. As we mentioned above, we are particularly pleased that the Lake Superior National Estuarine Research Reserve in northern Wisconsin will be designated later this year. The University of Wisconsin is the state's lead agency for the Lake Superior reserve and we look forward to the university becoming part of the reserve system network and our association.

2009 Accomplishments

Over the past year, our members and NOAA have collaborated on several key accomplishments to move the reserve system forward.

- *Understanding the Impacts of Changes in Sea and Lake Levels* - The reserves are establishing a sentinel sites program to measure localized impacts from changes in sea and lake levels. This long-term monitoring effort requires us to establish a network of elevation benchmarks at each reserve. In 2009, staffers from eleven reserves were trained to deploy these benchmarks and integrate them into the National Spatial Reference System.
- *Creating a New Collaborative Research Program* – The reserves and NOAA worked with the University of New Hampshire, selected through a competitive process, to develop a new multi-disciplinary research program to competitively fund research at the reserves. NERRS Science Collaborative-funded research projects — conducted at the reserves — will bring together scientists, intended users of the science, and stakeholders to directly address management questions and applications.
- *Adding to the Science of Habitat Restoration* – The reserves are helping NOAA improve

its restoration science abilities. Five reserves were funded to serve as reference sites for habitats restored by NOAA, other federal agencies, and the states.

- *Educating Students with Satellite Broadcast Field Trips* – The reserves, NOAA, and NERRA collaborated in May 2009 to broadcast live field trips from three estuaries around the country to hundreds of classrooms. By using satellite technology, we offered children a chance to learn science through the wonderful living classrooms that estuaries provide.

NERRS Operations Funds

While we are making great strides, we believe the reserve system remains constrained in what it can accomplish. As we wrote last year, each reserve has been creative in securing external funding to cover operating costs as the value of the federal investment fell from Fiscal Year 2003 through Fiscal Year 2009. External funding is insufficient, however, to prevent reductions in some programs at a time when reserve programs should be increasing to address pressing coastal issues such as impacts from changes in sea and lake levels.

Local, Regional, and National Implementation

We support funding for reserve operations, including the research, monitoring, education, and stewardship programs run by the states, at $27.7 million. Operations funds allow for continued real-time water quality and weather monitoring at each of the reserves. These funds also support the Graduate Research Fellowship program which has allowed hundreds of young researchers to gain significant experience in estuarine ecology, biology, oceanography, and other fields. Operations funds allow us to take the scientific findings developed at reserves and use that information in workshops and other training programs to help local officials make better decisions about how to manage their estuaries. These funds also allow us to provide education for thousands of school-age children using science-based curricula that meet local and national standards. Federal funds received by the reserves are matched with state funds.

The funding you provided last year allowed us to make partial progress on our education and biological monitoring goals. While eleven reserves were funded to conduct assessments for new K-12 education programming, no reserves have been funded to implement new K-12 education programs. At a time when science and math education is a challenge for our nation, the reserve system's education programs should be fully funded. We believe this is essential to creating a new generation of coastal and estuarine scientists and stewards. With the addition of a reserve in Wisconsin, more than half of the reserves still need to conduct K-12 assessments; by the end of 2011, 28 reserves will need funding to implement new education programs based on these assessments.

In 2010, only 13 reserves were funded to begin biological monitoring leaving a gap in the knowledge base for more than half of the reserve system. Biological monitoring is one component of the NERRS sentinel sites initiative to measure localized impacts from changes in sea and lake levels, providing critical data to coastal managers to understand the effects of change along the coast. In addition, only 51 of 54 available Graduate Research Fellowships were funded; in FY11 there will be 56 available fellowships, increasing that gap.

Our request for $27.7 million for NERRS operations will address these gaps in programming so that the reserve system's network of research, monitoring, education, and stewardship programs will be fully implemented, better protecting the nation's estuaries and coasts.

NERRS Science Collaborative

We also support funding the Science Collaborative at $5.3 million. The Science Collaborative provides competitive funding for research projects at reserves, taking advantage of the living laboratories of the reserves and the extensive expertise of reserve staff. These projects increase our ability to transfer science on issues such as land use, nutrient loading, sea level change, and habitat restoration to state and local coastal managers.

We continue to point out that from Fiscal Years 1997 through 2008 this funding was a separate line in NOAA's budget that went to the Cooperative Institute for Coastal and Estuarine Environmental Technology, a cooperative institute located at the University of New Hampshire (UNH). UNH ran a competitive process to award funding for innovative projects to researchers throughout the country. There was a change in the treatment of these funds in the Fiscal Year 2009 appropriations bill. That year, funding for this program was lumped together with reserve operations funds. We believe that lumping these two programs together left the impression that the reserves secured an increase in funding that year. In fact, Fiscal Year 2009 funding was $474,000 less than the total for these two programs in Fiscal Year 2008. We remain concerned that lumping these programs together is confusing and ask the committee to fund each program at the level we are requesting.

In FY09, NOAA invited proposals from institutions to establish a new research center that would operate a multi-year competitive research program, the NERRS Science Collaborative. NOAA chose UNH to run the new program. We support NOAA's efforts to ensure that operation of this program is competed on a multi-year cycle and that the program continues to require strong ties to the reserve system and prioritize the use of reserves for the research conducted under the program.

NERRS Construction and Acquisition Funds

We also seek $15.6 million for construction and acquisition to maintain, upgrade, and construct reserve facilities and acquire priority lands. Federal funds received by the reserves are matched with state funds. Our recent assessment of construction and acquisition needs at the reserves shows we have needs for more than $60 million for Fiscal Years 2011 through 2015. With NOAA's administrative costs added on top of our needs, total funding needed for that period exceeds $66 million. These figures do not include anticipated construction funding needs for the proposed Lake Superior reserve.

Other Programs NERRA Supports

The Coastal Zone Management Act provides a distinct role for the reserves in providing research and information needed by federal, state, and local coastal managers and the public. While the reserve system is an integral component of our nation's efforts to effectively manage our coasts, several other programs run by our federal and state partners are equally important. NERRA supports funding for these programs as well.

Coastal Zone Management Grants
The reserves work closely with the Coastal Zone Management agencies in their state. Reserves provide research and partner on outreach to support the agencies' management of issues such as habitat conservation, public access, erosion control and hazard mitigation. NERRA seeks $88 million in funding for Coastal Zone Management grants.

Coastal Zone Management and Stewardship
NOAA's Office of Ocean and Coastal Resource Management (OCRM) assists in coordinating the NERRS network, in addition to many other partnerships and programs. Staff help promote transfer between and coordination among the reserves. OCRM helps the reserves build capacity by sharing information, research methods and results, collaborative processes, and evaluation tools. NERRA requests $12.5 million for OCRM. We cannot do our work without the strong support of OCRM.

Coastal and Estuarine Land Conservation Program (CELCP)
CELCP provides vital support for securing the long-term protection of lands from willing sellers in coastal communities. Protected lands near the reserves can serve as demonstration areas for stewardship efforts, and provide additional reference areas when studying development impacts. Full funding for the CELCP program at $60 million is needed to meet demand, protect sensitive coastal areas, and respond to the mounting development pressures on our coasts. Fifteen percent of CELCP funding is used to support projects that benefit our reserves.

Coastal Services Center
The NOAA Coastal Services Center supports the reserves through projects and training to address management issues including coastal resilience, regional governance, community impacts from coastal storms, and more. Partnerships with the Coastal Services Center result in local initiatives based on national priorities. NERRA requests $56 million for the CSC. CSC is a key partner in our ability to develop new products and services, and to provide information to coastal managers.

We greatly appreciate the Subcommittee considering our funding request for Fiscal Year 2011. If we can provide any additional information, please contact me at (202) 431-4309 or matt@nerra.org, or NERRA President Rebecca Ellin, manager of the North Carolina National Estuarine Research Reserve, at (252) 838-0880 or rebecca.ellin@ncdenr.gov.

National Federation of Community Broadcasters
Submitted to the House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies
Regarding the Fiscal Year 2011 Appropriations for the Public Telecommunications Facilities Program

Testimony of Maxie C. Jackson, III
President and CEO

February 11, 2010

Thank you for the opportunity to submit testimony to this Subcommittee in support of $44 million in funding for the Commerce Department's Public Telecommunications Facilities Program (PTFP) in FY 2011. As the President and CEO of the National Federation of Community Broadcasters (NFCB), I speak on behalf of 250 community radio stations and related individuals and organizations across the country including many Low Power FM stations. NFCB is the sole national organization representing this group of stations, which provide independent local service in the smallest communities and the largest metropolitan areas of this country. Nearly half of NFCB's members are rural stations, and half are controlled by people of color.

In summary, the points we wish to make to this Subcommittee are:

- PTFP funding is unique. It is the only funding source available to help get new stations on the air and ensure that public broadcasting is available everywhere in the United States.
- In the current budget, a loss of PTFP will mean an irreplaceable loss in new community radio stations because of an unprecedented number of new licensees in the pipeline flowing from a large number of radio stations granted new construction permits by the Federal Communications Commission. *This new licensing opportunity will not come again.*
- PTFP is a targeted program carefully managed to replace necessary equipment by leveraging public with private funds.
- PTFP will help public and community radio stations prepare to provide emergency information during natural or man-made disasters.
- PTFP will help fund for conversion of public radio to digital broadcasting, which has only recently begun.

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PTFP is poised to fund new stations that have recently been granted construction permits by the Federal Communications Commission. PTFP is the only program available that supports new station construction. No alternate funding exists--the Corporation for Public Broadcasting does not support stations until they have been on the air for one year. The solid funding levels for CPB will not translate into production of new stations. The opportunity in this budget year is unique because of its timing. In 2007, the Federal Communications Commission opened up a new licensing window for new noncommercial radio stations. This was the first opportunity to apply for new radio stations in a decade. Because of the scarcity of radio spectrum, this is the last significant licensing windows for new public radio stations unless new spectrum is allocated to radio broadcasting. Community radio has put an immense effort into recruiting new and diverse applicants who are just now receiving their construction permits from the FCC and are able to apply for PTFP funding. With adequate funding and support, the new group of applicants has the potential to fund construction of at least 45 new community radio stations authorized by the FCC in its most recent licensing window and double the number of Native American radio stations in this country from 34-69. Federal funding is particularly critical to stations broadcasting to rural and underserved audiences which have limited potential for fundraising due to sparse populations, limited number of local businesses, and low income levels. In addition, PTFP often funds translator stations to expand the geographic coverage of an existing station.

PTFP is a targeted program carefully managed to replace necessary equipment by leveraging public with private funds. Funding from PTFP has been essential to keep public radio stations on the air by funding the replacement of equipment, often items that have been in use for 20 or more years. The program is administered carefully to be certain that stations are acquiring the most appropriate type of equipment. They also determine that equipment is being properly maintained and will not fund the replacement of equipment before an appropriate period of time in use. Even so, PTFP funding is a matching program, so federal money is leveraged with a local commitment of funds. This program is a strong motivating factor in raising the significant money necessary to replace, upgrade and purchase expensive broadcast equipment.

PTFP will help public and community radio stations prepare to provide emergency information during natural or man-made disasters. As we saw during the severe storms and devastating hurricanes of the last few years, radio is the most effective medium for informing a community of weather forecasts, traffic issues, services available, evacuations, and other emergency conditions. Since everyone has access to a radio and they are portable and battery operated, a radio is the first source for this critical information. Radio stations therefore must have emergency power at both their studios and their transmitter in order to provide this service.

We support $44 million in funding to ensure that both the ongoing program will be continued, and hope that that there will be additional financial resources available to help cover the cost of improving the emergency infrastructure of public broadcasting stations. This additional funding is considered an urgent need if community stations are to withstand and continue broadcasting through extreme weather or other emergency

situations. At a time when local service is being abandoned by commercial radio, PTFP aids communities developing their own stations which provide local information and emergency notifications.

The National Federation of Community Broadcasters supports PTFP funding to help public radio to convert to digital to provide more public service and keep up with the market. While *television's* digital conversion was completed last year, *radio* is also converting to digital. Commercial radio stations are converting to digital transmission, and public radio should not be left behind. The digital standard for radio has been approved by the Federal Communications Commission, and over 400 public radio transmitters have been converted. Public digital radio signals will provide more public service. Most exciting to public radio is that stations can broadcast two or more high quality signals, even while they continue to provide the analog signal. Additional digital audio channels will potentially more than double the service that public radio can provide, particularly to unserved and underserved communities. For example, public radio will be able to add services in languages other than English, or will be able to add distinctive cultural, music, or news programming.

In sum, community radio supports $44 million in funding for the Public Telecommunications Facilities Program in FY 2011. PTFP funding is unique. It is the only funding source available to help get new stations on the air and ensure that public broadcasting is available everywhere in the United States. Federal funding distributed through the PTFP is essential to continuing and expanding the public broadcasting service throughout the United States. PTFP funding is critical to ensuring public radio's readiness to provide life-saving information to communities in the event of local disasters, as we have seen during weather emergencies in the past few years. With the advent of digital broadcasting, PTFP funding is helping with the conversion to this new technology. It is particularly critical for rural stations and those serving low income communities. PTFP funds new stations, expanding the reach of public broadcasting to rural areas and to audiences that are not served by existing stations. Finally, it replaces obsolete and worn out equipment so that existing public stations can continue to broadcast high quality programming in a carefully targeted, fiscally responsible manner.

Public radio is the most vibrant part of the radio dial, bringing a diverse spectrum of news, information and entertainment to millions of listeners every day. PTFP will give us an unprecedented opportunity to be sure that radio is providing local news and journalism, enhancing local culture, and bringing new communities into the information age.

Thank you for your consideration of our testimony. If the Subcommittee has any questions or needs to follow up on any of the points expressed above, please contact:

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The **NFCB** is a thirty-three-year-old grassroots organization which was established by, and continues to be supported by, our member stations. Large and small, rural and urban, NFCB member stations are distinguished by their commitment to local programming, community participation and community support. NFCB's 250 members come from across the United States, from Alaska to Florida, from every major market to the smallest Native American reservation. While urban member stations provide alternative programming to communities that include New York, Los Angeles, San Francisco, Chicago, and other major markets, rural members are often the sole source of local and national daily news and information in their communities. NFCB's membership reflects the true diversity of the American population: 41% of members serve rural communities, and 46% are radio services controlled by people of color.

On Community Radio stations' airwaves examples of localism abound: on KWSO in Warm Springs, Oregon, you will hear morning drive programs in the Native language of that community; throughout the California farming areas in the central valley, Radio Bilingüe programs six stations targeting low-income farm workers; in Chevak, Alaska, on KCUK you will hear the local weather reports and public service announcements in Cup'ik/Yup'ik Eskimo; in Dunmore, West Virginia, you will hear coverage of the local school board and county commission meetings; KABR in Alamo, New Mexico serves its small isolated Native American population with programming almost exclusively in Navajo; and on WWOZ you can hear the sounds and culture of New Orleans throughout the day and night.

In 1949 the first Community Radio station went on the air. From that day forward, Community Radio stations have been reliant on their local community for support. PTFP funding is a critical source of matching funds for these essential community resources.

NPR Testimony
Submitted to the
Subcommittee on Commerce, Justice, Science and Related Agencies
U.S. House Committee on Appropriations
Regarding the Fiscal Year 2011 Appropriations for the
Public Telecommunications Facilities Program

Testimony of Michael Riksen
Vice President, Policy & Representation
February 9, 2010

Thank you, Chairman Mollohan and Ranking Member Wolf for giving NPR and its hundreds of member stations the opportunity to submit written testimony supporting the Public Telecommunications Facilities Program (PTFP) and its fiscal year 2011 appropriation. This year, public broadcasting is requesting $44 million be appropriated to PTFP to address the long list of pressing needs within the public broadcasting station community. This level of funding will ensure that public radio stations can improve and expand their valued public service offerings to local communities nationwide. As the Chairman and Congressman Wolf well know, PTFP is the ONLY federal funding program that assists stations with replacement of equipment that has been damaged or simply worn out.

NPR and its more than 850 public radio station partners operate as an independent, nonprofit media organizations nationally acclaimed for news, information, music and entertainment programming. Today, more Americans than ever - over 32 million people - are tuning into public radio programming and listening to NPR and public radio stations on a weekly basis. Our audience has grown 66% in the past 10 years, bucking a precipitous decline in other media and a general overall decline in radio listening. Public radio stations independently select and produce community appropriate programming that best serves their listening areas.

Since 1962, public radio stations have utilized PTFP grants for replacement, maintenance and necessary upgrades of audio production and broadcast transmission equipment. PTFP is a competitive matching grant program to help public broadcasters, state and local governments, and Native American tribes construct facilities to bring educational and cultural programs to the public. Run by the National Telecommunications and Information Administration (NTIA) under the Department of Commerce, this program provides financial assistance to stations for capital projects such as replacing outdated hardware, purchasing new equipment to expand service to underserved and un-served areas, and converting to digital technology.

This essential capital grant program is available to public broadcasters, many of whom are constrained in their ability to finance capital expenditures. Stations cannot pass their costs on to their listeners, and most cannot take out loans for such projects, especially in this challenging economic climate and those in rural areas. The matching-

grant structure of PTFP allows public radio stations to leverage funding from local government and private entities while providing the money needed to help defray the high costs of capital projects.

Fiscal year 2011 brings an important opportunity for public radio broadcasters. In 2007, the Federal Communications Commission (FCC) opened a filing window for non-commercial educational radio stations, the first such frequency filing opportunity in more than seven years. The response from public radio stations has been enormous, with several hundred applications filed for new frequencies to improve or provide first service for communities across America. Each of these new frequencies, once approved by the FCC, will require a station build-out, adding to the vitally important matching grant financing provide by PTFP.

The demand for PTFP funding far exceeds the amount of funds available. In fiscal year 2009, there were over 220 applications requesting more than $48 million in funding through PTFP, yet only $20 million was made available. Unfortunately, budget constraints have limited the amount of funds available for PTFP grants. Annual appropriations for the program in fiscal year 2004 were cut by 50% (from $43.2 million in fiscal year 2003 to $21.8 million). Funding levels for the past seven years have remained at that level or lower. Increasing PTFP this year to its pre-2004 level of $44 million will help to meet the demand for this small, but important program, to help them to expand coverage to underserved and un-served areas.

PTFP priorities when issuing grants include expansion of public broadcasting to underserved and un-served areas of the country. For more than 46 years, the program has played a major role in the development and expansion of public radio throughout the country. Today, more than 90 percent of the American public can listen to a public radio station in their community.

In this era of local public radio stations utilizing digital technology to expand their public service reach, computer systems rely on software which needs constant updating and replacement. PTFP funding will be essential to stations that need to maintain reliable digital equipment and service that meets the needs of their communities. PTFP funding is the primary funding source for station equipment and technology needs.

In fiscal year 2009, PTFP approved 63 radio awards totaling $6.422 million. The largest radio grant went to construct a new public radio station on 90.5 MHz in Shiprock, New Mexico, that will provide first and local origination service to 31,883 people and additional service to 11,166 people on the Navajo Indian Reservation and the Four Corners area of Colorado, New Mexico, Arizona, and Utah.

Thirty-five radio grants were awarded to extend new public radio service to over 400,000 people and provide additional service to almost 2 million people. Two of the projects will fund booster stations to improve service to portions of New York City where coverage is shadowed by Manhattan skyscrapers. Communities that will receive first or expanded public radio service are: Bella Vista, Burney and Susanville, CA; Boulder,

Dove Creek, Montrose, Salida and Wiley CO; Milledgeville and Young Harris, GA; Caldwell, ID; Manhattan, KS; Frederick, MD; Cloquet, Hinkley, Nett Lake and Redwood Falls, MN; Greenville, MS; Box Elder (Rocky Boy Indian Reservation), MT; Okracoke, NC; Fort Totten, ND; Des Moines, Shiprock (Navajo Indian Reservation) and Tucumcari, NM; Acra, Mt. Beacon and New York City, NY; Bend and Brightwood, OR; Spearfish/Belle Fourche, SD; Gloucester Point, Gloucester Courthouse and Lexington, VA; Medical Lake, Mount Vernon and Port Townsend, WA; Fort Washakie (Wind River Indian Reservation), WY.

Maintaining service is also one of PTFP's main priorities. PTFP is the only source of funds for local public radio stations to replace equipment damaged or destroyed by disasters such as hurricanes, tornados, floods, wildfires, earthquakes and ice storms. In fiscal year 2009, the program awarded twenty-six projects to replace urgently needed equipment at public radio stations.

A grant will permit KPBX-FM, Spokane, WA, to distribute additional program streams for broadcast on five digital repeater stations in Omak, Oroville, Twisp, and Brewster, WA; and Kellogg, ID. Also, NPR was awarded a planning grant. The funds will be used to determine the feasibility of digital conversion of radio reading services for the blind and low vision community from the sideband channels of analog FM radio (Subsidiary Communications Authorization service), using consumer HD radio receivers, and to consumer-test a voice codec to support efficient digital transmission.

For 46 years, PTFP has played a major role in the development of public broadcasting throughout the United States. Through the assistance the program provides, public radio has grown considerably and now reaches over 90 percent of the U.S. population. PTFP funding is even more important now than ever before given the nation's financial crisis and knowing that know underwriting support is down significantly at local stations.

On behalf of public radio stations all across America, NPR urges the Subcommittee to approve $44 million for PTFP and appreciates your long-standing support of public broadcasting.

Outside Witness Testimony in Support of Increased FY 2011 Funding for the National Science Foundation

April 5, 2010

Submitted by:
William Y. Brown, Ph.D.
President, Natural Science Collections Alliance
President and CEO, Woods Hole Research Center
149 Woods Hole Road
Falmouth, MA 02540

Submitted to:

Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies

The Natural Science Collections Alliance (NSC Alliance) appreciates the opportunity to submit testimony about the President's fiscal year (FY) 2011 budget request for the National Science Foundation (NSF). We encourage Congress to appropriate the President's requested $7.424 billion for the NSF for FY 2011.

NSC Alliance is a nonprofit association that supports natural science collections, their human resources, the institutions that house them, and their research activities for the benefit of science and society. We are comprised of over 100 institutions who are part of an international community of museums, botanical gardens, herbariums, universities and other institutions that house natural science collections and utilize them in research, exhibitions, academic and informal science education, and outreach activities.

NSF drives innovation and supports job creation through research grant awards to scientists and research institutions, supporting the acquisition of research instruments and investments in research infrastructure, and supporting the education and training of undergraduate and graduate students. These and other NSF programs underpin the nation's research enterprise. Research supported by NSF generates knowledge and ideas that spur economic growth, stimulate innovation, and improve our understanding of the world in which we live.

The President's budget request for FY 2011 would invest $6.019 billion in the Research and Related Activities (R&RA) programmatic accounts. Through R&RA, the agency supports innovative research that advances the frontiers of our natural, physical and social science disciplines. Included within this request is $767.81 million for the Biological Sciences Directorate (BIO), a 7.5 percent increase over the FY 2010 enacted. The President's budget would provide the Geosciences Directorate (GEO) with $955.3 million in FY 2011, a 7.4 percent increase.

As the primary federal funder of basic biological research, BIO serves a vital role in ensuring our nation's global leadership in the biological sciences. BIO provides 68 percent of federal grant support for fundamental biological research conducted at our nation's universities and other nonprofit research centers, such as natural history museums. The Directorate supports transformative research that has improved our understanding of complex living systems and is helping to address major new challenges – mitigating and adapting to climate change, understanding and conserving biodiversity, and developing new bio-inspired technologies.

NSF provides essential support for our nation's natural science collections. These research centers enable scientists and students to study the data of life for the history of the planet, conduct modern biological and environmental research, and provide undergraduate and graduate students with the opportunity to learn directly from nature.

The President's budget request for NSF includes important funding for natural science collections. Ten million dollars is allocated to continue efforts to digitize and network U.S. specimen-based research collections. This funding is desperately needed to increase access to the data and specimens in our nation's scientific collections. Collections play a central role in many fields of biological research, including disease ecology, biodiversity, and climate change. They also provide critical information about existing gaps in our knowledge of life on Earth.

The importance of scientific collections to our nation's research infrastructure was recognized by the federal Interagency Working Group on Scientific Collections, which reported that: "...scientific collections are essential to supporting agency missions and are thus vital to supporting the global research enterprise."

The FY 2011 budget request includes important funding to continue efforts to better understand biodiversity. Funding is included for cross-disciplinary research to define the impacts of biodiversity on ecosystem services and human well-being. Additionally, the Science, Engineering, and Education for Sustainability (SEES) program will continue to study the scope and role of biodiversity in climate adaptation and ecosystem sustainability.

Also within the R&RA program, GEO provides some support for research and student training opportunities at natural science collections. GEO supports cross disciplinary research on the interactions between Earth's living and non-living systems—research that has important implications for our understanding of climate change, water and natural resource management, and biodiversity.

In addition to the R&RA programs, the President's budget provides important funding for the Informal Science Education program within the Education and Human Resources division. The Informal Science Education program works to advance our understanding of informal science, technology, engineering, and mathematics (STEM) learning. This program supports projects that create tools and resources for STEM educators working outside of traditional classrooms. The program builds professional capacity for research, development, and practice in the field. The Administration's FY 2011 budget would decrease funding for the program by $1.6 million from FY 2010 enacted.

A sustained federal investment in NSF is prudent. Public investments in biological research can generate a $2 to $10 return for each dollar invested. The President's budget request for NSF will help spur economic growth and innovation and continue to build scientific capacity at a time when our nation is at risk of being outpaced by our global competitors. Please support an investment of $7.424 billion in NSF for FY 2011.

Thank you for your thoughtful consideration of this request. Please do not hesitate to contact me or Dr. Robert Gropp at 202-628-1500 x 250 if you require additional information.

The Nature Conservancy
Protecting nature. Preserving life.

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Statement of Jena Carter on behalf of The Nature Conservancy on FY 2011 Appropriations for the National Oceanic and Atmospheric Administration Subcommittee on Commerce, Justice, Science and Related Agencies Committee on Appropriations, United States House February 19, 2010

Thank you for the opportunity to offer the recommendations of The Nature Conservancy (Conservancy) on the fiscal year 2011 budget for the National Oceanic and Atmospheric Administration (NOAA). NOAA's programs and products provide vital services to the country and provide for sound management and conservation of our natural resources while also supporting the functions of major industries including transportation, energy, tourism, and recreational and commercial fishing. The Conservancy's partnerships with NOAA are critically important to meeting our mission of conserving biological diversity.

Our coasts, oceans and Great Lakes are facing multiple ongoing and new threats from sea level rise, energy development, and coastal development at the same time that we've come to better understand the immense human and ecological values of healthy coastal and marine systems. The Conservancy urges the Committee to provide increased appropriations for NOAA to allow for expanded ocean conservation, restoration, and management programs; increased research and education activities; while providing for improvements in infrastructure (satellites, ships, high performance computers, facilities) and data management. As our top priorities, The Nature Conservancy supports the following funding levels for specific NOAA efforts:

Regional Spatial Planning and Partnerships	**$76 million**
Coral Reefs	**$40 million**
Coastal and Estuarine Land Conservation	**$60 million**
Habitat Restoration	**$47.3 million**
Pacific Salmon and Protected Species Conservation	**$110.8 million**

NOAA and The Nature Conservancy

The Conservancy works to identify priorities for coastal and marine conservation through ecoregional and conservation plans. We identify present and likely future threats to biological diversity and then identify appropriate strategies for conservation. At more than one hundred marine sites around the world, The Nature Conservancy has used a variety of strategies for marine and coastal conservation including habitat restoration, removal of invasive species, coastal land acquisition, private conservation of submerged lands, establishment of protected areas, management of extractive marine resources activities, and reduction of nutrient and toxic inputs to coastal systems. No single strategy works everywhere; at every site multiple conservation approaches that take into account the biological, socioeconomic, and political circumstances are needed.

NOAA is an important partner to the Conservancy in many aspects of our conservation work:

- We work with NOAA's programs that support **site-based conservation and restoration** activities of coastal and marine systems. Programs such as Coastal and Estuarine Land Conservation, Community-based Restoration, Open Rivers Initiative, and the Pacific Coastal Salmon Recovery Fund are excellent examples of practical, community-oriented approaches to conservation and restoration of coastal and marine resources. These programs should be expanded.
- Our chapters routinely partner with NOAA programs that provide or support **management** of marine and coastal ecosystems. The National Marine Sanctuary Program, the National Estuarine Research Reserve System, the Coastal Zone Management Program, the Coral Reef Conservation Program, and fisheries and protected species management programs, are all valuable partners on Conservancy projects and should be funded robustly.
- We rely on NOAA's **data, research, and monitoring** of coastal and marine systems, and collaborate with the agency to develop data and decision-making tools to advance science based management decisions. For example, NOAA's Coastal Services Center and their Digital Coast program maintain a strong partnership-oriented approach to providing information and technical assistance to states, local governments, other federal agencies, and the private sector to inform decision-making. In another example, TNC partners with NOAA's Coral Watch program to provide training and technical tools to coral reef managers.
- NOAA's contributions to state and local programs help ensure that the human **capacity** exists to address environmental management issues at the necessary scale. The Committee should provide funding for staff capacity to provide technical assistance, efficiently manage grants and programs, and help to measure effectiveness.

Funding for Ocean and Coastal Programs

Increasingly, the pressures of coastal development, sea level rise, energy development, and pollution threaten to impair watersheds, impact wildlife habitat, and damage important coastal ecosystems. Coastal and marine systems play a critical role in supporting the health and economic viability of our communities—they filter pollutants from stormwater runoff; control flooding after severe storm events; serve as vital nursery habitat for economically-important fish and shellfish populations; provide nesting and foraging habitat for coastal birds; and afford valuable opportunities for coastal recreation and nature-based tourism. The following detailed funding recommendations prioritize funding for programs that support marine, estuarine, and coastal conservation and restoration. NOAA has demonstrated significant capability to achieve results by advancing constructive, on-the-ground and in-the-water habitat conservation. Habitat losses have a substantial impact on the health and productivity of marine ecosystems, yet NOAA's ability to work closely with communities around the country to stem or reverse these losses is constrained by the relatively small amount of funding they receive. We would urge you to consider increasing funding for the following programs:

Regional Spatial Planning and Partnerships ($76 million)

- **Coastal and Marine Spatial Planning ($26 million):** With so many different users competing for the same coastal and ocean space coupled with disjointed resource management plans and regulations, conflicts can occur. We need a coordinated approach and thoughtful planning that minimizes conflicts, maximizes the way we use our oceans, and maintains healthy marine habitats. Coastal and Marine Spatial Planning (CMSP) is a decision-making process that creates a blueprint for ocean use and conservation. The CMSP

process involves: bringing together diverse oceans users; identifying ocean activities, marine species, and habitats to create a comprehensive picture of the ocean; providing a forum to proactively make informed decisions about how to best use our shared marine resources; providing a coordinated way to allocate marine spaces and assess tradeoffs to simultaneously achieve ecological, economic and social goals; and increasing transparency and accountability among decision makers. The FY2011 President's Budget proposes $6.77 million to develop agency capability to conduct and support comprehensive CMSP including creating maps of important and vulnerable areas, mapping existing area-based management authorities, developing decision support tools, facilitating data integration, and supporting interagency coordination. The Conservancy supports funding for these activities. However, additional funding is needed to conduct habitat mapping and characterization in high priority areas. Without adequate information on habitat types and distributions, science-based planning to conserve healthy ecosystems and foster sustainable use will be severely limited. In addition funding is needed to identify and map existing human uses, as well as to analyze potential conflicts between uses and how certain uses may impact ecological factors.

- **Regional Ocean Partnerships ($50 million):** The FY 2011 President's Budget requests $20 million for grants to Regional Ocean Partnerships (ROPs). Since 2008 funding has been provided for the Gulf of Mexico Governor's Alliance to implement regional priorities as identified in their Governor's Action Plan. The proposed funding would expand support to implement priority actions identified by existing and developing ROPs, including the Northeast Regional Ocean Council, the Mid-Atlantic Regional Council on Oceans, the South Atlantic Alliance, the Gulf of Mexico Governor's Alliance, the West Coast Governor's Agreement on Ocean Health, and the Great Lakes Regional Collaboration. These multi-state collaborations originated to address an existing suite of regional priorities, such as habitat conservation and restoration, coastal resilience to severe storms and climate changes, coastal water quality, regional data and science needs, and regional coordination on permitting processes. Additional funding should be provided to support state and regional engagement in the development and implementation of CMSP. The ROPs will serve as important organizational fora to coordinate federal and state CMSP efforts within each region. This will include the creation and implementation of stakeholder processes and consensus building tools, analysis of data and information, and facilitation of broad public participation in the CMSP process. Up to 5% of the funding for each region should be available to pay for administration of the ROPs to ensure that these entities become enduring institutions that can guide regional efforts.

Coral Reef Conservation ($40 million)

The decline and loss of coral reefs has significant social, cultural, economic, and ecological impacts on people and communities in the United States and around the world. As the 'rain forests of the sea,' coral reefs provide services estimated to be worth as much as $375 billion each year.

- **Coral Reef Conservation Program ($33 million):** The Conservancy works with the NOAA Coral Reef Program under a competitively awarded, multi-year cooperative agreement to address the top threats to coral reef ecosystems: climate change, overfishing, and land-based sources of pollution. Together we work on developing place-based management strategies; developing resilient marine protected area networks; measuring the effectiveness of reef management efforts; developing sustainable finance plans; and building capacity among reef

managers at the global scale. NOAA has conducted or is currently undertaking a coral reef conservation priority setting exercise in all seven of the U.S. jurisdictions with coral reef resources. The $33 million would provide additional funding to support implementation of these locally-driven conservation priorities.

- **Deep Sea Coral Reefs ($7 million):** Deep sea corals, like their tropical counterparts are incredibly complex and diverse ecosystems, yet relatively little is known about them. The Conservancy supports increased funding to compile and analyze existing data on deep sea corals and threats, and provide for more comprehensive mapping of the extent of deep sea coral areas throughout U.S. waters.

Coastal and Estuarine Land Conservation ($60 million)

- **Coastal and Estuarine Land Conservation Program (CELCP)**: The Conservancy supports funding CELCP at $60 million for FY2011. The program was formally authorized at this level in March of 2009. To date, Congress has appropriated over $200 million for CELCP. This funding has allowed for the completion of over 150 conservation projects, with more in progress. CELCP projects in 28 of the nation's 35 coastal states have already helped preserve over 45,000 acres of the nation's coastal treasures, and the number of acres will grow as more projects come to completion. All federal funding has been leveraged by at least an equal amount of state, local, and private investments, demonstrating the broad support of the program, the importance of coastal protection throughout the nation, and the critical role of federal funding to its success. Over a three year period $230 million of vetted ranked projects were identified, but only $74 million of funding was available. We support a competitive process to award CELCP funding. However, for a competitive process to be successful, funding for the program needs to accommodate a greater percentage of the overall demand for coastal acquisition projects.

Habitat Restoration ($47.3 million):

- **Fisheries Habitat Restoration:** This level of funding will provide $33 million for the Community-based Restoration Program and $12 million for the Open Rivers Initiative.[1] These programs work to restore important ecological systems that provide long-term ecological and economic benefits. In addition, restoration projects also generate near-term job opportunities: an estimated 20.3 jobs per million dollars. Congress provided $167 million for NOAA habitat restoration efforts in the American Recovery and Reinvestment Act. The resulting competitive request for proposals generated over 800 requests for ready to go projects, demonstrating a $3 billion backlog of ecologically and economically significant projects. We greatly appreciate this Committee's support of these priorities in the development of the Recovery Act, and in providing increased funding for these programs in the FY2010 appropriations act. To continue to build NOAA's capacity to address this overwhelming backlog of restoration work, we recommend providing increased annual funding for these programs.

Pacific Salmon and Protected Species Conservation ($110.8 million)

- **Pacific Coastal Salmon Recovery Fund ($90 million):** The Pacific Coast Salmon Recovery Fund (PCSRF) has funded hundreds of successful on the ground salmon conservation efforts

[1] An additional $2.3 million is available for regionally-specific restoration efforts, consistent with the FY 2011 President's Budget.

and is a critical state, tribal, and local complement to federal salmon recovery and management efforts. PCSRF projects are matched at a 3:1 ratio (federal/non federal) by states, tribes and local stakeholders and have resulted in significant progress in protecting and restoring salmon across their range, which are critical to the economic, ecological, and cultural well being of the Pacific Northwest and Northern California.

- **Species Recovery Grants ($20.8 million):** Through this program, authorized under Section 6 of the Endangered Species Act, NMFS provides grants to States to support conservation actions that contribute to recovery or have direct conservation benefits for listed species, recently de-listed species, and candidate species that reside within that State. We support the President Budget's request for $20.8 million for this program.

For ease of consideration, we include this detailed table that aligns our funding recommendations with the NOAA budget structure:

Line Office, Account, Program	**FY 10 Enacted**	**FY 11 Pres Bud**	**FY 11 TNC Rec**
National Ocean Service			
Operations, Research, and Facilities			
Coastal and Marine Spatial Planning	0	$6.77	$26M
Regional Ocean Partnerships	$4.75M*	$20M	$50M
Coral Reef Program	$29M	$26.9M	$33M
Procurement, Acquisition, and Construction			
Coastal and Estuarine Land Conservation Program	$20M	$25M	$60M
National Marine Fisheries Service			
Operations, Research, and Facilities			
Fisheries Habitat Restoration (CBRP & ORI)	$28M	$32.2M	$47.3M
Sustainable Habitat Management (Deep Sea Corals)	$2.5M	$2.5M	$7M
Protected Species Research & Management, Cooperation with States	$15.6M	$20.8	$20.8
Pacific Coastal Salmon Recovery Fund	$80M	$65M	$90M

* Funding was provided for the Gulf of Mexico Governor's Alliance.

Thank you for this opportunity to share with the Committee the Conservancy's priorities in NOAA's FY 2011 budget. We would be pleased to provide the Committee with additional information on any of the Conservancy's activities described here or elsewhere. Please contact Jena Carter (503-802-8114, jcarter@tnc.org) or Robert Bendick (703-841-4582, rbendick@tnc.org), if you have questions on which we might be of assistance.

The Nature Conservancy is a leading conservation organization working around the world to protect ecologically important lands and waters for nature and people. To date, the Conservancy and its more than one million members have been responsible for the protection of more than 18 million acres in the United States and have helped preserve more than 117 million acres in Latin America, the Caribbean, Asia and the Pacific. Visit The Nature Conservancy on the Web at *www.nature.org*

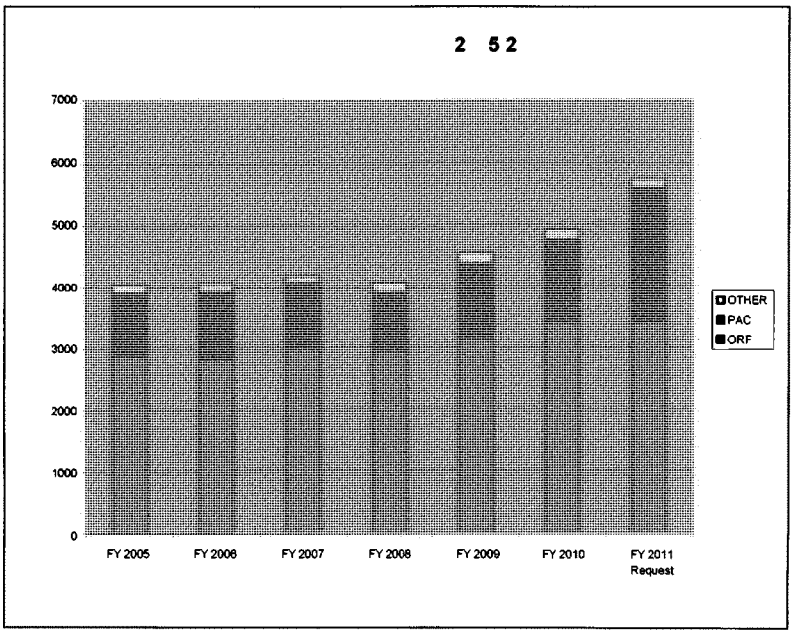
Written Testimony of Beth Lowell, Federal Policy Director of Oceana
For the Record of the
House Subcommittee on Commerce, Justice, Science and Related Agencies
Of the Committee on Appropriations
Regarding the Fiscal Year 2011 Budget
For the National Oceanic and Atmospheric Administration

April 14, 2010

Dear Chairman Mollohan, Ranking Member Wolf and Members of the Subcommittee,

On behalf of more than 320,000 members of Oceana, the world's largest international organization focused solely on ocean conservation, I submit the following testimony on the Fiscal Year 2011 budget for the National Oceanic and Atmospheric Administration (NOAA) within the Department of Commerce. I request that this testimony be submitted for the official record.

NOAA's responsibilities are wide-ranging and essential to healthy oceans, public safety, and a vital economy. The agency provides fisheries management, coastal and marine conservation, weather forecasting, climate monitoring, and many other vital services. Despite the indispensable products and services that NOAA provides, the agency has been chronically underfunded.

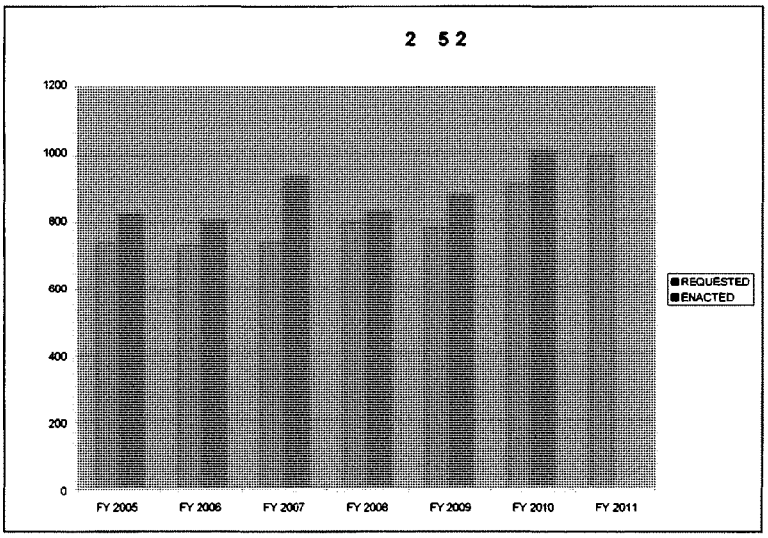


At first glance, the President's Budget for Fiscal Year 2011 appears to buck this trend by increasing NOAA's funding to $5.5 billion, but the vast majority of that increase is directed toward Procurement, Acquisition, and Construction (PAC) account while Operations, Research, and Facilities (ORF) account remains relatively flat-funded.

As evidenced above, the seemingly sharp increase in NOAA funding is primarily directed towards the PAC account. The vast amount of the increase in the PAC account is directed to satellites. While the satellite program is important and in need of increased funding, this increase must not come at the expense of NOAA's programmatic work, which operates under the ORF account. Funding for ORF has essentially idled since 2004, which, when accounting for inflation, has resulted in less money for ocean conservation and management.

Oceana strongly encourages the Subcommittee to provide $8 billion for NOAA in the Fiscal Year 2011 Commerce, Justice, Science appropriations bill. NOAA provides crucial services which are fundamental to the health of our oceans, coastal communities, and economy. While we are pleased that the President's request calls for increased funding for NOAA, many programs in the ORF account remain severely underfunded, and we ask that resources are directed toward marine research, management, and conservation programs including the following:

National Marine Fisheries Service (NMFS)



The President's FY11 budget requests for the National Marine Fisheries Service, NMFS, is less than the previous year's enacted level. This decrease is disappointing, as many NMFS programs remain underfunded, while the President himself has cited

challenges facing our oceans, including, "habitat loss, fishing impacts, invasive species, [and] disease." Increased funding is needed to address these problems and to strengthen the following programs:

Fishery Observer Programs - $50.9 million *(FY 2010 enacted – $41.1 million)*
Fishery observers are independent scientists who collect data aboard working fishing vessels, and record the entire composition of what is brought aboard the boat. This is a more complete record than landings data which only record what is brought to port, failing to account for bycatch, the incidental catch of non-target fish species or marine wildlife. This bycatch is thrown overboard, often dead or dying. According to NMFS, 85 fisheries require observer coverage and only 42 of those have any amount of coverage. Of those 42, less than half have adequate levels of coverage. Observer coverage needs to increase to provide accurate and precise estimates of bycatch in commercial fisheries to allow for better fishery management.

Stock Assessments - $60.0 million *(FY 2010 enacted - $51.0 million)*
Fishery management must be supported by adequate data and science. Quantitative stock assessments provide the scientific basis for setting catch limits that allow for the maximum fishing effort while preventing overfishing. Strong science leads to healthy fisheries and a healthy economy. According to NOAA, only 128 of 230 major U.S. fish stocks were considered to have inadequate stock assessments in 2007. Based on an estimated cost of approximately $1 million per stock assessment, NOAA would require an additional $100 million above last year's funding in order to develop adequate stock assessments for all 230 major stocks, so by comparison, the increase sought is modest.

Enforcement – $75.0 million *(FY 2010 enacted - $65.7 million)*
Fisheries laws are ineffectual without adequate enforcement. Successful implementation of new legal requirements for annual catch limits (ACLs) and accountability measures in all U.S. fisheries will demand increased funding. Additional resources are needed to establish a program for enforcement and surveillance of Illegal, Unregulated and Unreported (IUU) fishing within the existing NMFS fisheries enforcement program. IUU fishing is a major threat to fisheries sustainability and value, marine habitat, and the livelihoods of fishermen and local communities. Increased funding would be used to identify and take action against vessels engaged in IUU fishing.

Deep Sea Coral Conservation - $7.0 million *(FY 2010 enacted - $2.5 million)*
The Magnuson Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSRA) directed NOAA to establish a Deep Sea Coral Research and Technology Program, to map coral habitats and help scientists understand deep sea coral biology and ecology. These delicate, slow-growing corals often serve as nurseries for commercially and ecologically important fish and a variety of marine wildlife. These corals are extremely vulnerable to destructive fishing gear, and increased funding is necessary to map the location of, and minimize gear impacts on deep sea coral habitat.

Sea Turtle Research & Conservation - $26.4 million *(FY 2010 enacted - $14.6 million)*

Oceana urges the Subcommittee to reject the Administration's funding cut to marine turtle programs, and instead, expand upon existing funding. Sea turtles have been swimming the oceans for more than 100 million years, yet today, all six species of sea turtles in U.S. waters are listed as either endangered or threatened under the Endangered Species Act (ESA). Commercial fisheries alone are authorized to kill 10,000 and injure an additional 334,000 turtles each year. This mortality is compounded by other challenges such as marine debris, pollution, coastal development, vessel strikes, and climate change. Additional funding is needed to research the cumulative impact of these threats, and to ensure the recovery of imperiled sea turtle populations.

Marine Mammal Protection - $82.0 million *(FY 2010 enacted – $49.7 million)*
Oceana requests that funding be restored to FY 2005 enacted level of $82 million. There are 13 domestic species of marine mammal that are currently protected under the ESA, all marine mammals are protected under the Marine Mammal Protection Act, and NMFS is the agency primarily responsible for their management. Increased funding is needed for updated stock assessments and research cruises, bycatch monitoring and reporting, research on avoidance and bycatch reduction techniques, the formation of take reduction teams, and implementation and enforcement of conservation measures for marine mammals.

National Ocean Service:

Oil Spill Response and Restoration - $29.2 million *(FY 2010 enacted - $10.8 million)*
NOAA's office of Response and Restoration (OR&R) is the lead trustee for the public's coastal natural resources and the scientific leader for oil spill response, assessment, and restoration. OR&R's mission is to respond to, protect and restore habitats, communities and economies injured by oil spills, hazardous waste sites, and vessel groundings. Renewed interest in oil drilling in the ocean threatens marine life and ocean ecosystems. Starting in FY 04 OR&R saw a steady decrease in its funding levels calling into question its ability to respond to two major events simultaneously. Increased funding levels are essential if OR&R is to return to its historic funding levels and for OR&R to complete its designated mandates.

Integrated Ocean Acidification initiative - $15.0 million *(new program in FY 11)*
Our oceans absorb approximately 30% of anthropogenic carbon dioxide emissions, amounting to more than 460 billion tons since the Industrial Revolution. Once the carbon dioxide is absorbed, it reacts with seawater to form carbonic acid. Among other things, the increased acidity prevents marine organism, such as pterepods, mussels, oysters, lobsters, and corals, from forming their calcified shells or skeletons. The acidity of our oceans' surface water has already increased by approximately 30%, and while the chemistry of this process is well understood, the breadth of the impact that it will have on marine ecosystems remains unknown. In 2009, Congress passed the Federal Ocean Acidification Research and Monitoring Act which authorized appropriations for ocean acidification research divided amongst NOAA and NSF. This money will support new technologies, monitoring systems, improved modeling, and dedicated research programs.

New Programs in NOAA this year include a new Climate Service and work on Coastal and Marine Spatial Planning, as well as participation in the Ocean Policy Task Force, as directed by President Obama. New funding will be required to fulfill these new directives:

National Climate Service will bring together all the agency's climate science and products and make them available in one location, which will allow for improved communication and coordination within the agency, and will enhance accessibility to decision-makers and the general public. The Climate Service will build upon current climate research, observations, modeling, predictions and assessments, but aggregate the information in one place.

National Ocean Policy - An Interagency Ocean Policy Task Force was established on June 12, 2009 by President Obama. The Task Force was charged with developing recommendations for a comprehensive national policy for the protection, maintenance and restoration of our oceans, coasts and Great Lakes; a structure to coordinate and implement the policy throughout the federal government; and a framework for coastal and marine spatial planning (CMSP). At the onset of President Obama's administration, he said, "We have a stewardship responsibility to maintain healthy, resilient, and sustainable oceans, coasts, and Great Lakes resources for the benefit of this and future generations." Now, NOAA must be provided the resources to follow through.

Coastal and Marine Spatial Planning is a tool to implement the National Ocean Policy throughout US waters and address the ever-growing demands on our oceans such as renewable energy development, commercial and recreational fisheries, protecting marine wildlife, habitat protection, marine shipping, aquaculture, recreation, and many other activities. An initial investment in MSP will allow the US to take a comprehensive approach to managing our coasts and oceans, rather than relying on sector-by-sector management. MSP will allow for improved planning with an emphasis on science-based decision-making.

Thank you for your consideration of these recommendations.

*Oceana received no funding from a federal grant (or subgrant thereof) or contract (or subcontract thereof) in the current fiscal year or either of the two previous fiscal years.

Testimony of
David Mandel
Chief Executive Officer
Ohel Children's Home and Family Services
before the Commerce-Justice-Science Subcommittee
of the House Appropriations Committee
on Thursday, February 11, 2009
In support of the
Ohel Violence Prevention Program

Chairman Mollohan and members of the Subcommittee:

Thank you for this opportunity today to discuss Ohel's
which is aimed at enhancing the social and emotional functioning of children, adolescents, and adults who are at-risk or victims of abuse. These services assist women and children who are victims of domestic violence, as well as children who suffer from physical, sexual, and / or emotional abuse and violence. Ohel operates in three states, and funding support has been requested in the Fiscal Year 2010 Commerce, Justice, Science Appropriations bill through the "Office of Justice Programs" within the U.S. Department of Justice for the following programs: $710,000 for New York State; $420,000 for New Jersey; and $360,000 for South Florida.

Ohel Children's Home and Family Services is a pioneering, not-for-profit social services organization committed to elevating lives of individuals with mental illness, developmental disabilities and families in crisis throughout the New York Metropolitan

area. Services are also provided in New Jersey and South Florida. Since 1969, Ohel has served abandoned, abused, and neglected children, as well as families in crisis. Ohel strives to deliver services of excellence in a culturally sensitive manner through all phases of life. As an awareness driver, educator, and service provider, Ohel is proactive in confronting community ailments and empowering professionals and others with the tools of prevention and support. Ohel positively impacts the way social issues are addressed in the community and consistently receives "Excellent" ratings in all of its programs from various licensing agencies.

Data released by the U.S. Department of Health and Human Services in 2007 reveals that 12 out of every 1,000 children in the United States are found to be victims of some form of maltreatment. According to statistics provided by the New York City Police Department and Safe Horizons, a domestic violence advocacy organization, police responded to 234,988 domestic violence incidents in 2008, which averages over 600 incidents per day. In addition, NYPD's Domestic Violence Unit conducted 72,463 home visits in 2008, which is – alarmingly -- a 93% increase since 2002.

Abuse survivors need assistance to handle the tormenting memories of acts perpetrated against them. Many victims of abuse also suffer from bullying, eating disorders, and drug and alcohol addictions. Early detection and screening for abuse and child safety is critical in ruling out more serious behavioral manifestations of abuse. Research on children who witness domestic violence in their home strongly suggests there are long-term affects on the lives of these children. However, we know that prevention and early intervention are key factors to building resiliency and long-term mental health stability in children who have witnessed or experienced violence.

Ohel's Violence Prevention Program is an ongoing service that supports people in need on a year-round basis. Ohel recognizes the need for intervention on the individual, family, organizational, and communal levels and has developed programs of prevention, intervention, and risk management. The overall goals of the program are to:

- Enhance the social and emotional functioning of victims of violence;
- Prevent and treat at-risk behaviors; and
- Reduce harmful behaviors which victims are prone to, which often lead to addictions and further violence.

Ohel's Violence Prevention Program engages victims of violence in the settings they feel most safe in, be it at school, home, or in a clinician's office. Specialized training is provided for teachers, counselors, principals, and community leaders. In addition, parent workshops emphasize the importance of communication with children. Specific aspects of the comprehensive program include the following:

include outpatient counseling and support groups for women and children; temporary safe housing for victims of domestic violence; and community education on prevention and response.

provides outreach and treatment for victims of abuse and trauma, including post-traumatic stress disorder (PTSD) and its related mental health disturbances, such as poor anger management, depression, anxiety, substance abuse, alcoholism, domestic violence, sexual abuse and suicide.

The Ohel works with schools and community based groups; provides evaluations, crisis intervention, and trauma / grief counseling; and intervenes in a timely fashion with an individually-developed plan.

Our provide forums that address concerns about safety and provide information on local resources for the treatment of victims.

includes evaluation and treatment of child, adolescent, and adult survivors of abuse; individual and group treatment for victims and survivors; support to families and victims; management skills for responding to perpetrators and collaborating with the legal system.

Our for educators and principals focus on children's personal safety and abuse prevention, including information on what to do when a teacher, parent, or community member is suspected of abuse; differentiating between acceptable and non-acceptable touching; and training on taking precautions against accusations of abuse.

include public forums on safety awareness; training about warning signs of possible abuse; talking to your children about personal safety; and advice on responding to allegations of abuse.

Violence inflicted upon children and adults can have a lifelong impact on the victims of such abuse. Measures to prevent abuse before it occurs, as well as steps taken to work with victims of abuse to improve coping skills, gain self-respect, develop and maintain healthy relationships, and demonstrate responsibility towards their peers, families, and schools are essential to ensure that victims are able to overcome their abuse as best as possible.

Victims of abuse oftentime engage in "at-risk" behaviors that may interfere with their ability to lead healthy and productive lives. Ohel's Violence Prevention Program benefits taxpayers and the public in that it prevents violence from occurring in the first place and also assists victims of abuse to overcome the trauma to which they have

been subjected so that they can move forward on a successful track -- thus saving significant local, state and Federal expenditures by keeping them out of the justice system.

Mr. Chairman, with Federal support, Ohel seeks to expand its Violence Prevention Programs so that the children and young adults who are the victims of abuse or who are confronted with challenging circumstances resulting from violence can get the counseling and intervention services they need to move forward in a constructive manner, rather than develop patterns for future destructive behavior. I thank you again for your time and attention to this important matter.

U.S. Commissioners
David Bedford
Jeff Koenings
Olney Patt Jr.
Larry Rutter

UNITED STATES SECTION
of the
PACIFIC SALMON COMMISSION

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TESTIMONY OF DAVID BEDFORD
U.S. COMMISSIONER, PACIFIC SALMON COMMISSION
U.S. SECTION OF THE PACIFIC SALMON COMMISSION

BEFORE THE SUBCOMMITTEE ON COMMERCE,
JUSTICE, SCIENCE AND RELATED AGENCIES
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES
February 11, 2010

Mr. Chairman, my name is David Bedford, and I serve as a U.S. Commissioner on the Pacific Salmon Commission (PSC). The PSC was established in 1985 to oversee implementation of the Pacific Salmon Treaty (Treaty) between the U.S. and Canada. In May of 2008, the PSC concluded bilateral negotiations that developed revised ten-year salmon fishing regimes to replace regimes that were expiring at the end of 2008. The provisions of the new fisheries agreements were approved by the U.S. and Canadian federal governments and are being implemented for the 2009 – 2018 period. The U.S. Section recommends that Congress:

- Fund the Pacific Salmon Treaty Line Item of the National Marine Fisheries Service at $9,708,000 for FY 2011 an increase in funding compared to $5,600,000 in recent-year budgets. This funding provides support for the states of Alaska, Washington, Oregon, and Idaho and the National Marine Fisheries Service to conduct the salmon stock assessment and fishery management programs required to implement the Treaty's conservation and allocation provisions for coho, sockeye, Chinook, chum, and pink salmon fisheries. Included within the total amount of $9,708,000 is $400,000 to continue a joint Transboundary River Salmon Enhancement Program as required by the Treaty.

- Fund the Pacific Salmon Treaty Chinook Salmon Agreement Line item of the National Marine Fisheries Service for FY 2011 at $1,844,000, level funding from what has been provided by Congress in recent years and is included in the President's FY 2011 request. This funding is necessary to acquire the technical information to fully implement the abundance-based Chinook salmon management program provided for under the Treaty.

The funding identified above is for ongoing annual programs and does not include new funding specifically needed for full application of the revised agreement for 2009-2018 that was negotiated by the PSC and accepted by the Governments of the U.S. and

Canada on December 23, 2008. This new funding was part of the National Marine Fisheries Service FY 2010 budget, which the U.S. PSC Commissioners recommend be continued in the FY 2011 federal budget.

The base Treaty implementation projects included in the Pacific Salmon Treaty Line Item consist of a wide range of stock assessment, fishery monitoring, and technical support activities for all five species of Pacific salmon in the fisheries and rivers from Southeast Alaska to those of Washington, Oregon, and Idaho. The states of Alaska, Washington, Oregon, Idaho, the federal National Marine Fisheries Service (NMFS), and the 24 treaty tribes of Washington and Oregon are charged with carrying out the salmon fishery stock assessment and harvest management actions required under the Treaty. Federal funding for these activities is provided through NMFS on an annual basis. The agency projects carried out under PSC funding are directed toward acquiring, analyzing, and sharing the information required to implement the salmon conservation and sharing principles of the Treaty. A wide range of programs for salmon stock size assessments, escapement enumeration, stock distribution, and catch and effort information collection from fisheries are represented. The information from many of these programs is used directly to establish fishing seasons, harvest levels, and accountability to the provisions of Treaty fishing regimes.

The base Treaty implementation funding of approximately $5.6 million in the FY 2010 budget has essentially remained at this low level since the early 1990's. Since that time, the growing complexity of conservation-based (federal Endangered Species Act compliant) fishing regimes has required vastly more stock assessment, fishing compliance monitoring, and technical support activities. In order to continue to implement the federal PST, the states have had to augment federal funding with other federal and state support. For example, additional sources of funding have included federal Anadromous Fish Grants, federal Pacific Coast Salmon Recovery Funds (PCSRF), federal Dingell-Johnson dollars, and state general funds. However, the Anadromous Fish Grants were eliminated in the federal FY 2010 budget, use of PCSRF monies was constrained in FY 2010 by new appropriations language, and state dollars and Dingell-Johnson grants were cut significantly during the current economic recession.

The economic impact of commercial and sport fisheries has been measured by the U.S. Fish and Wildlife Service at approximately $2-3 billion/year to PSC states. To continue to implement the federal PST conservation-based fishing regimes that contribute to the sustainability of salmon stocks and the large economic return to the states, the U.S. PSC members recommend an increase in base treaty implementation funding from the current $5.6 million to $9,708,000.

Effective, science-based implementation of negotiated salmon fishing arrangements and abundance-based management approaches for Chinook, southern coho,

Northern Boundary and Transboundary River salmon fisheries includes efforts such as increased annual tagging and tag recovery operations and application of other emerging stock identification techniques. The U.S. PSC members recommend that $9,708,000 be provided for the NMFS Pacific Salmon Treaty Line Item in FY 2011 for Treaty technical support activities. The $400,000 that has been provided in the separate International Fisheries Commissions line item since 1988 for a joint Transboundary River enhancement program with Canada is now included in this amount. The recommended amount for the combined projects represents an approximate increase of $4,108,000 over the amount appropriated for FY 2010.

Beginning in FY 1998, Congress provided $1,844,000 to allow for the collection of necessary stock assessment and fishery management information to implement a new abundance-based management approach for Chinook salmon coast-wide in the Treaty area. Through a rigorous competitive technical review process for project approval, the states of Alaska, Washington, Oregon, and Idaho, and the twenty-four treaty tribes are using the funding to support research and data collection needed for abundance-based Chinook management. The U.S. Section recommends level funding of $1,844,000 for FY 2011 to support the abundance-based Chinook salmon management.

The U.S. and Canada agreed in 1988 to a joint salmon enhancement program on the Transboundary Rivers, which are rivers rising in Canada and flowing to the sea through Southeast Alaska. Since 1989, Congress has provided $400,000 annually for this effort through the National Marine Fisheries Service International Fisheries Commission line item under the Conservation and Management Operations activity. Canada provides an equal amount of funding and support for this bilateral program. This funding is included in the $9,708,000 the U.S. Section is recommending for the FY 2011 NMFS Pacific Salmon Treaty line item.

This concludes the Statement of the U.S. Section of the PSC submitted for consideration by your committee. We wish to thank the committee for the support that it has given us in the past. I will be pleased to answer any questions the Committee Members may have.

SUMMARY OF PROGRAM FUNDING FOR THE U.S.-CANADA PACIFIC SALMON TREATY

DEPARTMENT OF COMMERCE
Pacific Salmon Treaty Line Item

FY 2009 Appropriation	FY 2010 Appropriation	FY 11 U.S. Section Recommendation
$5,610,000	$5,600,000	$9,708,000

The recommended FY 2011 amount includes $400,000 provided for the Joint Transboundary River Enhancement Program currently funded under the NMFS International Fisheries Commission account.

Pacific Salmon Treaty – Chinook Salmon Agreement Line Item

FY 2009 Appropriation	FY 2010 Appropriation	FY 2011 U.S. Section Recommendation
$1,844,000	$1,844,000	$1,844,000

Lee R. Crockett
Director, Federal Fisheries Policy
Pew Environment Group

March 30, 2010

The Honorable Alan Mollohan, Chairman
Subcommittee on Commerce, Justice,
Science and Related Agencies
Committee on Appropriations
United States House of Representatives
Washington, DC 20515

The Honorable Frank Wolf, Ranking
Member
Subcommittee on Commerce, Justice,
Science and Related Agencies
Committee on Appropriations
United States House of Representatives
Washington, DC 20515

Dear Chairman Mollohan and Representative Wolf:

The Pew Environment Group (PEG) appreciates the opportunity to provide testimony on the National Ocean and Atmospheric Administration's (NOAA) FY2011 budget request. Specifically, we would like to comment on the fisheries data collection and analysis request of the National Marine Fisheries Service (NMFS). In order to meet critical new fisheries management requirements, we request a total of $380.9 million for data collection and analysis, which is an increase of $58.4 million over the President's FY2011 budget request.

In 2006, Congress reauthorized and amended the Magnuson-Stevens Fishery Conservation and Management Act to finally put an end to overfishing, i.e., taking fish from the ocean faster than they can reproduce. To achieve that objective, Congress required federal fishery managers to establish science-based annual catch limits (ACLs) that do not allow overfishing for all U.S. ocean fisheries. As these ACLs are developed, it is imperative that Congress appropriate the funding necessary to continue providing and improving the scientific information fisheries managers need to guide decisions that will sustain our fisheries. ACLs must be based on science, not politics, to ending overfishing and rebuild depleted fisheries.

Improvements in data collection and analysis will enable fishery managers to better achieve the goal of the 2006 amendments, ending overfishing. The following core data collection and monitoring programs should be increased by a total of $58.4 million over the President's FY2011 budget request. This represents an increase of $35.5 million over FY2010 enacted funding levels, for a total of $380.9 million. This increase is broken down into specific budget categories below.

Fisheries Research and Management Programs: +11.4 million over the President's request, for a total of $190.9 million, an amount equal to the FY2010 enacted level. Fisheries research and management programs provide accurate and timely information and analysis on the biology and population status of managed fish as well as the socioeconomics of the fisheries that depend on those populations. Such information is critical for the development of fisheries management measures to ensure that they end overfishing. In NOAA's FY2011 budget request, $11.4 million is transferred from the Fisheries Research and Management Programs line item into the National Catch Share Program line item. We believe that any increases for catch share programs should be made with new money, not transferred from existing general research programs that should be available for all fisheries. Because of their vital role in ending overfishing, Fisheries Research and Management Programs should be funded at no less than the FY2010 enacted level of $190.9 million. Additionally, no funds from the line item should be transferred to the National Catch Share Program, because those funds would become permanently unavailable to fund research and management programs for the vast majority of federally managed fisheries that are not currently in a catch share program, and may not be included in one in the future.

Expand Annual Stock Assessments: +10 million over the President's request, for a total of $61.7 million, an increase of $10.7 million over the FY2010 enacted level. Stock assessments are the basic scientific tool that scientists use to determine the health of fisheries. A stock assessment provides estimates of population size and the amount of fishing that the population can sustainably support. The President's budget request of $51.7 million would only provide the capability to assess 57% of the 230 commercially and recreationally important fish stocks managed by the federal government.[1] However, NMFS's goal is to assess all major fish stocks and conduct annual baseline monitoring for all federally-managed fish species.[2] Using funds appropriated under this budget line, NMFS plans to update fish stock assessments, support the implementation of ACLs, support fishery independent surveys, expand fishery dependent sampling, and improve ACL forecasting through enhanced modeling. Increased funding for data collection and monitoring will increase certainty in determining fish population sizes and the amount of fishing these populations can sustain, thus enabling managers to increase fishing opportunities.

Cooperative Research: +10 million over the President's request, for a total of $17.1 million, a decrease of $500,000 below the FY2010 enacted level. Cooperative research programs pay

[1] National Oceanic and Atmospheric Administration, Budget Estimate for Fiscal Year 2010, Exhibit 13, p. 217.
[2] National Oceanic and Atmospheric Administration, "NOAA's National Marine Fisheries Service Requirements for Improved and Integrated Conservation of Fisheries, Protected Resources and Habitat," January 2003.

fishermen, operating under the direction of federal scientists, to collect fisheries data, and test new more sustainable fishing gear and practices. In addition to the information collected, cooperative research programs build partnerships among scientists and fishermen. They are also an effective way to provide financial relief for struggling fishermen, while also creating a more transparent process and providing a cost-effective way to improve the data upon which fisheries management decisions are made.

In 2003, NMFS estimated that it would need $25.5 million for cooperative research by FY2009.[3] The President's FY2011 budget request transfers $6 million out of the cooperative research line item and into the National Catch Share Program line item. Although NMFS asserts that the $6 million will be used for cooperative research in catch share fisheries, there is no guarantee that it will continue to be used for cooperative research in the future. In addition, taking funds from general cooperative research, where it would be available for all fisheries, and restricting it to only catch share fisheries, short changes the vast majority of fisheries that are not catch share fisheries. Moreover, the President's budget request decreases funding for cooperative research an additional $4.565 million. Therefore, NMFS proposes to cut the cooperative research funding available to all fisheries by $10.5 million, in other words a 60 percent decrease in funding available to all fisheries from FY2010 enacted levels. We request an increase of $10 million, for general cooperative research funding available to all fisheries, for a total of $17.1 million, close to FY2010 enacted levels.

Survey and Monitoring Projects: +6 million over the President's request, for a total of $30 million, an increase of $6.2 million over the FY2010 enacted level. NOAA has stated that "many fisheries lack adequate and timely monitoring of catch and fishing effort."[4] Survey and monitoring projects provide critical support for implementation of the new ACL requirement. Increased funding will improve that accuracy of ACLs and will increase the percentage of stocks with assessments. Two of the most important needs overall are research vessel surveys to collect fishery independent information on abundance and distribution of fish populations.[5] Additional funding for fishery-independent surveys, monitoring, and research will improve estimates of ecosystem change, fishing mortality, and population size.

Fisheries Statistics: +11 million over the President's request, for a total of $32.4 million, an increase of $11.3 million over the FY2010 enacted level. Given the fact that there are great data collection needs in the south Atlantic, and Gulf of Mexico recreational fisheries, PEG recommends that the entire $11 million increase go toward the Marine Recreational Information Program (MRIP), a new saltwater recreational fishing data collection program that is partially included in the Fisheries Statistics line. MRIP funding should total $20 million, an increase of $11 million over the FY2010 enacted level of $9 million. Increased funding will improve data

[3] *Id.* NMFS 2003 five year assessment estimated the need for cooperative research to be $22.75 million above FY2003 levels by FY2009, for a total of $25.50 million.
[4] *Id.* at 166.
[5] Marine Fisheries Stock Assessment Improvement Plan: Report of the National Marine Fisheries Service National Task Force for Improving Fish Stock Assessments. October 2001. NOAA Technical Memorandum NMFS-F/SPO-56.

on recreational fishing catch (both landed and released fish) and participation. One promising new technology is electronic reporting, which could improve the timeliness and accuracy of recreational data. Additional resources could be used to develop and deploy such new systems. Better quality data on marine recreational fishing, which contributes roughly $80 billion annually to the U.S. economy,[6] will allow scientists to better estimate fishing mortality and set ACLs more accurately, thus reducing the risk of overfishing. In addition, improving the timeliness of recreational data will allow managers to take action before an ACL is exceeded. This will lead to less restrictive management decisions and more fishing opportunities.

Observers/Training: +10 million over the President's request, for a total of $48.8 million, an increase of $7.7 million over the FY2010 enacted level. NMFS has been required by law to establish a standardized bycatch (incidental catch of non-target ocean wildlife) reporting system since 1996. Fishery observers (trained biologists who go to sea on commercial fishing vessels) collect close to real-time commercial fishing catch and bycatch data and important information on fishing practices, gear use, where and when fishing occurs, compliance, and biological samples not available from dockside sampling. Observer programs are "often the best means to gather current information on fisheries status" and enable effective management, even though currently only 40 fisheries have observer programs.[7] Additional funding for observer coverage will improve the quality and quantity of fisheries data, especially estimates of bycatch mortality, information that is critical to estimating populations size and sustainable fishing levels.

In 2003, NMFS recommended that the National Observer Program be funded at $104 million by FY2009. The increased funding would have been used for research and development into innovative fishing gear to reduce bycatch, implementation of bycatch reduction strategies, and implementation of statistically valid observer coverage in all fisheries. Unfortunately, in the President's FY2011 budget request, Observers/Training suffers more than $3 million in terminations, resulting in a request of $38.8 million. Increasing that request to $48.8 million would be a down payment on fully funding the observer program.

Conclusion

NMFS data indicates that 37 of the190 assessed commercially and recreationally important fish stocks (about 20 percent) are subject to overfishing. It is essential to increase funding to support research, data collection and assessment activities necessary to put an end to this overfishing. Congress established the legal tool to accomplish this in 2006 by requiring the implementation of science-based ACLs that end and prevent overfishing for U.S. fisheries. Now it must provide the funding to collect and analyze the information necessary to continue meeting that requirement and sustaining healthy fisheries. Increasing funding for data collection and analysis will significantly improve the federal government's efforts to maintain viable fisheries and healthy marine ecosystems.

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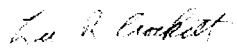
[6] NOAA, Saltwater Recreational Fishing Factsheet, 2009. Available at http://www.nmfs.noaa.gov/sfa/PartnershipsCommunications/rec_fishing_facts.pdf

[7] National Oceanic and Atmospheric Administration, Budget Estimate for Fiscal Year 2011, p. 191.

Sincerely,



Lee R. Crockett
Director, Federal Fisheries Policy
Pew Environment Group

CC: Patrick J. Kennedy (RI)
Chaka Fattah (PA)
Adam Schiff (CA)
Michael Honda (CA)
C.A "Dutch" Ruppersberger (MD)
Peter J. Visclosky (IN)
José E. Serrano (NY)
David R. Obey (WI), Ex Officio
John Abney Culberson (TX)
Robert B. Aderholt (AL)
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March 25, 2010
Mary Beth de Poutiloff
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RE:Block NOAA's Catch Share Funding & Impose a Catch Share Moratorium

Vote NO on NOAA's budget for Catch Shares and help save the fishermen and their communities.

NOAA's budget request is indicative of lack of commonsense, communication and cooperation with the fishing industry. Their objective seems to be about destroying fishermen and our communities. Stock assessments, science, Magnuson Stevens Act and real data, is unnecessary in their quest. This is why the fishery management plans are designed to fail?

My family has been fishing for scallops for over 20 years. Scallops are not over fished now or recently. In fact, the resource is at the second highest level since keeping records. Some closed area scallops are dying of old age.

With the Catch Share management tool my family can fish only 4 days this year. Scallop Amendment #11 took over 2900 permits and qualified only 329 small boats. Of these 329, very few boats are viable under ITQs/Catch Shares. I only know of one boat that can make a living. The rest are like my family-1 day, 2 days, 4 days, or 9 days.

Catch Shares is an economic tool not a conservation one. It is a redistribution of wealth. The majority of the fishing industry is against this unfair consolidation of fishermen. We have abided by the strict regulations, made sacrifices, and we were led to believe when the stocks rebounded we would be able to share the bounty. What happened to those promises? Why are current stock assessments being ignored?

NOAA is on a train wreck with the Catch Share scheme. A public resource is about to be lost to a wealthy few. This is discriminatory and in 2007, the United Nations agreed. No one has the right to ownership through transferability. The rich should not be able to buy something that should not be for sale.

For every fishing job it supports 6.6 jobs on land (Univ. of Maine). We need more jobs not less. Why spend taxpayer's money to put us out of work unnecessarily? This makes no sense. What are all these displaced fishermen and related businesses to do?

The small boat family fleet does less harm to the resources, the environment and our money supports coastal communities. Why is NOAA favoring huge, corporate fleets while the small boats are practicing sustainable fishing? We need diversity in our fleet to sustain our resources.

NOAA is requesting to spend $54 million dollars on Catch Shares that the fishing industry does NOT need or want. This should be raising red flags! All fisheries management plans need to rely on timely, accurate science. Yet, Dr. Jane Lubechenco wants to siphon money from our cooperative research to force Catch Shares.

We need a 2- year Catch Share moratorium and Congressional oversight hearings for the Council, NMFS/NOAA-mismanagement, corruption, conflict of interest and breaking the Magnuson Stevens Act (MSA). No one should be exempt from laws. The flexibility in rebuilding our resources is also needed immediately.

My kudos to our elected officials, who all ready have joined our efforts to insure the continuance of the fish AND the coastal communities. A 400 -year old tradition does not deserve to die because of mismanagement.

Senators-Bruce Tarr, Scott Brown, Charles Schumer, George LeMieux, Richard Burr, Kirsten Gillibrand, Kay Hagan.

Congressman & woman- John Tierney, Barney Frank, Henry Brown, Walter Jones, Carol Shea-Porter, Frank Pallone, John Mica, Cliff Stearns, Ilena Ros-Lehtinen, Adam Putnam, Bill Posey, Ron Paul, Solomon Ortiz, Michael Michaud, Mike McIntyre, Larry Kissell, Peter King, Patrick Kennedy, Alan Grayson, Ander Crenshaw, Joe Courtney, Donna Christensen, Michael Capuano, Ginny Brown-Waite, Allen Boyd, Jo Bonner, Tim Bishop, Gus Bilirakis, Bob Andrews, John Adler, Peter DeFazio.

Governors-Deval Patrick,Rick Perry, Bobby Jindal, Haley Barbour, Bob Riley.

Mayors- Scott Lang & Carolyn Kirk and Reps-Ann- Margaret Ferrante,Tony Cabral, John Quinn, William Straus, James Cantwell, Stephen Canessa, Robert Koczera.

Respectfully,
Mary Beth de Poutiloff
Provincetown, MA
Harrington, ME

WRITTEN TESTIMONY
OF THE
PUYALLUP TRIBE OF INDIANS
ON
PROPOSED FISCAL 2011 APPROPRIATIONS
FOR THE
ECONOMIC DEVELOPMENT ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE
PREPARED FOR THE
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
OF THE
COMMITTEE ON APPROPRIATIONS
U.S. HOUSE OF REPRESENTATIVES

Chairman Mollohan, Congressman Wolf, and members of the Subcommittee on Commerce, Justice, Science and Related Agencies, we thank you for the opportunity to present testimony on the programs administered by the Economic Development Administration of the U.S. Department of Commerce.

The Puyallup Tribe of Indians enthusiastically embraces our potential to serve Indian country, the Pacific Northwest region, and the entire nation in establishing a living laboratory for the development and application of green technologies to create environmentally-sustainable buildings nationwide, and to create green construction jobs and a skilled workforce through training provided in this living laboratory.

Working with the Institute for Environmental Research and Education (IERE), we propose to name this initiative the EPI-Center: Environment, People, Innovation. The EPI-Center will be the first net-zero energy use commercial facility in Washington State and will serve as a model for the demonstration and performance measurement of green building components and technologies. IERE will bring its program, the American Center for Lifecycle Assessment to the facility along with a

national repository for the product category rules necessary to meet emerging international requirements for lifecycle assessment data on product labels.

The EPI-Center will serve as an educational hub for architects, contractors and other building professionals, as well as governmental officials, trades people, materials and technology manufacturers and others interested in science-based green building. The project will also provide space for training to support job placement for those who will become the new work force for the construction of environmentally-sustainable buildings as well as affordable housing across the nation.

In August of 2009, tribal leaders involved in renewable energy resource development on tribal lands met with White House officials to discuss the Administration's initiatives not only in the renewable energy resource arena but also the Administration's priorities for the creation of green jobs and the application of green building technology.

It is well known that while there are many areas of Indian country in which there are sizeable populations of skilled workers, it is also common to find rates of chronic unemployment in Native communities that are significantly higher than any other area of the nation – ranging from 35% to as high as 90%. The foundation for the economic growth of those communities is adequate housing, schools, health care facilities, and the necessary infrastructure to draw commercial and business activities to tribal lands.

The Obama Administration's focus on job creation particularly in the use of green building technologies, coupled with the Administration's economic stimulus initiatives – provide a new platform for tribal governments and their partners to address long unmet critical housing and infrastructure needs in an environmentally-sound manner.

Applying all of these factors, the Puyallup Tribe of Washington State has authorized the Tribe's economic development arm – Marine View Ventures, Inc. – to develop a green building demonstration project. Marine View Ventures manages over 200 acres of industrial, commercial and port

lands on behalf of the Puyallup Tribe - much of which will be developed within the next 10 years. The EPI-Center will serve as a living laboratory not only for the Pacific Northwest region but for tribal and non-tribal communities all over America, providing training in green building technologies and creating green jobs.

To accomplish these objectives, the Puyallup Tribe will dedicate 1.55 acres of tribal land in Tacoma, Washington, valued in excess of $1,250,000, as the site for a green building demonstration project facility, and the support of the State of Washington for 20 percent of the costs of design and construction of the facility continues to be sought. The total cost of construction of the facility over a two-year period is $10,000,000, with approximately 50 jobs saved or created in through construction alone. In the first few years post-construction, the EPI-Center will likely generate thousands of jobs through training programs and relationships with community colleges and labor groups.

Through Marine View Ventures, the Puyallup Tribe is seeking a Federal contribution of $8 million over a two-year period ($4 million in FY 2011 and $4 million in FY 2012) to complement the tribal and State contributions in demonstrating that environmentally-sustainable building practices, including materials and components with a net zero impact on energy and water resources, can be an economically viable approach to future development.

Over the years, the Puyallup Tribe of Indians has worked closely with Commerce Secretary Locke in his former capacity as Governor of our home State of Washington to make our lands available for the development of the international Port of Tacoma and to facilitate the trade and commerce in the Pacific Northwest region that benefits the nation as a whole.

Mr. Chairman, Congressman Wolf, and members of the Subcommittee on Commerce, Justice, Science and Related Agencies, we hope that you will give your favorable consideration to what we believe will serve as the foundation for responsible change as we renew our

commitment as a nation to preserve our ways of life in an environmentally-sustainable manner.

Regional Information Sharing Systems (RISS) Program

Testimony submitted by Gerard P. Lynch, Esquire, Chief Executive Officer

For more than 30 years, the **Regional Information Sharing Systems (RISS) Program** has been a leader in developing the necessary tools and providing critical services for law enforcement as well as other criminal justice and public sector entities. RISS consists of six regional centers that support and serve the unique needs of their individual regions while working together on national-scope issues. RISS is a premier information sharing program, offering secure communications, access to intelligence databases, and investigative resources and services. **The RISS Program respectfully requests that Congress appropriate $65 million for FY2011.**

As the economy continues to struggle, local and state criminal justice agencies are tightening budgets, decreasing resources, and limiting efforts. RISS serves as a force multiplier, offering a one-stop shop to effectively and efficiently aid agencies in tackling crime problems. **Through RISS services, criminal justice agencies are provided secure information sharing capabilities and investigative support services that, in many cases, they would not otherwise receive.**

The RISS Centers provide investigative support services to more than **96,000** officers from more than **8,500** criminal justice agencies at the local, state, federal, and tribal levels. RISS operates in all 50 states, the District of Columbia, U.S. territories, Australia, Canada, and England. RISS links thousands of criminal justice agencies through secure communications and provides information sharing resources and investigative support to combat multijurisdictional crimes, including violent crime, gang activity, drug activity, terrorism, human trafficking, identity theft, and other regional priorities. RISS strives to enhance the ability of criminal justice agencies to identify, target, and remove criminal conspiracies and activities while promoting officer safety.

The support provided by RISS has enabled law enforcement and public safety agencies to increase their success exponentially. Because of these successes, as well as the many remaining needs throughout the criminal justice community, RISS continues to experience an increased demand for its services. Continued and additional funding is needed in order to meet this demand and continue to build upon the nation's information sharing environment. In addition to continuing its current services, RISS will utilize requested funds for the initiatives listed below.

- Expand and continue to deploy the **RISS Officer Safety Event Deconfliction System (RISSafe)** throughout the six RISS regions.
- Enhance the **RISSGang Program**, develop gang training and publications, and connect gang intelligence systems.
- Enhance the RISS Secure Intranet **(RISSNET)** to improve functionality, security, and resources and to expand agency connectivity and officer/agent access.
- Support **border initiatives** by developing training and providing secure information sharing.
- Continue to develop and enhance the **Combat Meth Project.**
- Expand the **RISS Automated Trusted Information Exchange (RISS ATIX)** by enhancing communications and developing an off-line notification and alert capability.
- Expand the **Pawnshop Database** nationwide.
- Continue to participate in the **Nationwide Suspicious Activity Reporting Initiative (NSI).**

- Continue to support and expand **fusion center** partnerships and connectivity.

RISS is federally funded but locally managed by its member agencies. The Bureau of Justice Assistance (BJA), Office of Justice Programs, U.S. Department of Justice, administers the RISS Program. The RISS Centers operate under the BJA *Funding and Administration Guidelines of the RISS Program* and the Criminal Intelligence Systems Operating Policies (28 Code of Federal Regulations [CFR] Part 23). Each of the six RISS Centers has developed operating policies and procedures that comply with the federal guidelines and regulations. RISS firmly recognizes the need to ensure that an individual's constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process. The RISS Centers have adopted a privacy policy that fully complies with 28 CFR Part 23. RISS strongly encourages its member agencies and, indeed, all law enforcement agencies to voluntarily adopt appropriate and clearly defined privacy and security safeguards for all agency intelligence missions to manage and control collection, retention, and dissemination activities.

RISS developed and continues to operate RISSNET, which offers state-of-the-art technology to support law enforcement demand for rapid communications and information sharing nationwide. Through RISSNET, member agencies can securely exchange information and electronically access RISSNET resources, including the RISS Criminal Intelligence Databases (RISSIntel), RISSafe, the RISSGang Program, RISS ATIX, the RISS Investigative Leads Bulletin Board (RISSLeads), a data-visualization and link-analysis tool (RISSLinks), the RISS Search Engine (RISSearch), the RISS Center Web sites, and secure e-mail.

In FY2009, more than **3.4 million records** were available in RISSIntel and more than **3.1 million inquiries** were made to the system. Users utilize RISSIntel to query on suspected criminal information, such as subjects, weapons, and addresses. RISSIntel has proved a successful tool to securely share criminal intelligence and connect law enforcement officers. During 2009, RISS launched RISS7, which leverages RISS's technology by offering law enforcement agencies an autonomous criminal intelligence database. By utilizing RISS7, agencies do not need to develop new independent systems, thereby saving time and resources.

In addition to the data available in RISSIntel, member agencies have access to various state, regional, federal, and specialized criminal justice intelligence systems connected to RISSNET. RISS continually strives to maximize information sharing among these systems and increase the number of systems connected to RISSNET. By connecting agencies and systems to RISSNET, rather than funding the build-out of infrastructure for new stand-alone information systems, hundreds of millions of dollars can be saved and millions of data records can be easily and quickly accessed by law enforcement at little or no cost to the user. In addition, RISS offers the ability to select one or all connected systems and conduct a federated search. This seamless capability has been beneficial to officers on the street who need immediate information.

Currently, almost **100** agency systems are connected or pending connection to RISSNET, including **32** High Intensity Drug Trafficking Areas (HIDTAs), **36** state agency systems, and **28** federal and other systems, such as the Bureau of Alcohol, Tobacco, Firearms and Explosives; the Federal Bureau of Investigation (FBI) Law Enforcement Online (LEO); the FBI National Gang Intelligence Center; the National Virtual Pointer System (NVPS); and Nlets—The International Justice and Public Safety Network.

Every day, law enforcement officers risk their lives serving and protecting their communities. As part of the continued commitment to promote and enhance officer safety, RISS deployed **RISSafe**. RISSafe stores and maintains data on planned law enforcement events, with the goal of identifying and alerting affected agencies and officers of potential conflicts impacting law enforcement efforts. As of January 22, 2010, **152,265 events** were entered into RISSafe, resulting in **52,469 identified conflicts**. Without this resource, law enforcement agencies might have interfered with each other's cases and officers might have been injured or killed.

The **RISSGang Program** is a comprehensive investigative tool consisting of a criminal intelligence database, a Web site, informational resources, and secure communications to aid and support gang-related investigations. The RISSGang database provides law enforcement agencies with access to gang information, including suspects, organizations, weapons, locations, and vehicles, as well as visual imagery of gang members, symbols, tattoos, and graffiti. The RISSGang Web site contains valuable information, research, and tools, including an anonymizing filter that removes the ability of target gang Web sites to identify officers.

RISS ATIX is available to thousands of law enforcement and public safety agencies. RISS ATIX Participants choose a community group according to their responsibilities. ATIX community groups include local, county, state, and tribal levels of emergency management, law enforcement, and government, as well as public and private utilities, transportation, chemical manufacturing, environmental protection, banking, and hospitality industries. RISS ATIX resources include **Web pages** that contain general and community-specific information, links to restricted and public Web sites, and other sources of terrorism and disaster-related information. The RISS ATIX **Bulletin Board** provides secure online conferences for users to collaborate and post information. The **Document Library** provides informational and educational materials. ATIX **secure e-mail** enables the distribution of alerts and sensitive but unclassified (SBU)/controlled unclassified information (CUI).

Some law enforcement agencies do not have the personnel, training, or support to tackle complex multijurisdictional crimes. RISS not only provides secure communications and access to intelligence databases but also provides services to enhance and improve the ability to detect, apprehend, and successfully prosecute criminals. These services, along with the power of RISSNET, set RISS apart from other information sharing programs. The following summarizes RISS's information and investigative support services.

- **Information Sharing**—RISS operates RISSNET and its various applications, databases, and investigative tools.
- **Analysis**—RISS analysts developed **35,655 analytical products** in FY2009 for investigators and prosecutors to help increase their ability to identify, detect, and apprehend suspects as well as enhance prosecutorial success in court. These products include flowcharts, link-analysis charts, crime scene diagrams, telephone toll analysis and financial analysis reports, digital forensics analysis, and audiovisual enhancement services.
- **Investigative Support**—RISS intelligence research staff responded to **96,293 requests** in FY2009 to conduct database searches and research numerous resources.
- **Equipment Loans**—Pools of highly specialized investigative and surveillance equipment are available for loan to member agencies for use in support of multijurisdictional investigations. In FY2009, **5,669 pieces of equipment** were borrowed by member agencies.

- **Confidential Funds**—RISS provides funds to purchase contraband, stolen property, and other items of an evidentiary nature or to provide for other investigative expenses. RISS provided **$664,785 in confidential funds** in FY2009.
- **Training**—RISS Centers sponsor or cosponsor training classes, meetings, and conferences that build investigative expertise for member agency personnel. In FY2009, **78,852 criminal justice professionals** received RISS training.
- **Publications**—Each center develops and distributes numerous publications, bulletins, and reports focusing on local and national issues. In FY2009, the RISS Centers distributed **255,798 copies** of various documents to law enforcement personnel. RISS also distributes a quarterly newsletter that provides project highlights and member agency success stories.
- **Field Services Support**—The integration of field services is unique to RISS, whereby individuals regularly contact law enforcement and public safety agencies to ensure that RISS is meeting their needs. RISS field staff conducted **25,242 on-site visits** in FY2009 to train, support, and help integrate RISS services. This one-on-one support has resulted in trusted relationships and a program prized among its members.

Through the services and support provided by the RISS Centers, member agencies made **4,975 arrests** in FY2009. In addition, seizures or recoveries of more than **$27 million in narcotics, property, and currency** resulted from member agency cases in which RISS services were used.

RISS continues pursuing and refining partnerships and programs in order to leverage proven technology and expand information sharing. Some of these include connecting fusion centers to RISSNET, supporting NSI, participating in the NVPS, enhancing gang investigators' ability to share intelligence data, and expanding the capabilities and resources of RISS ATIX.

The *National Criminal Intelligence Sharing Plan* (NCISP) and the Law Enforcement Information Sharing Program (LEISP) Strategy were developed to focus on national parameters for information and intelligence sharing. RISS is noted in both documents as a mechanism to facilitate secure information sharing. In addition, the *National Strategy for Information Sharing* (NSIS) calls for information and intelligence sharing solutions that can be accomplished through the existing RISSNET infrastructure; specifically, RISS has worked with other agencies and systems to provide connectivity and access to suspicious activity reporting data.

There is a critical need to provide a seamless SBU/CUI solution for the local, state, and tribal communities. Multiple SBU/CUI networks, portals, and systems currently exist. Local law enforcement officers/analysts need one single sign-on and access to an interoperable SBU/CUI environment, regardless of ownership. To accomplish this, interoperability requirements must be defined. RISS and RISSNET—along with the U.S. Department of Homeland Security's Homeland Security Information Network, FBI LEO, and the Intelligence Communities' Intelink—have been identified by the Interagency Policy Committee (IPC) formed within the jurisdiction of the Executive Office of the President as the four SBU/CUI networks necessary to be involved in the interoperability initiative to ensure timely and effective information sharing among local, state, federal, and tribal agencies. RISS will play a major role in this development process.

RISS has made strides in this area, through the LEISP initiatives, to connect users via Federated Identity to the federal Joint Automated Booking System (JABS). Currently, 89 RISSNET users

are accessing JABS via Federated Identity, and 1,756 non-RISSNET users are accessing RISS resources via Federated Identity.

In addition to the partnerships described above, each RISS Center has developed partnerships and programs to meet the needs of its unique region. Some examples include the Project Safe Neighborhoods Mapping and Analysis Program, the National Identity Crimes Law Enforcement Network, the Cold Case Locator System, the Metals Theft Initiative, the Master Telephone Index, the Pawnshop Database, the Combat Meth Project, and the Cold Hit Outcome Project.

RISS is supported and endorsed by numerous groups, including the International Association of Chiefs of Police, the National Sheriffs' Association, the National Narcotic Officers' Associations' Coalition, and the National Alliance of Gang Investigators Associations.

Without continued funding and support for RISS, law enforcement and public safety efforts will be severely hampered. Specifically, RISS and its users will experience the following:

- Reduced expansion of RISSafe, including the number of users and establishment of additional RISSafe Watch Centers
- Inability to effectively support RISS ATIX and RISSGang
- Limited expansion of RISSNET and redundancy of system applications
- Minimal enhancement of the RISSNET Portal
- Limited support for border initiatives
- No expansion of the Pawnshop Database
- Decreased support services, limited analytical support, and fewer training opportunities
- Delayed and/or a lack of new connectivity among agencies and users
- Limited support for information sharing initiatives

It is respectfully requested that Congress appropriate $65 million for FY2011 to continue RISS's efforts. Local and state law enforcement depend on RISS for information sharing, investigative support, and technical assistance and are increasingly competing for decreasing budget resources. It would be counterproductive to require local and state RISS members to self-fund match requirements, as well as to reduce the amount of BJA discretionary funding. Local and state agencies require more, not less, funding to fight the nation's crime problem. RISS is unable to make up the decrease in funding that a match would cause, and it has no revenue source of its own. Cutting the RISS appropriation by requiring a match should not be imposed on the program.

RISS operates one of the most important law enforcement information sharing programs in the nation. The services and resources available through RISS embody collaboration, trust, service, and leadership. RISS plays a part in ensuring that law enforcement and public safety have the information and resources necessary to secure our country. For additional information, please visit www.riss.net. RISS appreciates the support this committee has continuously provided to the RISS Program and is grateful to provide this testimony.

Written Testimony provided for the

U.S. House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies

In Support of FY11 Appropriations for NOAA's Community-based Restoration Program

Jeff Benoit
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Restore America's Estuaries
2020 North 14th Street, Suite 210
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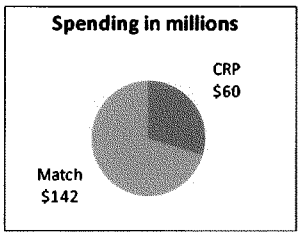
April 13, 2010

Mr. Chairman and Members of the Subcommittee,

Thank you for the opportunity to provide testimony on Fiscal Year 2011 appropriations for NOAA's Community-based Restoration Program (CRP). As an organization with a history of protecting and restoring coastal habitat around the nation, we agree that the time is ripe to significantly expand federal funding for small- to mid-scale habitat restoration through CRP, and we strongly support $33 million in Fiscal Year 2011 appropriations for the program.

As you know, NOAA's Community-based Restoration Program invests funding and technical expertise in high-priority, competitively-awarded habitat restoration projects that restore natural, or green, eco-infrastructure in local communities. Technical expertise – including engineering, construction, and monitoring – as well as funding is provided to regional and national partners, and directly to local communities to carry out projects such as marsh and wetlands restoration, small dam removals, and hydrologic re-connections of tidal systems, all of which protect a variety of threatened and/or endangered species, provide healthy outdoor recreational opportunities, and help buffer coastal communities from the threat of erosion and climate change. By working collaboratively with more than 1,500 organizations, CRP has funded more than 1,800 projects to restore over 60,000 acres of habitat. In addition, most CRP projects engage local citizens in the restoration activity, thereby helping to educate and inform about the importance of coastal ecosystems and personal stewardship responsibilities.



The Community-based Restoration Program is leading the charge in effectively implementing small- to mid-scale habitat restoration projects around the nation. NOAA's unique role in coastal habitat restoration, which has been the backbone of CRP, has been small-to mid scale projects. Since its creation in 1996, CRP has demonstrated great success in partnering with local organizations and communities to protect and restore living marine resources that have experienced degradation. Most importantly, CRP projects have generated $142 million in cash and in-kind contributions by using only $60 million in NOAA funds, effectively leveraging more than double the federal investment.

Growing Backlog of Restoration Needs

The aforementioned success was demonstrated most recently with the careful selection of 50 coastal restoration projects that NOAA funded from the $167 million provided through the American Recovery and Reinvestment Act of 2009 (ARRA). As you know, NOAA held a competition to choose projects that fit under a set of rigorous science-based and economic criteria including readiness, job creation, and ecological importance. In May, at the end of the 30 day solicitation period, NOAA received 814 proposals requesting a total of more than **$3 billion** in support from 34 states, the District of Columbia, and five U.S. territories. Unfortunately, NOAA was forced to turn away the vast majority of these ecologically and economically significant habitat restoration projects that would benefit the nation in countless ways. As our nation's coastal and estuary habitats continue to decline – approaching 80 to 95 percent loss in some areas – and tens of thousands of large dams continue to block migratory fish access to 600,000 miles of U.S. rivers and streams, this backlog of work is not surprising. This

widespread damage threatens an extraordinary diversity of species, jeopardizes a significant segment of U.S. trade and commerce, and endangers human health. Although we are sure that not every project was worthy of pursuing, NOAA faced tough decisions turning away so many shovel-ready projects worth funding. This clearly demonstrates a growing backlog of work that needs to be done to improve the condition of our nation's coasts and the economy.

Appropriations

The Community-based Restoration Program received approximately $20 million in Fiscal Year 2010 appropriations, which is an increase of approximately $7 million over the previous year. While we were pleased with this increase in funds, current annual appropriations remain woefully inadequate to meet the demand, which averages $60 million annually in requests from communities nationwide to help restore degraded wetlands, salt marsh, shellfish habitat, and clean up marine debris. Coupled with the $3 billion backlog, the gap in available funds versus requested funds only continues to widen as appropriations stagnate and habitat continues to decline. Clearly, there is an immense, national need to increase coastal restoration funding.

National Significance

Habitat degradation is evident in every region, state, and territory of our nation's coastline, where more than 55 million acres of estuary habitat have been destroyed over the past 100 years. Through efforts that cost-effectively restore damaged coasts and estuaries, we can meet numerous national goals. Specifically, habitat restoration greatly improves the ecological services of coasts and estuaries, such as providing vital habitat for fish and wildlife, filtering sediment and polluted runoff from watersheds, controlling floods, and stabilizing shorelines that buffer against erosion and protect coastal communities during extreme weather events. In addition, restoring coasts and estuaries provides new opportunities for people to recreate and to appreciate and learn about the natural environment, while boosting public safety. Further, habitat restoration increases economic activity and creates jobs in local communities.

Species Protection

Despite their size, habitat restoration projects contribute greatly to federal efforts to protect and restore threatened and endangered species. By restoring vital habitat that is critical to countless plant and animal species, these activities are supporting other critical efforts around the nation to re-establish healthy populations of threatened and endangered species. In addition, habitat restoration activities aid in efforts to prevent new species from becoming listed as threatened or endangered. Throughout the nation, habitat restoration projects are helping to protect and restore numerous species, including but not limited to: countless species of fish, including spawning fish such as Steelhead, Pacific, Coho, Atlantic and Puget Sound Chinook Salmon; numerous species of shellfish including Blue crabs and oysters; various species of waterfowl and migratory birds, including the 'Alae Ke'oke'o (Hawaiian Coot) and Koloa (Hawaiian Duck); coral reef systems, such as the endangered staghorn coral; reptiles; amphibians; dolphins; and Monk Seals.

Water Quality Improvement

Habitat restoration efforts greatly improve water quality across the nation by restoring vital ecosystem services that filter sediment and polluted runoff from watersheds. For example, NOAA worked with the Island Resources Foundation on a project in the U.S. Virgin Islands' Fish Bay to develop and implement an erosion control strategy to reduce sediment loading. By

reducing the amount of sediment entering the marine environment, this project provided benefits to the surrounding mangroves, coral, and seagrass habitats of the entire watershed.

In addition to the human health impacts, water quality also has been correlated with housing prices. Home values increased in the Chesapeake Bay by 1.5 percent for every 100 fecal coliform counts removed per 100mL of water (Legget and Bockstael, 2000). Further, the home values in St. Mary's watershed in Maryland decreased $1,086 for every additional milligram per liter in total suspended solids and decreased $17,642 for every additional milligram per liter in dissolved inorganic nitrogen (Poor et al., 2007).

Improved Public Safety
Habitat restoration helps to reinforce the nation's coastlines by strengthening the natural green armor that buffers against erosion and protects coastal communities from flooding during extreme weather events. In addition, these efforts will be critical to protecting coasts from the threat of sea level rise brought on by climate change. For example, NOAA successfully completed construction (one late in 2006 and one in 2009) of two barrier island restoration projects in the Barataria Barrier Island system (the Pass la Mer to Pass Chaland Barrier Island Restoration and the Pass Chaland to Grand Bayou Pass Barrier Island Restoration), together restoring a stretch of six miles of coastline that serves as the first line of defense for New Orleans and surrounding coastal communities.

Cost-effective Use of Taxpayer Dollars
CRP projects are selected through a competitive process and evaluated on their technical merit, level of community involvement, cost-effectiveness, and ecological benefit. Federal resources are leveraged multiple times over with a variety of sources at the partner and project levels, including cash or in-kind contributions such as materials, equipment, workforce support, or additional technical assistance. Presently, almost $60 million in NOAA CRP funds have more than doubled that amount in cash and in-kind contributions from non-federal partners, helping to expand on-the-ground restoration projects. In addition, restoration project partners engage local volunteers to carry out many on-the-ground activities, resulting in support from 165,000 volunteers who have contributed nearly 1 million volunteer hours.

Job Creation & Economic Development
Habitat restoration creates a ripple effect that has a profound impact on job creation and economic development, both in the short and long term. Based on NOAA estimates and research by the Economic Policy Institute, every $1 million of restoration work creates as many as 20 jobs, depending on the city and state.

> **Short term:**
> Initially, habitat restoration projects must hire staff to oversee management and implementation. Projects such as large-scale marsh creation, barrier island construction, hydrological re-connections, and dam removals require skilled and non-skilled construction workers, and technical experts such as engineers and hydrologists from local and regional businesses. Additional jobs can include onsite laborers, managers, ecologists, soil experts, excavators, surveyors, and restoration monitoring specialists.

Long term:
Restoration projects have longer term effects in the form of local businesses, such as nurseries that offer local seedlings and other specialized plants for restoration, local contractors that provide labor and skilled workers, and long-term jobs for monitoring specialists, site maintenance experts, and naturalists or field biologists at public sites. Additional businesses that can benefit in the long run include marinas, commercial and recreational fishing industries, tourism, boating, rafting, wildlife viewing, and other related activities. Notably, coastal recreation and tourism generate $8 billion to $12 billion annually, and more than 28 million U.S. jobs are currently supported through commercial and recreational fishing, boating, tourism, and other coastal industries. Further, restoration projects indirectly stimulate job creation through the demand for workers in industries that supply on-site restoration materials and for off-site supporting workers. These employees, in turn, help to fuel further job creation by spending wages in their regions, thereby supporting the regional economy of their areas as a whole.

Recently, California's Humboldt County found that in the last three years, more than $38 million came into the county for restoration projects, generating approximately 300 jobs. During this time, NOAA contributed more than $2 million to the County for more than 30 projects to restore rivers and open fish passages, helping to hire local heavy equipment operators, manual laborers, engineers, bridge suppliers, and trucking companies.

In addition, the Western Governors' Association has identified the restoration economy as an important component of the region's recent economic growth, passing a resolution in 2006 supporting restoration as a way to provide jobs and improve the health of local ecosystems. As an example of these benefits, studies have estimated that Coho salmon habitat on the West Coast more than doubles in value following restoration, largely due to increased productivity within the fishing industry (Knowler et al., 2003).

Next Steps
The American Recovery and Reinvestment Act ensured that ecological restoration emerged as a high growth sector of our regional and national economy. Restored landscapes provide new opportunities for businesses, help to expand, support, and fortify recreational and commercial fishing industries, improve tourism and public safety, and provide cleaner water and healthier environments for municipalities. However, when ARRA funds have been spent and projects are completed, CRP will require a longer-term direction. Given the immense public benefits and the overwhelming project backlog that far exceeds the supply of current funds, annual CRP appropriations are no longer sufficient to meet the nation's demonstrated needs.

Therefore, we believe that now is the time to significantly increase funding for the Community-based Restoration Program to $33 million for Fiscal Year 2011. With this additional funding, we are confident that NOAA's Habitat Restoration Center could accomplish far more lasting ecological outcomes, in a cost-effective manner, while also strengthening local economies.

Thank you, Mr. Chairman, for your commitment and leadership on this important issue.

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Official Written Testimony for Fiscal Year 2011

Submitted by: Douglas Arnold, Ph.D.
President, Society for Industrial and Applied Mathematics (SIAM)

Submitted to the
Subcommittee on Commerce, Justice, Science, and Related Agencies
Committee on Appropriations
United States House of Representatives, Washington, DC

Testimony on the Fiscal Year 2011 Appropriations
for the National Science Foundation

February 12, 2010

Summary: This written testimony is submitted on behalf of the Society for Industrial and Applied Mathematics (SIAM) to ask you to continue your support of the National Science Foundation (NSF) in fiscal year (FY) 2011 by providing NSF with $7.424 billion, a 7.2 percent increase over NSF's FY 2010 appropriated level. In particular, we urge you to provide at least the request level for key applied mathematics and computational science programs in the Division of Mathematical Sciences and the Office of Cyberinfrastructure.

Written Testimony

My name is Douglas Arnold, and I am the President of the Society for Industrial and Applied Mathematics (SIAM). I am submitting this written testimony for the record to the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the U.S. House of Representatives.

SIAM has approximately 13,000 members, including applied and computational mathematicians, computer scientists, numerical analysts, engineers, statisticians, and mathematics educators. They work in industrial and service organizations, universities, colleges, and government agencies and laboratories all over the world. In addition, SIAM has over 400 institutional members—colleges, universities, corporations, and research organizations.

First, I would like to emphasize how much SIAM appreciates your Committee's continued leadership on and recognition of the critical role of the National Science Foundation (NSF) and its support for mathematics, science, and engineering in enabling a strong U.S. economy, workforce, and society. In particular, we thank you and your colleagues for the significant increases in funding provided for NSF in the FY 2010 Consolidated Appropriations bill.

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Today, I submit this testimony to ask you to continue your support of NSF in FY 2011 and beyond. In particular, we request that you provide NSF with $7.424 billion, the level requested by the President for this agency in his FY 2011 budget. This represents a 7.2 percent increase over NSF's FY 2010 appropriated level and would continue the effort to double funding at NSF, as endorsed by Congress in the *America COMPETES Act* and by the President in his FY 2011 budget request.

As we are reminded every day, our nation's economic strength, national security, and public health and welfare are being challenged in profound and unprecedented ways. Addressing these challenges requires that we confront fundamental scientific questions. Computational and applied mathematical sciences, the scientific disciplines that occupy SIAM members, are particularly critical to addressing U.S. competitiveness and security challenges across a broad array of fields: medicine, engineering, technology, biology, chemistry, computer science, and others. Furthermore, in the face of economic peril, federal investments in mathematics, science, and engineering create and preserve good jobs; stimulate economic activity; and help to maintain U.S. pre-eminence in innovation, upon which our economy depends.

Other countries have observed the success of the U.S. model and are investing in research and education. Without sufficiently increasing support for science, engineering, and mathematics, the U.S. pre-eminence in innovation will be compromised. The critical role of America's unique research enterprise has been recognized by Congress in the *America COMPETES Act* and in the *American Recovery and Reinvestment Act of 2009.*

National Science Foundation

The National Science Foundation (NSF) provides essential federal support of applied mathematics and computational science, including more than 60 percent of all federal support for basic academic research in the mathematical sciences. Of particular importance to SIAM, NSF funding supports the development of new mathematical models and computational algorithms, which are critical to making substantial advances in such fields as climate modeling, energy technologies, genomics, analysis and control of risk, and nanotechnology. In addition, new techniques developed in mathematics and computing research often have direct application in industry. Modern life as we know it, from search engines like Google to the design of modern aircraft, from financial markets to medical imaging, would not be possible without the techniques developed by mathematicians and computational scientists. NSF also supports mathematics education at all levels, ensuring that the next generation of the U.S. workforce is appropriately trained to participate in cutting-edge technological sectors and that students are attracted to careers in mathematics and computing.

I will now briefly highlight the main budgetary and programmatic components at NSF that support applied mathematics and computational science.

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NSF Division of Mathematical Sciences

The NSF's Division of Mathematical Sciences (DMS) provides the core support for all mathematical sciences. DMS supports areas such as algebra, analysis, applied mathematics, combinatorics, computational mathematics, foundations, geometry, mathematical biology, number theory, probability, statistics, and topology. In addition, DMS supports national mathematical science research institutes; infrastructure, including workshops, conferences, and equipment; and postdoctoral, graduate, and undergraduate training opportunities.

In addition to my role as President of SIAM, I am also the McKnight Presidential Professor of Mathematics, at the University of Minnesota. For seven years I served as Director of the Institute for Mathematics and its Applications, which is located at the university. The Institute is one of seven Mathematical Sciences Institutes across the nation and represents the largest investment in mathematical research from NSF. I know from experience the tremendous gains that can come from bringing mathematical research and analysis to bear on the pressing problems facing our society.

The activities supported by DMS and performed by SIAM members, such as modeling, analysis, algorithms, and simulation, provide new ways of obtaining insight into the nature of complex phenomena, such as the power grid, global climate change, software for military applications, the human body, and energy efficient building systems. ***SIAM strongly urges you to provide DMS with at least the budget request level of $253.46 million to enable sustained investment by NSF in critical mathematical research and related mathematical education and workforce development programs.***

In particular, investment in DMS is critical because of the foundational and cross-cutting role that mathematics and computational science play in sustaining the nation's economic competitiveness and national security, and in making substantial advances on societal challenges such as energy, the environment, and public health. NSF, with its support of a broad range of scientific areas, plays an important role in bringing U.S. expertise together in interdisciplinary initiatives that bear on these challenges. DMS has traditionally played a central role in such cross-NSF efforts, with programs supporting the interface of mathematics with a variety of other fields, such as geosciences, biology, cyber discovery, and solar energy.

SIAM supports DMS's role in enabling interdisciplinary work and draws your attention to the proposed expansion in FY 2011 of DMS's work on the NSF-wide Science, Engineering, and Education for Sustainability initiative. This would support the development of potentially transformative mathematical, statistical, and computational methods needed for analysis and simulation of climate models and increase DMS investment in the cross-MPS program on the efficient harvesting, conversion, and storage of solar energy.

SIAM also supports the establishment of a new collaboration of DMS and other physical sciences units with the biological sciences in a Life Sciences Interface, which would supports

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potentially transformative research in mathematical and computational biology. This effort is particularly timely in light of the challenges outlined in the recent National Research Council report on "A New Biology for the 21st Century." The report emphasizes the need for development of new information technologies and sciences and creation and implementation of interdisciplinary curricula, graduate training programs, and educator training in order to create a quantitative approach in biological and other sciences to tackle key challenges in food, environment, energy, and health.

NSF Office of Cyberinfrastructure

Work in applied mathematics and computational science is critical to enabling effective use of the rapid advances in information technology and cyberinfrastructure. Programs in the NSF Office of Cyberinfrastructure (OCI) focus on providing research communities access to advanced computing capabilities to convert data to knowledge and increase our understanding through computational simulation and prediction.

SIAM strongly urges you to provide OCI with at least the budget request level of $228.1 million to invest in the computational resources and science needed to solve complex science and engineering problems. In addition, SIAM strongly endorses OCI's efforts to take on the role of steward for computational science across NSF, strengthening NSF support for relevant activities and driving universities to improve their research and education programs in this multidisciplinary area.

The programs in OCI that support work on software and applications for the next generation of supercomputers and other cyberinfrastructure systems are very important to enable effective use of advances in hardware, to facilitate applications that tackle key scientific questions, and to better understand increasingly complex software systems. SIAM strongly supports the proposed FY 2011 increase in funding for OCI software activities, particularly the proposed new Software Institutes program, aimed at supporting a community of partnerships among academia, government laboratories, and industry for the development and stewardship (expansion, hardening, and maintenance) of sustainable end-to-end software systems. SIAM also supports the proposed increase in OCI data activities. The explosion in data available to scientists from advances in experimental equipment, simulation techniques, and computer power is well known, and applied mathematics has an important role to play in developing the methods and tools to translate this shower of numbers into new knowledge.

Supporting the Pipeline of Mathematicians and Scientists

Investing in the education and development of young scientists and engineers is a critical role of NSF and a major step that the federal government can take to ensure the future prosperity and welfare of the U.S. Currently, the economic situation is negatively affecting the job opportunities for young mathematicians--at universities, companies, and other research organizations. it is not only the young mathematicians who are not being hired who will suffer

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from these cutbacks. The research community at large will suffer from the loss of ideas and energy that these graduate students, postdoctoral fellows, and early career researchers bring to the field and the country will suffer from the lost innovation.

In light of this situation, SIAM strongly supports NSF's proposed FY 2011 increases in the Graduate Research Fellowship (GRF) program and the Faculty Early Career Development (CAREER) program. We also strongly endorses OCI's participation in these programs as part of efforts to create opportunities in the interdisciplinary area of computational science and engineering and nurture the development of young researchers in this emerging field.

Mathematics and International Science and Engineering

Science knows no borders, and nowhere is this more true than in mathematics. Mathematical research typically advances through the close collaboration of small groups of researchers, without the need for expensive equipment and using universal mathematical notation to minimize language obstacles. In addition, mathematics, as an enabling discipline for all of science and technology, and as a foundation for science education, plays a key role in addressing many of the most challenging problems that the world faces, such as climate change, infectious disease, and sustainable energy generation. International scientific cooperation is not just good science, however; it can also foster understanding and goodwill between societies more broadly. Mathematical and scientific activities can aid in promoting United States international policy goals by building relationships and trust with other countries, enhancing the global image of America, and spurring global development.

SIAM believes strongly in the federal government's support of international science and technology initiatives, including cooperative research programs that further scientific knowledge applicable to major societal challenges, promote development of research and education capabilities abroad, and introduce U.S. students to global issues and collaborative relationships.

Conclusion

I would like to conclude by thanking you again for your ongoing support of NSF and actions you have already taken this year to enable NSF and the research and education communities it supports, including thousands of SIAM members, to undertake the activities that contribute to the health, security, and economic strength of the U.S. NSF needs sustained annual funding to maintain our competitive edge in science and technology, and therefore we respectfully ask that you continue your robust support of these critical programs into the future, starting with providing $7.424 billion for NSF for FY 2011.

I appreciate the opportunity to provide testimony to the Committee on behalf of SIAM and look forward to providing any additional information or assistance you may ask of us during the FY 2011 appropriations process.

Society for Neuroscience
House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies
Request at least $7.4 Billion for FY2011 National Science Foundation Appropriations

Introduction

Mr. Chairman and members of the subcommittee, I am Dr. Michael E. Goldberg, President of the Society for Neuroscience and the David Mahoney Professor of Brain and Behavior in the Departments of Neuroscience and Neurology at Columbia University College of Physicians and Surgeons. It is my honor to submit this testimony on behalf of the Society for Neuroscience (SfN) in support of the National Science Foundation (NSF).

My research focuses on information processing in the monkey and human brains. In particular, I am interested in the cerebral cortical mechanisms underlying visual attention and spatial perception. I use the Rhesus monkey as a model because much of its brain resembles that of the human, and the psychological processes underlying visual attention and spatial perception are strikingly similar to those in the human. My research lab approaches these questions by recording the activity of individual brain cells in monkeys who are performing psychological tasks. This enables us to study the brain with a precision impossible to do in the human, yet our results have shed light on deficits which I, as an active clinical neurologist, see in human patients with brain disease. I am the recipient of federal support from the National Eye Institute of the National Institutes of Health (NIH) and the NSF for research and for training of the next generation of American scientists.

FY2010 Budget Request

SfN, as a member of the Coalition for the National Science Foundation, **supports a budget of at least $7.4 billion for NSF in FY2011, an 8 percent increase above FY2010,** as outlined in the Obama Administration's budget request released this month. SfN and the scientific community applaud this strong support for the agency – it is a crucial step to advance science, build a science-driven new economy, and keep the U.S. competitive in science and technology.

Continued investment in basic research at NSF is essential to laying the groundwork for discoveries that will inspire scientific pursuit and technological innovation for future generations. As reflected in the America COMPETES Act, aggressive investment in technology and scientific research is crucial to ensure America sustains its global leadership and competitiveness. Science is now a truly global enterprise that has the potential to revolutionize the human experience, health, and wellness – the question is whether America will maintain its role leading the next generation of scientific advances.

Congress and the Administration made a bold investment in NSF by providing $3 billion in last year's economic recovery package. The funds in the recovery package have already begun to set the path for a stronger and more competitive economy, and will continue to contribute to creation of high-wage jobs, and form the foundation for enhanced health and life expectancy of many Americans. The $3 billion provided to NSF is going directly into the hands of the nation's best and brightest researchers at the forefront of promising discoveries, to deserving graduate students at the start of their careers, and to developing advanced scientific tools and infrastructure that

will be broadly available to the research community. With both long-term and short-term investments in basic science, the United States is poised to continue its leadership in science-based innovation.

With FY2011, Congress has an opportunity to ensure the nation seizes the scientific momentum created by the historic recovery investment. SfN urges Congress to support President Obama's call to "return science to its rightful place" and fund future innovation at NSF with at least $7.4 billion in FY2011.

NSF and Neuroscience

SfN supports this increase because NSF research is indispensible to studying how the brain functions, how it controls behavior and health, and how to develop new tools to treat many debilitating diseases and disorders.

The field of neuroscience is deeply interdisciplinary and relies on crucial advances in physics, computer science, mathematics, chemistry, engineering, and basic biology to develop new tools and techniques for studying brain cell activity. For instance, the field of neuroinformatics is driven in part by emerging computational innovation generated by NSF. The physics necessary to create wonders like 11 Tesla functional Magnetic Resonance Imaging or advanced microscopy also emerge from NSF – with these tools, scientists can peer deeper into the brain.

In return, many of these fields are applying neuroscience discoveries to their own fields to create new potential treatments and health interventions. For instance, with the aid of a tiny brain implant known as a brain-computer interface (BCI), scientists have developed technology that enables communication between brain activity and an external device. People almost completely paralyzed by an earlier spinal cord injury have been able to turn on a television, access e-mail on a computer, play simple video games, and even grasp a piece of candy and hand it to someone using a robotic hand—all by thinking about such movements and having a computer translate those thoughts into action. Recent studies involving monkeys have shown that the brain can even accept a mechanical arm as its own, manipulating it like a normal limb to perform a complex motor task, such as grabbing and eating food. These and other remarkable advances in neural (brain-controlled) prosthetics are the result of decades of basic research into how the brain turns thought into physical action. Such findings demonstrate that movement areas of the brain continue to work years after the onset of paralysis.

Interdisciplinary collaboration is the hallmark of NSF research. For example, NSF-funded biologists and neuroscientists are discovering fundamental mechanisms important to understanding how humans and other animals behave, develop, communicate, learn, and process information. Understanding the neuroscience of animal diversity is necessary as we confront environmental and agricultural changes in the future. Also, NSF-funded physicists, mathematicians, computer scientists, and engineers have done ground-breaking work that enables the analysis of EEG data, the development of advanced brain prosthetic devices, and other technologies that will assist in the rapid diagnosis and treatment of epilepsy and stroke. NSF-funded statisticians are developing new methods for analysis of the large amounts of genome data, on humans and other organisms, and developing better statistical tools for looking at the effects of the environment on human and animal populations. NSF-funded chemists have

developed new methods that allows for the extremely accurate measurement of very small amounts of brain hormones.

Basic research funded by NSF is forming foundations for revolutionary science, such as the discovery and use of Green Florescent Protein (GFP) which received the Nobel Prize in 2008. We were deeply honored that two of the three winners are neuroscientists and members of SfN, Martin Chalfie and Roger Tsien. NSF support for this basic marine biology research to study nervous systems in crustaceans and other animal models was instrumental in the discovery of this protein in jellyfish. It has since become one of the most important tools used in contemporary bioscience, since it allows us to directly visualize specific types of nerve cells in the brain. In particular, GFP has become a crucial tool for studying many kinds of cell proteins, helping to elucidate pathological processes contributing to brain diseases including nerve cell damage in Alzheimer's disease.

Researchers studying the natural world have made startling discoveries that impact both science and medicine. Simple curiosity about the sting of a scorpion or the toxicity of food poisoning has yielded unexpected results — novel research tools and drug targets. These surprising sources are resulting in new treatment opportunities for brain cancer and neurological disorders. For example, intrigued by reports that some native people poisoned arrow heads with chemicals produced by frogs, a pharmacologist traveled to South America to collect samples. Back in his lab, he found that mice injected with a frog extract reacted as if they had been treated with powerful pain reliever their tails over their backs. Years later, the researcher isolated the pain-relieving compound in the frog skin, discovering that the chemical acts on molecules that communicate messages from the central nervous system to muscles. This research suggested new treatment targets for pain research, and drug companies are taking notice.

Indeed, many of the new findings in neuroscience can be traced back to fundamental work in diverse research fields that has contributed to new technologies of all kinds. This allows us to carry out new kinds of experiments not imaginable even 5-10 years ago. These discoveries have great potential to improve the lives of Americans and almost certainly would not have been made without the strong commitment to interdisciplinary research at NSF.

Commitment to Furthering Science Education and Training

Another key aspect of NSF is its support for science education and training. SfN recognizes the leadership role that NSF plays in driving innovation in science education and that NSF is committed to furthering the study of learning, memory, and perception by uniting education and neuroscience. Additionally, I must emphasize that NSF is a leading force in the development of the next generation of scientists through its support of training. Through NSF grants and cooperative agreements with colleges, universities, K-12 school systems, and other research organizations throughout the United States, neuroscientists can continue to conduct the basic research that advances scientific knowledge and leads to tomorrow's treatments and cures, while mentoring and training students of all levels.

Finally, NSF often provides the initial grant mechanism supporting early career scientists before they transition to their first NIH grant. Future scientific progress relies upon the kinds of

quantitative and interdisciplinary training that NSF fosters. NSF programs such as the Integrative Graduate Education and Research Traineeship Program (IGERT) are producing a cohort of scientists who have learned to work cooperatively, and have learned to apply their research across disciplinary boundaries, ensuring that the workforce is provided highly trained scientists who are unafraid of the challenges of the future.

About the Society for Neuroscience

The Society for Neuroscience is a nonprofit membership organization of basic scientists and physicians who study the brain and nervous system. Recognizing the field's tremendous potential, the Society was formed in 1969 with less than 500 members. Today, as we celebrate over 40 years of advancing science and improving health, SfN's membership numbers more than 40,000, and it is the world's largest organization of scientists devoted to the study of the brain. Neuroscience advances the understanding of human thought, emotion, and behavior. Our member neuroscientists work to understand animal and human nervous systems, how they develop and learn, and how they interact with their environment. Our membership includes investigators from backgrounds as diverse as physics, chemistry, engineering, mathematics, biology, biochemistry, and psychology, brought together to understand all aspects of brain function, from molecules and genes to cognition.

SfN is devoted to education about the latest advances in brain research and to raising awareness of the need to make neuroscience research a funding priority. Many SfN members are committed to developing educational innovations that take advantage of new neuroscience research. This has given rise to an exciting new breed of neuroscientists who wish to combine their research careers in neuroscience with a commitment to enhancing K-12 education in the nation.

Conclusion

With passage of the American Recovery and Reinvestment Act, Congress and the Administration have entrusted the U.S. scientific enterprise, led by NSF and other agencies, to play one important role in a larger effort to help reinvigorate the American economy. With sustained, robust increases, NSF will be able seize the momentum created by the additional funds and build a science-driven economy. Providing at least $7.4 billion for NSF in FY2011 helps ensure the agency is able to continue to fund high-quality, interdisciplinary and basic research, even after the recovery funds are expended. The nation cannot afford to lose the collaborations among scientists, engineers, physicists, and biologists that have resulted in such tremendous advances, contributing to improved health. Further, NSF's support for education and training cannot continue without stable funding, as a severe decrease would leave the next generation of researchers with few options, perhaps forcing them to leave science altogether.

The scope of the challenge of understanding the human mind requires a bold approach and the ability to undertake high-risk, high-reward, interdisciplinary projects. NSF is a strong supporter of the kind of research that allows neuroscientists and our colleagues to push the boundaries to ensure groundbreaking, life-enhancing discoveries. By laying the groundwork for revolutionary advances in neuroscience with interdisciplinary research, NSF is poised to keep the U.S. internationally competitive in the 21st century and beyond.

We urge the subcommittee to support and approve at least $7.4 billion for NSF in FY2011. Thank you for the opportunity to submit this testimony.

Sincerely,

Dr. Michael E. Goldberg
President, Society for Neuroscience
David Mahoney Professor of Brain and Behavior
Departments of Neuroscience and Neurology
Columbia University College of Physicians and Surgeons

TESTIMONY OF THE
STANDING ROCK SIOUX TRIBE
BEFORE THE
HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE
AND RELATED AGENCIES
ON FY 2011 APPROPRIATIONS
FEBRUARY 11, 2010

My name is Charles Murphy, Chairman of the Standing Rock Sioux Tribe. I appreciate the opportunity to submit testimony on behalf of the Standing Rock Sioux Tribe regarding the Department of Justice budget for FY 2011 as it relates to public safety and security issues in Indian Country. Specifically for the Standing Rock Sioux Tribe, we request $500,000 of Justice Department funding to conduct a detailed needs assessment of facility space needs for our Tribal Justice Center – a comprehensive Police Department, Adult Detention Facility and Tribal Courts complex. My testimony will also discuss the dire need for more funding overall for Justice Department Indian public safety programs.

I have served 32 years as Tribal Chairman. Over the years I have had the opportunity to have many conversations with Congress regarding the serious public safety and security conditions on the Standing Rock Reservation. The current Administration and Congress have made it clear that addressing public safety and security in Indian Country is one of their top priorities. For this, we thank you. Through increased Justice Department appropriations, the DOJ Listening Sessions that were recently held throughout Indian Country, and Congress' work on the Tribal Law and Order bill, Indian Country feels like its issues are being proactively considered for the first time. Things are moving in the right direction, but so much more needs to be done. As Standing Rock's experience with Operation Dakota Peacekeeper demonstrated, the best way to address public safety issues in Indian Country is to ensure adequate funding for fully-staffed law enforcement, safe detention centers, and comprehensive Tribal justice systems. It is important to recognize that effective public safety requires improvement to and investment in all pillars of the justice system: police, courts, and detention and alternate services.

Law Enforcement Funding

In his FY 2011 Proposed Budget, President Obama has proposed repackaging DOJ grant programs to tribes, providing what we hope will be a more flexible tribal criminal justice program. The Budget also proposes to fund 45 additional FBI Agents dedicated specifically to Indian Country. We applaud these efforts to revamp the provision of criminal justice programs in Indian Country and to provide increased federal law enforcement personnel. But, we are concerned that the reorganization of the DOJ grant programs may negatively impact funding for law enforcement personnel and necessary support staff and other resources. While we fully support funding for the additional FBI Agents, this number is not nearly adequate to bring law enforcement staffing numbers up to the minimal level necessary to be effective throughout Indian Country, and FBI agents are only one part of a team of law enforcement personnel in

Indian Country. Funding must be increased for BIA and Tribal law enforcement personnel, as well as funding for Tribal courts and detention centers.

With one of the largest reservations in the country – spanning 2.3 million acres – the Standing Rock Sioux Tribe has unfortunately become the well-known example for how inadequate staffing and lack of law enforcement resources translate to alarming public safety statistics in our communities. At Standing Rock, we have 10 staffed, full-time police officers, which averages to about 2-3 officers per eight-hour shift to patrol the entire reservation, which encompasses four towns, eight separate communities, 2,500 miles of roads, and a population of 10,000. With such inadequate law enforcement staffing, our rural Reservation has a crime rate that parallels that of a major city. In 2006, BIA police documented the commission of 1,247 offenses on our reservation, the majority involving alcohol and drugs. In 2007, our violent crime rate was 1,138 per 100,000 people.

Low staffing in Indian Country has been a recurring theme. A 1997 study found that Indian Country had 1.3 officers for every 1,000 inhabitants, versus 2.9 in non-Indian jurisdictions. With our ten officers, we are 25% below the average for Indian Country and about 66% below the average number of officers in non-Indian jurisdictions. In 2006, the BIA commissioned a "Gap Analysis" to identify and review the policing and detention capacity in Indian Country and to compare what was available to what was needed. This Gap Analysis found that the BIA District in which Standing Rock is located – District One – had 108 Law Enforcement Officers, but that it required over four times that amount (438) to be effective. In 2007, the BIA estimated Standing Rock would need at least 28 officers to meet minimally safe staffing requirements, but by the spring of 2008 we still had only 10 officers despite our repeated requests to the BIA for more, and despite Congress' increased funding to the BIA in FY 2008 to provide more officers on high crime reservations.

Standing Rock is fortunate to have a responsive Congressional Delegation. In 2008, Senators Dorgan, Thune, Johnson and Conrad, and Congresswoman Herseth Sandlin and Congressman Pomeroy submitted a joint letter to the BIA inquiring about the allocation of the increased funding for BIA law enforcement. In June of that year, the BIA responded by implementing Operation Dakota Peacekeeper – a surge of 20 additional police officers to the Standing Rock Reservation. The results of increased law enforcement on the reservation were quickly noticeable. In the month of June alone, police made a total of 541 arrests. Of these, 341 arrests – about 2/3 of the total amount – were made by surge officers. Our jail became so full we had to have arraignments seven days a week, and there were increases in referrals to child protective services – illustrating the scope of crimes unpunished and public safety issues unaddressed prior to the surge. Over the approximately seven months of the surge, the presence of additional officers more than doubled our capacity to respond to crimes and make arrests. Beyond the statistics, the surge had an enormous effect in our community's sense of safety. Unfortunately, the surge was temporary. Once it was over, our crime statistics returned to pre-surge numbers.

Operation Dakota Peacekeeper proved the value of increasing law enforcement presence on reservations, but also demonstrated that this presence must be on-going. Our communities need permanence and stability in the levels of law enforcement and in their sense of safety and

security. While the Standing Rock Sioux Tribe is optimistic about our involvement in the High-Priority Performance Goal, we remain concerned about public safety issues throughout Indian Country. We believe that to achieve the permanence and stability necessary for effective public safety enforcement, funding must be increased, and that increase must be maintained. For example, funding for the Community Oriented Policing Services (COPS) program must be increased. While the Budget proposes an increase in COPS hiring grants, it proposes a limited amount to be dedicated to tribal law enforcement personnel. Additionally, the proposed $15 million cut to the COPS Tribal Resources Grant program will result in less money for other law enforcement resources. Also, adequate support staff, such as telecommunications operators and Law Enforcement Assistants, and resources, such as police cruisers, fuel and repair costs for the police cruisers and office supplies are crucial to the overall law enforcement effort.

Comprehensive Justice Needs

Adequate numbers of law enforcement officers address only one aspect of what is needed to provide minimally adequate criminal justice services. Tribes are struggling to find the resources needed to provide comprehensive criminal justice systems for their members. This includes police, courts, detention and alternative services, such as Drug/Wellness Courts and alcohol and drug treatment services to reduce our need for detention space. In many ways, Operation Dakota Peacekeeper only served to highlight the need for increased funding and funding mechanisms specifically for Tribes.

Adequate tribal courts and detention centers are as important to maintaining a safe and secure community as law enforcement officers. It is imperative that tribal communities have safe and secure detention centers to house inmates. Many tribal communities, including Standing Rock, have inadequate space to house our inmates, and must contract with other facilities to house additional inmates. The Budget's repackaging of the DOJ grant programs to tribal communities would also result in the elimination of categorical funding for the Indian Country Prison Grants program. This change leaves it unclear how the new 7% set-aside would affect funding for justice construction.

As stated above, it is equally imperative that the COPS Tribal Resources Grant Program not be cut. This program provides funds for necessary equipment and supplies for tribal justice programs. Increases in law enforcement personnel would do little good if they do not have the necessary equipment. For example, Standing Rock has a great need for vehicles. On average, our vehicles travel 3000-5000 miles a month. Most of our vehicles already have over 100,000 miles on them, and all are being used essentially 24 hours a day. Our equipment and technology is outdated, including radios and communications infrastructure. We do not even have access to computerized law enforcement statistics. No government can provide even minimally sufficient public safety services with such limitations on its resources.

Standing Rock Tribal Justice Center

To address the public safety and security issues on our own Reservation, the Standing Rock Sioux Tribe requests $500,000 from the Justice Department's Edward Byrne Memorial Program to conduct a detailed needs assessment, conduct environmental studies required by the

National Environmental Policy Act, and to prepare preliminary design plans for the Standing Rock Tribal Justice Center. The Justice Center would provide a comprehensive complex that would house the Tribal Court, including the Judge's chambers and the courtroom, adult detention and police headquarters. The new Justice Center would centralize all of the Tribe's criminal justice activities, and expand its facilities. This project is essential to effectively work in partnership with the BIA law enforcement and detention center officials and coordinate with County, State, and Federal law enforcement agencies while managing a busy Tribal Court docket.

Currently, the Standing Rock Tribal Court operates with 24 staff working in 17 offices. These offices are divided among three buildings. The Judge's chambers, one courtroom, the adult detention center, and police headquarters are located in the BIA facility, while the Tribal Court Administration – including the prosecutor's office, public defender's office, and the newly-formed detention department – is located in a separate building. The BIA facility is an old building with cracks in its foundation and wasp nests throughout. The small detention center cannot hold many inmates, resulting in a contract with a facility in Rugby, ND, to house additional inmates. Rugby is almost five hours away from our police headquarters in Fort Yates, ND. One trip to transport inmates to this facility removes at least one law enforcement officer and one vehicle from our law enforcement services for a full day, leaving only one officer able to respond to emergency calls for the entire Reservation. For an already understaffed law enforcement force, this is a devastating loss of precious manpower and equipment. Additions to the BIA facility cannot be done due to the weakened foundation. Safety and security for employees, inmates and the public is still a constant concern due to the separate and inadequate buildings.

A professional needs assessment, site selection, NEPA studies and preliminary design work will provide the Tribe with invaluable planning tools that will guide the Tribe in the construction of our future judicial infrastructure as Tribal, Federal and other funding sources are identified. This Justice Center is needed to provide a professional, cohesive and organized judicial system. To adequately provide professional law enforcement services, detention, probation, and judicial functions must operate in modern facilities that have the necessary space to house offices, detention and courtroom spaces and the associated personnel required for a Tribe with a large population. Updated law enforcement facilities will also allow the Tribe to coordinate with State, Federal and local law enforcement agencies to provide needed services to the area.

In addition to increasing the safety and security of the Standing Rock Reservation, this project will provide employment opportunities in North Dakota and bring together professionals from various criminal justice disciplines to assist the Tribe in identifying its facility needs and conduct environmental studies and design concepts. Future construction of the complex will further provide much-needed employment opportunities to our communities.

Conclusion

The Standing Rock Sioux Tribe, and all of Indian Country, continues to face tremendous public safety challenges. We ask the Committee's help in providing resources to enable us to

provide the most basic service we can provide to our communities – a feeling of safety. Thank you.

TRAWLWORKS, INC.
Robert Taber, President
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March 22, 2010

Re: Testimony to the House Appropriations Committee concerning the NOAA budget request for NMFS National Catch Share Program in the amount of 54 million dollars.

Dear Honorable Members,

I would like to strongly protest the above referenced appropriation request for the following reasons:

1.) A catch share program does not ensure the jobs for fishermen and a sustainable fishery. In fact, under the current scenario for New England and Mid-Atlantic area fishermen, we are looking at job losses that may approach 50 percent of the industry and its supporting infrastructure. Whoever is pushing the catch share program as currently proposed for the industry is doing so with a biased and flawed agenda.

2.) The biggest problem with the current state of the fisheries and their management is the lack of adequate science to reduce the uncertainty of stock assessments and unrealistic stock biomass goals and time frames set for rebuilding without consideration of realistic eco-system interactions between stocks.

3.) Catch shares will forever change the fabric of our fishing communities and fishing families and will have no significant impact on addressing the true issues strangling the industry and the stock rebuilding goals.

Thank you,

Robert E. Taber, President
Trawlworks, Inc.

Walker Fishing Fleet, Inc.

April 14, 2010

The Honorable Alan B. Mollohan
Chairman
Subcommittee on Commerce, Justice, Science & Related Agencies
Committee on Appropriations
H-310 U.S. Capitol
Washington, DC 20515

The Honorable Frank R. Wolf
Ranking Member
Subcommittee on Commerce, Justice, Science & Related Agencies
Committee on Appropriations
1016 Longworth H.O.B.
Washington, DC 20515

Dear Chairman Mollohan and Ranking Member Wolf:

Thank you for the opportunity to submit testimony in support of the President's Fiscal Year 2011 National Marine Fisheries Service (NMFS) budget request for the National Marine Fisheries Service, and specifically the $54 million request for its National Catch Share Program (NCSP). The Administration's requested funding for a NCSP is critical to developing and implementing catch share programs that have been under development, including the implementation of an IFQ for the grouper fishery in the Gulf of Mexico.

Commercial fishermen, like me living in the Gulf region of the United States, have greatly benefited from the implementation of Individual Fishing Quota programs (IFQs), a catch share fishery management program, which have helped end overfishing while preventing and even reversing the collapse of fisheries. I urge you to support the Administration's requested funding for NMFS.

I would like to provide the Committee with some real world insights on how a catch share program can help to both improve the economics of a fishery and facilitate the conservation of the resource. Red snapper fishermen in the Gulf of Mexico have for many years faced depleted stocks and an uncertain future. It was a rather stable fishery until the 1970s and 1980s, when demand for fish began increasing as the technology to catch fish was improving. When regulators stepped in to establish catch limits, fishermen began racing against one another to catch as much fish as possible before the limit was hit and fishing was shut down for the year. This "derby" style system resulted in large discards of dead red snapper, a decrease in fish prices, higher operating costs and dangerous fishing conditions, as fishermen risked their lives and boats in dangerous weather.

To address the situation, the Gulf of Mexico Fishery Management Council began discussing management alternatives to rebuild and restore the fishery, and in 2007, the Council adopted an IFQ program, which had broad support from the commercial sector. Under IFQs, each fisherman is allotted a share of the total catch and is held individually

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accountable for adhering to that limit. Fishermen are able to fish throughout the year when it is good for business. Closures are not needed to effectively manage the fishery. Further, as commercial fishermen, we are able to deliver high-quality fish to market when consumer demand increases and the weather is suitable for fishing. Under an IFQ program, fishermen can lease or sell shares if they are unable to fish for any reason. Best of all, with an IFQ program, fish are not wasted but retained and counted against the individual quotas. Under previous rules, fishermen were forced to throw fish overboard to comply with management directives.

The red snapper IFQ has empowered Gulf of Mexico commercial fishermen to be stewards of the resource and to run efficient operations and minimize the waste of fish. Furthermore, we have the ability to carefully target and market red snapper to earn more money with less fish. IFQs hold commercial fishermen accountable for their allocation and the health of the stock, and provide fishermen with an economic stake in the fishery.

An August 2009 report from NMFS Southeast Region stated that "two years after initial implementation of the red snapper IFQ program, progress has been made toward achieving [the] program's objectives ... [which] include mitigating derby fishing conditions and reducing overcapacity."[1] The IFQ's benefits are "numerous" and "include increasing flexibility for fishing operations; providing cost-effective and enforceable management of the fishery; reducing bycatch; eliminating quota overages; improving safety at sea; and optimizing net social, economic, and biological benefits from the fishery," according to the report. Importantly, since the end of 2006, the average ex-vessel value of red snapper has nearly doubled.

The commercial red snapper fishery was open for an average of 88 days – about one-quarter of the year – prior to the implementation of the IFQ program. During this period, fishermen were limited to either 200-pound or 2,000-pound trip limits and 10-day fishery openings per month. Under the IFQ, fishermen are not constrained by fishery closures or trip limits; a fisherman is limited instead to his annual allocation or red snapper that he can catch throughout the year. Subsequently, the NMFS report states that "the IFQ program has lead to greater efficiency for many red snapper IFQ program participants."

NMFS also cites the biological benefits resulting from the IFQ program, noting that in the first two years of the IFQ program "reported [commercial] landings have been below quotas." During the 17 years of management prior to implementation of the IFQ, the commercial quota was *exceeded* nine times. Similarly, NMFS found that the ratio of landed to discarded fish has increased three to four times since 2007.

Commercial catch share programs such as the red snapper IFQs in the Gulf of Mexico support good jobs in the seafood industry and throughout the broader economy. Catch share management results in more stable employment for fishermen, as well as

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[1] 2008 Gulf of Mexico Red Snapper Individual Fishing Quota Annual Report, August 17, 2009. Southeast Region, National Marine Fisheries Service.

their suppliers and buyers, lasting for longer periods of time. This stability is important to providing an economic environment that helps to sustain the long-term viability of communities that depend on the fishing industry.

The IFQ program currently in place for commercially-caught red snapper in the Gulf of Mexico has been extremely successful, as it allows fishermen to lower operating expenses, increases the price paid at the dock, and meets high conservation standards, which has improved both economic performance and safety at sea. A recovering fishery is good for commercial, recreational and other fishing interests. Catch share programs can only be successful with appropriate federal funding for NMFS to properly design and implement catch share programs that work for the fishermen, the resource and the region and the community.

I respectfully urge the Committee to support the Administration's budget request for NMFS, and specifically the $54 million requested for the NCSP. This funding is crucial to addressing the difficult fishery management problems facing the nation. It is also important to the development and implementation of the Gulf of Mexico reef fish IFQ.

Sincerely,

Capt. David Walker

Walker Fishing Fleet. Inc.
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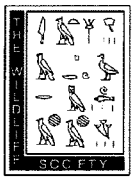

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2 April 2010

Submitted by:
Bruce Leopold, President
The Wildlife Society
5410 Grosvenor Lane
Bethesda, MD 20814-2144

Submitted to:
House Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies
H-218 U.S. Capitol
Washington, DC 20515

The Wildlife Society (TWS) appreciates the opportunity to submit testimony concerning the FY 2011 budget for the National Science Foundation (NSF). **TWS requests that the Committee work to provide the National Science Foundation (NSF) with the $7.424 billion requested by the President for fiscal year (FY) 2011,** allowing NSF to fund its many important programs, including the Biological Sciences directorate (BIO) at $767.81 million.

The Wildlife Society was founded in 1937 and is a non-profit scientific and educational association representing over 9,100 professional wildlife biologists and managers, dedicated to excellence in wildlife stewardship through science and education. Our mission is to represent and serve wildlife professionals—the scientists, technicians, and practitioners actively working to study, manage, and conserve native and desired non-native wildlife and their habitats worldwide.

As stated in its mission, NSF exists to promote the progress of science; to advance the national health, prosperity, and welfare; and to secure the national defense. The budget for fiscal year 2010, along with the much-needed funding provided by the American Recovery and Reinvestment Act, were essential in enabling NSF to carry out its mission. However, this budget needs to be sustained in coming years if we are to benefit from the true potential of our nation's scientific enterprise. Because of the issues posed to our national safety, infrastructure, and environment by a changing climate and a high jobless rate, TWS urges strong support for NSF in fiscal year 2011 to tackle these issues.

The basic, fundamental research performed with funding from NSF at our universities and research centers fuels innovation and drives economies around the nation. NSF was the second largest provider of federal R&D funding in 2008 (the latest year in which data is available), providing an excess of $3.8 billion across numerous academic fields. These funds employ the scientists and personnel that conduct research and maintain equipment, they support graduate student salaries and undergraduate training opportunities, and they provide early career scientists with the support that enables them to develop successful lifelong research programs. In short,

NSF provides the sturdy foundation upon which our nation's impressive scientific legacy has been built.

This scientific legacy has not only allowed the U.S. to lead the world in scientific, engineering, and medical breakthroughs, but it also provides us with a means for continuing to lead the world through the pressing social issues of today. Our world needs science more than ever to research and develop practices that will enable us to adapt to climate change, conserve natural resources, and mitigate environmental degradation. NSF will play a major role in this as the largest single-agency funder of academic R&D in the environmental and basic non-medical biological sciences, having spent over $1.057 billion in these two areas in 2008 alone.

The mission of the BIO directorate is to enable discoveries for the understanding of life, and its mission is particularly critical to the wildlife scientists represented by TWS. The basic biological and environmental science being performed by NSF scientists within the BIO directorate helps us determine the best strategies for fire prevention, illuminates effects of nitrogen on wildlife habitats, and helps us predict how air pollution affects organisms in glacial lakes. This sort of research provides us with resources for monitoring ecosystems and adapting to change. For example, a recent NSF-funded modeling study showed that diverting sediment-rich water from the Mississippi River through cuts in the levees below New Orleans could generate new land in the river's delta in the next century, equaling almost half the land that is expected to disappear in the same amount of time due to sea-level rise, storms, and erosion. Studies such as this will be invaluable for adapting New Orleans and other large centers of human population for the inevitable environmental changes of the coming centuries.

NSF also plays a major role in understanding how human, wildlife, and environmental health are closely intertwined. An example of this is a joint NSF and National Institutes of Health program on the ecology of infectious diseases that supports research into the underlying ecological and biological mechanisms behind environmental changes and the emergence of these diseases. Projects funded through programs such as this allow scientists to study how large-scale environmental changes, such as habitat destruction, invasive species, and pollution enable emergence of viral, parasitic and bacterial diseases in humans, domestic animals, and wildlife. This sort of research not only allows us to understand how disease is transmitted, but also helps scientists determine the unintended consequences of development projects and gives them the capacity to forecast disease outbreaks.

Moreover, NSF adds value to the lives of Americans by playing a role in conserving of our valuable natural resources, such as iconic species like the American Bison, and treasured landscapes like the Sonoran desert. These natural resources are managed and monitored by legions of natural resource professionals, including wildlife and fisheries biologists, conservation scientists, foresters, ecologists, range managers, wildlife veterinarians, and marine biologists, among others. In 2008, the Bureau of Labor Statistics estimated that there were approximately 30,000 conservation scientists employed in the US; add to this number all of the other professionals who work on ecological and natural resource issues, and many hundreds of thousands of individuals are employed in jobs that support our environment. NSF plays a key role in training these professionals to safeguard America's environment: during the course of

their educational and research careers, most wildlife and ecological scientists receive training or mentoring made possible by NSF.

We ask you to keep NSF's vital role in mind as you continue through the FY 2011 appropriations process, and fully fund NSF with the $7.424 billion as requested by the President. This will allow NSF to provide $767.81 million to the BIO directorate to continue to support the biological and environmental sciences that play an integral role in our national health, environment, and security.

We thank you for considering the views of wildlife professionals. Please feel free to contact Jenna Jadin, Assistant Director of Government Affairs, at jenna@wildlife.org or at (301) 897-9770 x309 if you need further information or have any questions.

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