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DEPARTMENTS OF COMMERCE, JUSTICE, AND
STATE, THE JUDICIARY, AND RELATED
AGENCIES APPROPRIATIONS FOR 2004

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE, JUSTICE, AND
STATE, THE JUDICIARY, AND RELATED AGENCIES

FRANK R. WOLF, Virginia, *Chairman*

HAROLD ROGERS, Kentucky

JIM KOLBE, Arizona

CHARLES H. TAYLOR, North Carolina

RALPH REGULA, Ohio

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ALAN B. MOLLOHAN, West Virginia

ROBERT E. "BUD" CRAMER, JR., Alabama

PATRICK J. KENNEDY, Rhode Island

MARTIN OLAV SABO, Minnesota

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

MIKE RINGLER, CHRISTINE KOJAC, LESLIE ALBRIGHT, and JOHN F. MARTENS
Subcommittee Staff

PART 9

**TESTIMONY OF MEMBERS OF CONGRESS AND OTHER
INTERESTED INDIVIDUALS AND ORGANIZATIONS**



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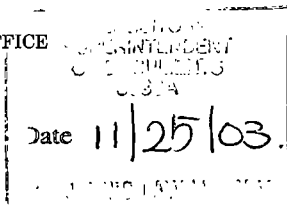


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**DEPARTMENTS OF COMMERCE, JUSTICE, AND
STATE, THE JUDICIARY AND RELATED
AGENCIES APPROPRIATIONS FOR 2004**

**TESTIMONY OF MEMBERS OF CONGRESS AND OTHER
INTERESTED INDIVIDUALS AND ORGANIZATIONS**

THURSDAY, APRIL 10, 2003.

WITNESS

**HON. DOUG BEREUTER, A REPRESENTATIVE IN CONGRESS FROM THE
STATE OF NEBRASKA**

Mr. WOLF [presiding]. The committee will come to order. We welcome Mr. Bereuter first. Welcome, Doug. Your full statement will appear in the record.

Mr. BEREUTER. Mr. Chairman, Congressman Serrano, members of the subcommittee and staff, we thank you for the opportunity to testify on a number of projects. They are all statewide projects. They are, in fact, all drug-related.

Congressman Osborne, who will come shortly for this, will also be testifying for one of the three that is listed here plus another drug-related program.

We have absolutely a huge methamphetamine problem in the state. It is a plague. I think, proportionately, Iowa and Nebraska may have the largest problem with this in the country. And we are not making progress; we are losing the battle. And it is affecting every community, practically, in the state. It is as big a problem in rural areas as it is in urban. It is concentrated in people in their twenties.

Mr. WOLF. That is incredible.

Mr. BEREUTER. It is. It is a terrible plague, and it is leading, of course, to a lot of related crime. And this is a really insidious drug, because it is so incredibly addictive. And you see what is happened to a person in two years' time—the chances are they are going to die from this. There is very little opportunity to move away from it without extraordinary intervention.

It is now a problem mostly concentrated in people in their twenties. We are concerned about it moving downward, of course, and there is some evidence that is happening.

So, the request I have related to the Clandestine Lab Cleanup Program, to give you some idea, we have found just in 2002, 372 labs. That placed a huge burden on Nebraska law enforcement, so I am requesting these funds.

Congressman Osborne is making the same request, I think, in this area, to invest in a lab cleanup program. He will speak, perhaps, more to it.

But additionally, you notice some other items in this. \$45,000 to fund three dump sites for storage of hazardous materials found in clandestine labs. This is, additionally, a major fire problem, because we have had many explosions that take place and fires in houses and other kinds of buildings.

The third component is a \$197,400 for a forward-looking infrared (FLIR) device that could be mounted on aircraft to help detect these labs. Currently, there is one FLIR in Nebraska used throughout the state. An additional FLIR would be located in western Nebraska for better availability.

There is a request for the state crime lab, which is fairly self-explanatory, I think. Seventy-five to 80 percent of the analyses conducted are at the request of the state's law enforcement agencies. And a very large part of this is also drug-related.

A drug treatment prevention program—for an 18-month drug treatment program to be implemented through a drug court system. Research shows that the methamphetamine users need this length of treatment to be successful in recovery, if they can at all. Of course, that is a critically important component of the fight against methamphetamine abuse.

I will be happy to answer any question you might have about this. I thank you for your assistance last year on this problem. It is important. It is being used well. It is being used very effectively and efficiently by the law enforcement and drug-related programs in the state.

[The information follows:]

TESTIMONY BEFORE
THE COMMERCE, JUSTICE, STATE
APPROPRIATIONS SUBCOMMITTEE
THE HONORABLE DOUG BEREUTER
APRIL 10, 2003

Chairman Wolf, Congressman Serrano, and members of the Subcommittee:
Thank you for the opportunity to testify in support of funding for several projects and programs of interest to my constituents and the citizens of Nebraska. In addition, I would like to thank the Subcommittee for the generous funding of several Nebraska projects in FY2003.

**NEBRASKA STATE PATROL
ANTI-METHAMPHETAMINE PROGRAM, \$1,001,350**

Clandestine Lab Cleanup (\$596,350)

Methamphetamine abuse continues to be an absolute plague currently afflicting Nebraska. This proposed project will continue the work began with the \$500,000 appropriation from FY2003, with an emphasis on funding for the cleanup of clandestine labs. In 1999, approximately 37 labs were discovered in Nebraska. By 2002, the problem had increased exponentially to 372 which in turn has placed a huge burden on Nebraska law enforcement. I am requesting \$393,950 for the Nebraska State Patrol to assist state and local law enforcement agencies in clan lab cleanup. These funds would be used for personal protective equipment and operating expenses. In addition, \$45,000 would be used to fund three dumpsites for storage of hazardous materials found in clandestine labs. The third component of the clandestine lab cleanup proposal is \$197,400 for a Forward Looking Infrared (FLIR) device that can be mounted on an aircraft to help detect these labs. Currently there is one FLIR in Lincoln, Nebraska, that is used throughout the state. This addition FLIR would be located in western Nebraska for better availability for all law enforcement.

The State Crime Lab (\$215,000)

The State Crime Lab, operated by the Nebraska State Patrol, provides drug analysis service to all law enforcement agencies in the state. Seventy-five to eighty percent of the analyses conducted are at the request of the state's local law enforcement agencies. This funding would provide equipment that will allow for faster results as well as provide more analytical information than is possible with existing equipment, which is in poor condition or already defunct.

Drug Treatment/Prevention (\$150,000)

These funds will continue the program initiated with the FY2003 funds for an 18-month drug treatment program to be implemented through the Drug Court system.

Research shows that methamphetamine users need this length of treatment to be successful in recovery. Of course, treatment is a critically important component of the fight against methamphetamine abuse.

Again, thank you for your consideration of this request. I appreciate the opportunity to testify before you.

Mr. WOLF. Thank you, Doug. We will try to help all of the states to the extent that we can do so with such tight allocations. I think you have made a good case for taking further action on this issue.

I would hope the Administration will focus with laser beam precision on illicit drug use and other domestic issues in the aftermath of the war in Iraq.

Because time after time, throughout these FY 2004 appropriations hearings, we have seen how drugs, including methamphetamine, OxyContin, Ecstasy and others, affect inner-cities, suburbs, and rural areas alike. Methamphetamine labs have sprung up in my district, even the western part, in the Shenandoah Valley, known for its beauty, bears the scars of this scourge.

And so, if we can help, we will certainly try to—

Mr. BEREUTER. Thank you. I know that, Mr. Chairman.

I heard this morning, for example, about the Oxy problem down in southwest Virginia, which is apparently extreme.

Mr. WOLF. It is—because this drug may be prescribed by doctors—people think they are taking a legal drug. They are crushing it—we had a competent attorney in Prince William County go to jail from use of it. Six, seven, eight pharmacies in my district have now been robbed.

But it is all part of the whole culture. And, so, Doug, we will try to help to the extent that we can.

Mr. BEREUTER. Thank you.

Mr. WOLF. Any further questions, Mr. Serrano?

Mr. SERRANO. I agree with the chairman. You know, for many years the drug issue has been an inner-city issue—at least it was seen that way. But now we are realizing that it is spread out throughout our society.

And I can tell you, as one who represents the South Bronx, that if we do not catch it early, it will rape your communities the way it has raped mine. It is the number one reason for all the problems that we have in our neighborhoods. You take drugs out of neighborhoods, you would probably take 80 percent of the crime out of the neighborhoods in the Bronx.

Mr. BEREUTER. Those statistics would match my district. Eighty percent of the crime related to methamphetamine right now in Fremont, Nebraska.

Mr. SERRANO. Yes. Same thing. I understand. And I will be supportive.

Mr. BEREUTER. Thank you.

Mr. WOLF. Your full statement will appear in the record.

THURSDAY, APRIL 10, 2003.

WITNESS

HON. TOM OSBORNE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEBRASKA

Mr. OSBORNE. Okay. In other words, you are saying be brief.

Mr. WOLF. No, I mean—

[Laughter.]

Mr. OSBORNE. Well, thank you for—as Congressman Bereuter mentioned, we appreciate your help last year. You did steer us

toward some money to help combat meth and we really appreciate that.

Really want to talk about three issues here today. One is the Boys' and Girls' Home in Southern Nebraska spread across the state. And I think traditionally rural areas have the image of being very family friendly and very sound as far as young people.

But we have found in recent years that with the rural economy, both parents are working. We probably have more latchkey kids in the country than you do in some of the cities. So we are having more problems than we have ever had before.

So we are asking for \$550,000 for 2004 to provide full funding for the Boys' and Girls' Homes of Nebraska to prevent juvenile justice and delinquency-related programs. And what these would do is they would provide short-term shelters, group homes.

Secondly, they would provide non-criminal juvenile offenders who have not been convicted of serious crimes—and those kinds of things. And then a diversion program to help people do community service and make restitution and those kinds of things. We think this is a very worthwhile project.

Secondly, we would like to request \$3 million for a public safety telecommunications education for emergency response managers. At the University of Nebraska at Kearney there is an undergraduate program, it is the only one in the state, which provides education for undergraduates in the area of telecommunications and first responders.

And we feel that is very important throughout the state of Nebraska at the present time. And we feel that since this is the only university in the state—the only educational institution that this is going to be important.

Then lastly, I would like to second what Congressman Bereuter has said about the meth problem. He has mentioned a great many of the issues I was going to advance in this discussion. He mentioned that there were 372 planned—or clandestine lab operations that were discovered in 2002. And the interesting thing that in 1999 there were 37. So it is a ten-fold increase in a period of three or four years. So it is an exploding problem.

And the reason that it is become so prevalent in rural America is that you can have a meth lab out in the country that goes relatively undetected. In the city, you know, there is some odor involved or there is a lot of materials that are involved. And if you are in an urban area, it is kind of difficult to get things done.

So anyway, he mentioned that we wanted \$350,000 to clean up some of these operations. And the reason that is so important is that these hazardous materials oft-times require somebody to come in from Kansas City.

In other words, they get a meth lab and they have to have a special team come in all the way from Kansas City to dismantle it. And then we have to dispose of the hazardous materials and that is going to about \$45,000, because those materials are clearly hazardous that they use.

And drug treatment and prevention, \$150,000. The average meth addict needs 18 months of inpatient treatment to have a chance. Now most drug rehab programs are, you know, maybe two months. But meth apparently is so addictive and so powerful that it is very

difficult to get people to recover. As Doug mentioned, it is often fatal.

And some of the law enforcement people out in Nebraska told me that the average meth addict will commit roughly 130 crimes per year per addict. So you can imagine the extent of the social dysfunction that this causes.

Anyway, those are our requests. And we appreciate your listening to them.

[The information follows:]

**Comments of the Honorable Tom Osborne
Appropriations Subcommittee on Commerce, Justice, State and the Judiciary
April 10, 2003**

Chairman Wolf, Ranking Member Serrano, and Members of the Subcommittee, thank you very much for the opportunity to testify today about the priorities of Nebraska's Third District which fall under the jurisdiction of your Subcommittee.

Before I begin my testimony about fiscal year 2004 priorities, I do want to say thank you for all the assistance your Subcommittee has provided the people of Nebraska in the past year. When I appeared before your Subcommittee last year to speak about our state's meth program, the Chairman of the Subcommittee helpfully directed me and my staff to funding that was still available in fiscal year 2002 to fight meth. Through your assistance, Nebraska was able to obtain additional funding last year. I am sincerely grateful for your efforts on this project.

For fiscal year 2004, I am presenting three projects to the Subcommittee.

- Funding for the Boys and Girls Home of Nebraska juvenile justice and delinquency related programs throughout Nebraska.
- \$3 million to strengthen and expand its telecommunications management program to educate emergency response managers at the University of Nebraska at Kearney.
- \$1 million to address combating methamphetamine in Nebraska.

Boys and Girls Home of Nebraska

I respectfully request an appropriation for the Boys and Girls Home of Nebraska to provide juvenile justice and delinquency related programs throughout Nebraska. These efforts can help secure a positive future for youth with mental, psychological and behavioral problems. For FY 2003, I requested funds for a program with a federal share of \$750,000, and \$200,000 was appropriated under Department of Justice, Juvenile Justice programs. I appreciate your support for this program, and request an appropriation of \$550,000 for FY 2004 to provide for full funding.

The Boys and Girls Home of Nebraska is seeking funds to expand programs geared towards youth who have committed minor offenses and/or have unique mental, psychological and behavioral problems. Facilities in Alliance, Kearney, Lexington, Norfolk, North Platte, Scottsbluff, Sidney, and South Sioux City offer the following programs:

- **Staff Secure Shelter:** Youth referred to this inpatient program are in need of short-term (30 days or less) placement due to circumstances that may not be entirely within the juvenile's control. Situations involving abuse and neglect, uncontrollable behavior and minor law violations may prevent the youth from being able to remain at home. The shelter allows for assessment and intervention

to support a long-term placement for youth.

- **Juvenile Diversion Program:** First-time juvenile offenders cited for minor offenses are referred to this outpatient program by enforcement officials for diversion from the court system. The Juvenile Diversion Program has four main components: 1) learning the power of positive choices; 2) community service; 3) parent involvement; and 4) restitution.
- **Monitoring and Tracking:** For youth considered “low-risk” in a community placement but who need extra supervision, electronic monitoring or “ankle bracelets” are used to ensure the juvenile remains in his/her residence as ordered by the court or caseworker. For youth who need extra supervision and support while living in the community, Trackers ensure the youth is in school, at work, attending counseling and refraining from drug or alcohol use.
- **Group Home Programs:** Other inpatient programs include Treatment Group Home, for youth who require a moderate level of structure and therapeutic intervention as they transition back into society; Group Home for youth who do not have significant mental health issues and can attend an off site school and function in a “family-like” environment; and Group Home II for youth who demonstrate extreme oppositional defiant behaviors, have a criminal history and need intensive supervision in a residential setting. Youth accountability and responsibility are key program elements at group homes.

I urge your support for an appropriation of \$550,000 to complete funding for these Juvenile Justice related programs and services throughout Nebraska. Thank you for your consideration.

Public Safety Telecommunications Education for Emergency Response Managers

I am also requesting \$3 million from the Department of Justice to strengthen and expand a telecommunications management program to educate emergency response managers. The University of Nebraska at Kearney is the only institution in the state with an undergraduate telecommunications management program.

Despite rapid growth in the field of telecommunications, uneven development has created a significant disparity in access to telecommunications technology, leaving many rural public safety entities with poor access to information technology and education. This trend has serious consequences for economic development, delivery of health services, educational infrastructure, civil defense, and security.

The demand upon emergency 911 call centers and emergency dispatch centers is increasing exponentially as several new technologies are implemented. Emergency call and dispatch centers must now plan for the burden of wireless caller location and identification. According to the Cellular Telecommunications and Industry Association, wireless 911 calls have increased by over 29,000 percent since 1985. The National Emergency Number Association indicates that in 2000, 30 percent of all 911 calls came

from wireless telephones and by 2005, the majority of all 911 calls will be from wireless telephones.

New communications systems to allow a coordinated response among all public safety agencies are forthcoming, as the need to protect America against multiple threats has emerged. The need for an educational center to train and develop emergency personnel and the managers of these systems is essential to the future safety and security of rural areas in Nebraska.

In order to ensure the future safety and security of rural America, the University of Nebraska at Kearney requests \$3 million in the fiscal year Department of Justice appropriation to develop a laboratory to educate rural public safety entities, their current and future personnel, and managers in new telecommunication technologies. As part of this project, the University of Nebraska at Kearney will partner with civil defense agencies, law enforcement agencies, and other public safety entities in Nebraska. The investment made by this project will provide rural Nebraska with an educational facility to train and educate current and future emergency services personnel and managers, allowing for a properly trained workforce to improve emergency response and coordination in the event of public emergencies.

This project would benefit Nebraska by providing a formal resource for the education and training of emergency response managers, formal education and training for the operators of public safety answering points, a cohesive relationship between the University of Nebraska at Kearney and two-year community colleges in the area, and an education facility to respond to the education and training needs of the new emergency response telecommunication system soon to be implemented in Nebraska.

Comprehensive Strategy for Combating Meth

Nebraska, like many other states, faces a growing methamphetamine problem. An intense, multi-faceted effort and devotion of resources is required to address the presence of clandestine labs, distribution of methamphetamine and the need for treatment of methamphetamine abusers. This request is designed to enhance the efforts already in place in Nebraska and to ensure their long-term effectiveness.

This request includes the following projects at a total cost of just over \$1 million (\$1,001,350):

- Clan Lab Operations
\$348,950

A growing number of clandestine labs are involved in the manufacture of methamphetamine. In 1999, approximately 37 labs were discovered in Nebraska. By 2002, the number multiplied ten-fold to 372. This request is submitted to provide personal protective equipment and operating expenses for both state and local law enforcement agencies in their drug enforcement efforts. Appropriations of \$348,950 are requested.
- Hazardous Materials Storage
\$ 45,000

Disposal of hazardous materials found in clandestine labs is time-consuming and costly. The Nebraska State Patrol has applied to participate in a DEA program that provides for periodic pickup of clan lab materials, instead of after each incident. Currently, law enforcement officials in the Third District tell me that they must spend hours guarding a contaminated site or dumpsite waiting for the appropriate environmental response teams. Under the proposed program, the state would furnish three dumpsites that would be available to all law enforcement agencies. In addition, the state would contract with a company for removal of the hazardous materials.

- Forward Looking Infrared Device (FLIR) \$197,400
 Detection of clandestine labs is often possible through the use of an infrared, heat-sensing device mounted on aircraft. The Nebraska State Patrol Air Wing currently has one Forward Looking Infrared (FLIR) device and must respond out of Lincoln to statewide requests. With an additional FLIR, it would be possible to station one in my Congressional District in western Nebraska for better availability to all law enforcement agencies. The anticipated cost of a FLIR and mount is \$197,400.
- Information Systems Backup Plan \$ 45,000
 In the event of disaster, it is necessary to provide an off-site backup plan for critical statewide information systems housed and administered by the Nebraska State Patrol. Loss of data and connectivity to critical applications may result in compromised safety of officers and possibly the public. Funds to purchase equipment devoted to our disaster recovery initiatives is included at a cost of \$45,000.
- Lab Needs \$215,000
 The State Crime Lab, operated by the Nebraska State Patrol, provides drug analysis services to all law enforcement agencies in the state. Seventy-five to eighty percent of the analyses conducted are at the request of the state's local law enforcement agencies. Timely, accurate analysis of this evidence is required to assure the successful conviction or acquittal of a defendant. Many of the analytical instruments used at the State Crime Lab are in poor operating condition or already defunct. Funding in the amount of \$215,000 would provide equipment that will allow for faster results as well as provide more analytical information than possible with current technology.
- Drug Treatment and Prevention \$150,000
 Communities of Nebraska have significant problems with the effects of drug use and drug offenders. Methamphetamine is one of the most abused drugs in both urban and rural areas of Nebraska. Therefore, the state has established Drug Courts to explore solutions to those offenders suffering from substance abuse problems. Nebraska has devoted FY03 Methamphetamine Drug Hot Spots funding to the development and implementation of an 18-month drug treatment program through the Drug Court system. The Drug Courts are 18 months in length, due to research showing that methamphetamine users need this length of treatment to be successful in recovery. In conclusion, funds are being requested to continue needed treatment programs within the Drug Courts.

Conclusion

Thank you for allowing me to share my requests for funding for projects for Nebraska's Third Congressional District through the Commerce, Justice, State and the Judiciary Appropriations bill. To review, my requests include:

- Boys and Girls Home of Nebraska (\$550,000)
- Training for 911 managers at the University of Nebraska at Kearney (\$3 million)
- Comprehensive Strategy for Combating Meth (\$1 million)

I look forward to working with you through the appropriations process. Thank you for your attention to these issues.

Mr. WOLF. Thank you very much.

Before I recognize Mr. Serrano, we will try to help, number one. Number two, on the emergency response request, since the new Homeland Security Appropriations Committee has been set up under Mr. Rogers, I would urge you to maybe also make that request to Mr. Rogers.

As a coach, as someone who works with young people. Why do you suppose this is taking place?

Mr. OSBORNE. Well, I think what I saw over 36 years was a lot of family dysfunction. In 1962, when I started, you seldom ran across somebody from a one parent family. If so, it was usually because there was one parent and the other one was deceased. And by the time I finished in 1997, roughly 50 percent our young people were growing up without both biological parents. So that is a huge factor.

And then of course, the environment has changed. You know, there is a shift toward violence. The drug culture was relatively unknown in 1962. Today it is out there with gangs and weapons. So I think, Frank, it is basically just lack of a caring adult in a child's life. And a lot of lack of affirmation. There is nobody saying, you know, "I believe in you. I really think you can do something."

That is why I devoted so much of my time to mentoring programs. And I am glad to see the president has kind of gotten behind that, because it is the one thing that statistically we know will actually serve in a preventative way. Drug abuse goes down about 50 percent in a good mentoring program and alcohol abuse and violence and all of those things.

But it is mainly, I think, family-related and somewhat culturally-related. And the messages our media are putting out there, you know, I am really dismayed by the amount of pornography, the content of video games and some of the things that you are concerned about.

Mr. WOLF. We had a hearing yesterday with the FTC and we showed a video, "Grand Theft Auto 2", I think it was. You would not believe it. You would—unless you see it, you would not believe it. We should not wonder why the sniper terrorized my area. We should not wonder. This game is—I had never heard of it. My kids are past that point. And it is unbelievable.

I mean, if the Congress could just take 10 minutes out and watch this game. And yet, you know, the lobbyists for the group said, well, you know, they pretty much can do what they want to do because nobody on Capitol Hill can touch them.

And these sniper crosshairs, shooting in the head, more points if you hit the head. And if you get so many points, like the old pinball game, you then get—you see this pornographic—I mean, it is crazy. I cannot believe it and it is going to be a \$20 billion industry.

I hope the administration, when this war in Iraq is over, can focus on some of these issues that I think are just—and I think there are some of the cultural issues that there is no divide between the two parties. I think the parties both want to see the support of families and all these things together. It ought to be a healing issue, whereby there is a tremendous opportunity for bipartisanship.

But in closing, before Mr. Serrano, we will try to help on these issues. And I would ask you to talk to Mr. Rogers on that one. But on the others, we will try to help.

Mr. Serrano.

Mr. OSBORNE. If—one more comment—and that is, you know, I am concerned about terrorism and international events. But I really perceive the greatest threat to our country is the dissolution of the culture. You know, long-term, long-haul, I see more threat here than I do from external forces.

And I observe that, I think, with what I saw with young people who were—period of time. So I share a lot of your concerns.

Mr. SERRANO. Thank you for your testimony. And I will join the chairman in being supportive. In the 1980s I used to end all my public statements by saying that communism is not going to defeat us, it is the drugs in our cities and the falling apart of the American family that will defeat us from within.

Now, the drugs in the cities have spread out everywhere in the society. Just an aside, the chairman is intent, and I support him, on trying to find out what effect video games have on the violent aspect of our society. But I also want to go a step farther at the expense of sounding sarcastic.

I would like to know what three weeks of CNN coverage of a war does to young people who feel adults settle issues by beating up on each other quickly.

And in your line of work, which we respect so much, I have never understood why if two people beat each other up on the street corner they get arrested, and two hockey players can do it on world-wide TV and it is totally acceptable.

I know that is a touchy subject for many people, but I think we need to look at the whole picture. But thank you for bringing this to our attention again, and I will be as supportive as I can be.

Mr. WOLF. Congressman Schiff, welcome to this committee. Your full statement will appear in the record.

THURSDAY, APRIL 10, 2003.

WITNESS

HON. ADAM SCHIFF, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. SCHIFF. Thank you very much, Mr. Chairman and ranking member. Appreciate the opportunity to testify to you, before you today. Just a couple of items that I wanted to go over in particular, and the first is the Law Enforcement Memorial Act, and I want to thank you for your support of this last year.

This was a bill that I introduced with Tom Davis to make funds available to different police and fire departments that wanted to create lasting memorials or tributes to people who had died in the line of duty.

In the city of Glendale, which was the origin of this bill, they have lost four police officers during the course of their, the department's history, and like many communities that want to erect a memorial in honor of those that they lost, but cannot divert the re-

sources from additional cops on the beat or equipment, and have taken up a collection to raise funds for this.

The bill that we passed as part of the Justice Department authorization authorizes the establishment of a fund to provide a 50-percent federal match for local and state funds.

And you were kind enough to begin funding that program last year with an initial appropriation of \$500,000, and I would ask this year that we work on providing the full amount of funding, which would be \$3 million.

That would be enough to fund 20 memorials around the country, to provide \$150,000 match for local contributions of the same amount. And since we introduced the legislation we have heard from many departments around the country—very pleased that this initiative has gone forward.

We have heard from the spouses, the widows of lost officers who now have hope that their communities can erect something to recognize the sacrifice that their spouses have made.

The second program I wanted to highlight today is the COPS Program. Last year, I came before the committee to ask for your support to keep this program funded, and thanks to the efforts of this subcommittee and the efforts in the Senate, as well, the COPS Program was funded at \$928 million for fiscal year 2003.

It has been a very successful program in Los Angeles and many other parts of the country, and I understand that the administration budget calls for significantly less funding, I think \$163 million to be allocated to COPS, as well as a significant realignment of resources.

And I would again like to urge the subcommittee to remain committed and support the COPS Program. I also want to talk briefly today about the Interagency Communications Interoperability System, ICIS.

Since September 11th there has been a consistent call around the country for our first responders to have interoperable communications equipment so that they can talk with each other.

In many areas of the country that are like Los Angeles, you have police departments and other first responders, fire departments, that are side-by-side representing different communities, protecting different communities, but not able to adequately talk with each other in the event of an emergency.

The communications systems of most of the cities in L.A. County function as islands, one unit from one city responds, leaves its home jurisdiction, radio contact with that unit diminishes rapidly.

The intent of the ICIS system is to provide public safety agencies, primarily those in the greater L.A. Metropolitan Area, with the means for wide-area communications interoperability.

And this is essential for the safety of the public safety personnel, operating outside of their home cities, and is imperative when it is employed in a large-scale incident involving multiple jurisdictions.

Currently the cities of Burbank, Culver City, El Segundo, Glendale, Montevella, Pasadena, Pomona and Torrence, which are scattered all around L.A. County, have formed this ICIS Joint-Powers Authority to oversee implementation of the project.

Other cities are waiting to join this JPA, but this will really be a model for the entire state of California and beyond in how com-

munities can band together, can develop this interoperable technology, and can in a much more effective way communicate with each other in the event of both the kind of emergencies that we have regrettably every day, but more significantly after September 11th in the event of a major incident.

Finally, I requested \$4 million for that joint effort for the city of Glendale. Finally, I wanted to emphasize a project in the city of Burbank. It is a middle school violence prevention project that works to provide and encourage and support activities that contribute to the prevention of violence and the promotion of a productive and positive experience for middle school students, a key age and demographic in terms of stemming the flow of young people into non-productive activities.

And if I could just add on to something that Coach Ourne ourne said in his testimony, when I was in the State Senate I chaired the Judiciary Committee, and I think in the four years that I was there the most salient testimony we heard was from a gentleman named Father Greg Boyle, who works in East Los Angeles with at-risk youth.

And he was asked during our hearing if there was anything he could point to as a common denominator for youth that had pulled themselves out of very difficult circumstance and turned their lives around.

And he said there were two things that he could identify: They had a mentor, they had someone who cared whether they succeeded or failed—and it might have been a grandparent or a social worker or a police officer or a teacher—someone cared if the youth succeeded, and they were able to get a job.

And I have never forgotten those words. I think those are two of the twin pillars of helping at-risk youth. And I think this effort very much complements that philosophy and I want to just add my voice to that of Tom Osborne, as well.

And I appreciate it.

[The information follows:]

ADAM B. SCHIFF

29th District, California

COMMITTEES:

JUDICIARY

SUBCOMMITTEES

CRIME, TERRORISM AND HOMELAND SECURITY

THE CONSTITUTION

INTERNATIONAL RELATIONS

SUBCOMMITTEES:

THE MIDDLE EAST AND CENTRAL ASIA

INTERNATIONAL TERRORISM, NONPROLIFERATION AND

HUMAN RIGHTS

SENIOR WHIP



Congress of the United States

House of Representatives

Washington, DC 20515-0527

Testimony Before the

Appropriations Subcommittee on Commerce, Justice, State

By Rep. Adam Schiff

(29th District, California)

Thursday, April 10, 2003

Mr. Chairman, Mr. Ranking Member, and Members of the Subcommittee:

Today, I come before the Subcommittee recognizing the fiscal constraints imposed on Appropriators this year due to the budget shortfall. I understand that you are in a difficult position, as there are many worthy projects and programs deserving funding -- yet our resources are limited. However, I would like to bring your attention to a few items that I believe are extremely important to our nation, the state of California, and my district in Los Angeles County.

Law Enforcement Memorial Act

Last year I came to this Subcommittee seeking funds for the Law Enforcement Memorial Act, a bill, which I cosponsored with Representative Tom Davis, making federal funds available to states and localities building memorials honoring slain public safety officers. I would like to express my appreciation to the Subcommittee for making a \$500,000 appropriation to this new grant program and I come to the Subcommittee again this year respectfully requesting \$3 million to fully fund the Law Enforcement Memorial Act.

As we worked to pass legislation to authorize the Law Enforcement Memorial Act last year, I heard from police departments across the nation interested in erecting their own memorials for fallen their community's fallen officers. Sadly, in my own community of Glendale, California, four officers and a Los Angeles County Sheriff's deputy have been killed in the line of duty protecting the citizens of Glendale and surrounding communities.

I am pleased to inform the Subcommittee that I am actively working with the Department of Justice to establish the framework of the authorized grant program and I urge the Subcommittee to continue its support this year.

Interagency Communications Interoperability System (ICIS)

WASHINGTON OFFICE:

☐ 320 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4176
(202) 225-8928 FAX

☐

DISTRICT OFFICE:

 BRADLEY BUILDING
25 SOUTH RAYMOND AVENUE
SUITE 205
PASADENA, CA 91105
(818) 304-2727
(818) 304-0572 FAX

E-MAIL: VAMBA.ADM@H.R.

WWW.HOUSE.GOV/PSH/1

Since September 11th, there has been a consistent call to ensure that our nation's first responders have the ability to communicate across both departmental and jurisdictional lines in the event of emergencies which call for a multi-agency response -- such as an earthquake or brush fire.

Interoperability is an essential tool which is needed by our nation's first responders, and I believe that the City of Glendale, California has developed a system by which various first responder agencies in Los Angeles will have the ability to effectively communicate in the event of an emergency -- the Interagency Communications Interoperability System (ICIS).

Currently, the communications systems of most cities in Los Angeles County function as "islands." When a unit from one city leaves its home jurisdiction, radio contact with that unit diminishes rapidly. The intent of the Interagency Communications Interoperability System (ICIS) is to provide Public Safety agencies, primarily those in the greater Los Angeles metropolitan area, with a means for wide-area communications interoperability. This communications interoperability is essential for the safety of Public Safety personnel operating outside of their home cities; and is imperative when deployed in support of a large-scale incident involving multiple jurisdictions.

Currently, the cities of Burbank, Culver City, El Segundo, Glendale, Montebello, Pasadena, Pomona and Torrance have formed an ICIS Joint Powers Authority to oversee implementation of the project. Many other cities are waiting to join the JPA.

At this time, Glendale, Culver City, Beverly Hills, Montebello, and El Segundo have committed to constructing this interconnected infrastructure. Burbank has expressed an interest in constructing an interconnected infrastructure in conjunction with their scheduled radio system replacement in approximately three years, and more cities have expressed interest in participating at this level, dependent upon budget, in future fiscal years. This program benefits smaller cities by allowing them to leverage their radio expenditures to achieve the advantage of a very large, technically advanced communications system at a fraction of the cost.

Although connected together, and operating as a single system, each city retains complete control of its own radio infrastructure. If the connection with the ICIS zone controller in Glendale is lost, each city continues to operate, but loses the ability to roam away from its home system.

I respectfully request that the Subcommittee appropriate \$4 million for the City of Glendale to allow them to continue to implement the ICIS program.

City of Burbank Middle School Violence Prevention Program

The City of Burbank, California, through a Middle School Violence Prevention Program, is working to provide, encourage, and support activities that contribute to the prevention

of violence, reduction of conflict and promotion of a productive and positive experience for middle school students in the Burbank Unified School District.

In March 2001, at the direction of the City Council and the Burbank Unified School District, City and School District staff conducted a survey of all Burbank middle school and high school youth. At the conclusion of the survey, students were asked to describe the three most significant issues facing youth. Number one on the list was the prevention of violence within their schools.

In response to the results of this survey, the City of Burbank implemented their Middle School Violence Prevention Program. I believe that the City has taken proactive steps to identify the needs of its students and I respectfully request that the Subcommittee support a \$150,000 appropriation to help support this important non-violence program.

I appreciate the Subcommittee's support of these requests and thank the Members for their time.

Mr. WOLF. I thank you very much. We will do the best we can on the budget allocation, which are again going to be very difficult this year, perhaps more so this year than even last year, if that is possible.

But thank you for taking the time to testify this morning. And I will recognize Mr. Serrano.

Mr. SERRANO. I commend you for your work with the Memorials. I think that is something that we identify with you and something that really speaks to your desire to have people recognized for their service in this country.

So, again, I would join the chairman in doing the best that we can. But I wanted to single out my respect for you on this particular issue.

Mr. SCHIFF. Thank you very much. It would not have happened without your help.

Thank you.

Mr. WOLF. Thank you very much.

Mr. Crowley is not here, so maybe so can have Mr. Rothman and Mr. McNulty so he can—you can both come up together so you do not have to hang around all day. And—

Mr. SERRANO. It is a tough team.

Mr. WOLF. If you can your full statement will be in the record. We are sort of asking people to kind of keep it within that five minute range.

THURSDAY, APRIL 10, 2003.

WITNESS

HON. STEVEN ROTHMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. ROTHMAN. Yes, sir, and hope to do it in less time than that. Mr. Chairman, Mr. Ranking Member, it is always a privilege. I want to say, good morning and tell you I am here to talk about two items.

First, congratulations to us all—mostly to you—Garden State of New Jersey—most densely crowded state in the United States, as you know. This is my district right here. And as those people with foresight at the Tinicum National Wildlife Refuge in Pennsylvania—no, Islands of the Marsh—

Mr. WOLF. That is my old neighborhood.

Mr. ROTHMAN [continuing]. That is right—that we can reclaim land fills and polluted poisoned lands in areas that were written off, and especially in the most densely crowded spot in the most densely crowded state in the country, we can make an 8,400 acre environmental park.

We already—we own all but 3,300 acres of the 8,400 acres. Thanks to you, we are going to own the rest of it in the next two or three years.

The state rezoned the 8,400 acres. It is a half-a-mile from Giant Stadium. You can imagine the development interest in that spot. The state just agreed with me and based on your giving me the imprimatur of the Congress and rezoned it all undevelopable, 8,400 acres. And the money you gave me in the last two years will allow

us with the money that the state is putting up in the next two to three years to own all 8,400 acres.

We need another last installment for the purchase, which is why I am coming to you for 5 million bucks. The state will match the 5, and then we will own the rest of the 8,400 acres.

We own all but 3,300 acres. We are going to buy another 1,000 this year, that leaves 2,300 acres. And within two to three years we will own it all. And then of course we will come back for a couple of dollars for remediation. But we have already identified port authority, New Jersey state green acres, tipping fees from the—and the rest for that money which will more than match the federal share.

And here are the—already the properties identified that we are going to use by the state commission to buy up in this area. You have the green map. And this is what we did years ago when we came before you. Now the state of New Jersey has enacted this into law by redrafting the master plan to make this undevelopable and as subject.

So that is number one.

Thank you. We are making progress. No one would ever have believed we would have gotten this far. And we are on the threshold. Think if it, this ill be no only my greatest legacy, but I hope and believe one of the committee's greatest legacies.

Ten times the size of Central Park in the most densely crowded spot in the most densely crowded state—former landfills, polluted areas and we are going to make it an environmental preserve—canoeing, fishing, nature trails, the whole bit. And we are almost—and we are just about there in terms of acquiring the rest of the land.

And that is number one.

Number two, thanks to your effort, we got off the ground the Secure Our Schools Act. We got it passed on the Judiciary Committee when I was on there. And then you funded it—\$5 million each for last year. This is the matching program where people who feel their school kids are in danger and they want to match for walk-through metal detectors, hand-held metal detectors, a new security program for their schools.

The Department of Justice—and it has been great—it is 100 percent subscribed to. The problem is the Department of Justice says that of the 56,000—excuse me—88,000 public schools in the United States, who if they would want to avail themselves of it, this 5 million bucks only goes—can cover 2 percent.

Again, it is not a government mandate. School boards have to say we will put up our half if the government puts up its half to ensure the safety of our kids.

So I am asking for a modest \$30 million for that program—
[Laughter.]

Mr. ROTHMAN [continuing]. And I know you will do the best you can under difficult circumstances.

The point is these two programs, which you have helped give birth to, are magnificent accomplishments. And they are going to be something that we are all going to be incredibly proud of.

Thank you, Mr. Chairman and Mr. Ranking Member.

[The information follows:]

CONGRESSMAN STEVE ROTHMAN
ORAL TESTIMONY FOR COMMERCE, JUSTICE, STATE
SUBCOMMITTEE
APRIL 10, 2003

- CHAIRMAN WOLF, RANKING MEMBER SERRANO, MEMBERS OF THE SUBCOMMITTEE, I AM GRATEFUL FOR THE OPPORTUNITY TO ONCE AGAIN EXPRESS MY SUPPORT FOR FUNDING FOR TWO PROJECTS THAT ARE PARTICULARLY IMPORTANT TO ME: THE CREATION OF AN ENVIRONMENTAL PARK IN THE HACKENSACK MEADOWLANDS IN MY HOME STATE OF NEW JERSEY, AND THE SECURE OUR SCHOOLS ACT.
- THIS SUBCOMMITTEE HAS BEEN GRACIOUS AND COOPERATIVE WITH ALL MY REQUESTS AND I AM SINCERELY APPRECIATIVE.
- AS PART OF MY EFFORTS TO RESTORE AND PRESERVE THE HACKENSACK MEADOWLANDS, I WOULD LIKE TO EXPRESS MY STRONG SUPPORT FOR THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION'S (NOAA) COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM.
- OVER THE COURSE OF FISCAL YEARS 2002 AND 2003, THIS SUBCOMMITTEE HAS GENEROUSLY PROVIDED \$4.2 MILLION DOLLARS THROUGH THIS PROGRAM FOR LAND ACQUISITION IN THE HACKENSACK MEADOWLANDS, LOCATED IN MY CONGRESSIONAL DISTRICT. *(SHOW MAP OF NEW JERSEY WITH HIGHLIGHT OF DISTRICT.)*
- AN ESTUARY OF NATIONAL SIGNIFICANCE AND HOME TO A DIVERSE AND GROWING CONCENTRATION OF MIGRATORY BIRDS, 65 SPECIES OF NESTING BIRDS, AND MORE THAN 50 SPECIES OF FISH AND SHELLFISH, ALL 8,400 UNDEVELOPED ACRES OF THE HACKENSACK MEADOWLANDS IS THREATENED BY POLLUTION, INVASIVE PLANTS, AND CONTINUED URBAN SPRAWL.

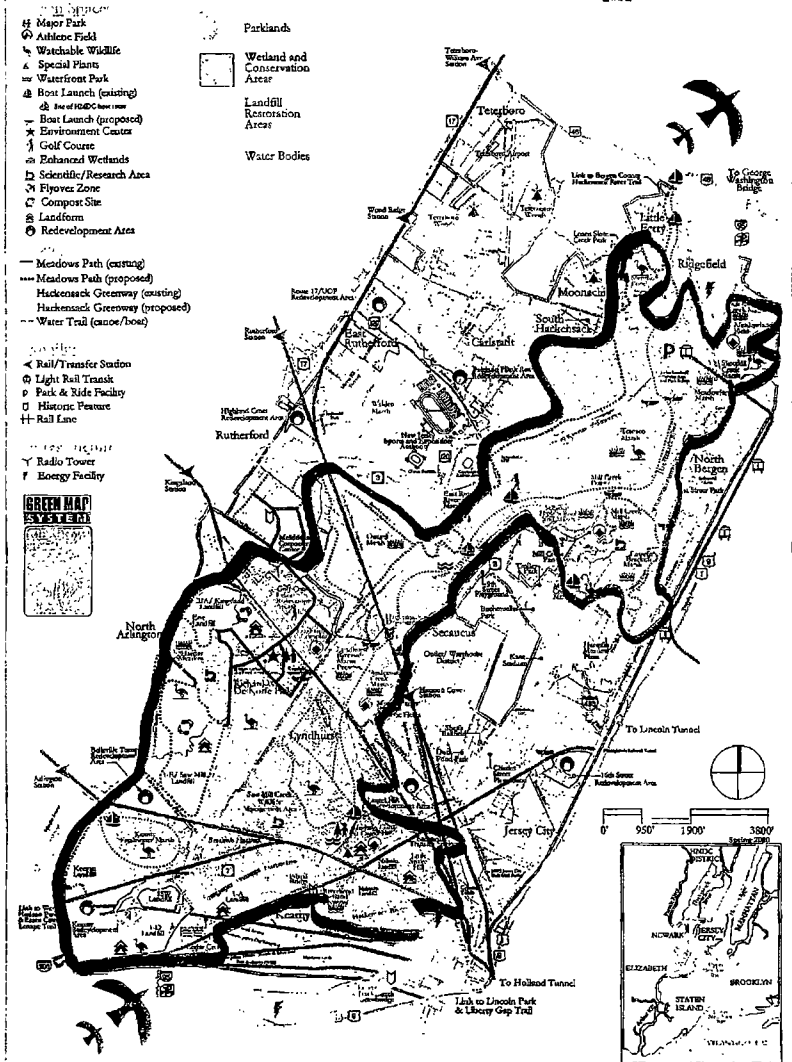
- BUT THANKS TO THIS SUBCOMMITTEE'S COMMITMENT AND THE DEDICATION OF A COALITION OF STATE AND LOCAL LEADERS AND ENVIRONMENTAL ORGANIZATIONS, THE POLITICAL LANDSCAPE HAS BEEN TRANSFORMED IN THE MEADOWLANDS.
- RECENTLY, THE NEW JERSEY MEADOWLANDS COMMISSION, THE LAND ACQUISITION LOCAL MATCHING PARTNER, ISSUED AN UPDATED MASTER PLAN OF THE MEADOWLANDS DISTRICT. THIS NEW MASTER PLAN DREW A BLACK LINE AROUND ALL REMAINING OPEN SPACE IN THE MEADOWLANDS, PROHIBITING DEVELOPMENT ON THESE PARCELS. *(SHOW GREEN MAP WHICH MEMBERS HAVE AT THEIR SEATS.)* FUTURE ACTIVITY IN THE MEADOWLANDS WILL BE STEERED TOWARD THE REDEVELOPMENT OF BROWNFIELD SITES, AND PUBLICATION OF A NEW LAND USE PLAN HAS CREATED A STRONG INCENTIVE FOR PRIVATE LANDOWNERS TO BECOME WILLING SELLERS.
- WITH THE FUNDING PROVIDED BY THIS SUBCOMMITTEE, MATCHED IN FULL BY THE NEW JERSEY MEADOWLANDS COMMISSION, I AM PLEASED TO REPORT THAT AN AGGRESSIVE EFFORT HAS BEEN UNDERTAKEN TO PURCHASE THE FIRST ONE THOUSAND "TOP PRIORITY" ACRES OF THE THIRTY-THREE HUNDRED REMAINING ACRES OF LAND NOT ALREADY PUBLICLY OWNED.
- *(SHOW AERIAL PHOTOGRAPH.)* AS YOU CAN SEE FROM THIS AERIAL PHOTOGRAPH *(MEMBERS HAVE COPIES AT THEIR SEATS)*, THE NEW JERSEY MEADOWLANDS COMMISSION HAS SEVERAL PRIORITY SITES IN MIND FOR LAND ACQUISITION IN THE MEADOWLANDS.
- AS YOU KNOW, PURCHASING LAND IN THE NEW JERSEY-NEW YORK URBAN CORE IS EXPENSIVE. CONSEQUENTLY, I AM RESPECTFULLY REQUESTING \$5 MILLION DOLLARS FOR LAND ACQUISITION IN THE MEADOWLANDS FOR FISCAL YEAR 2004.

- **THE SUBCOMMITTEE'S CONTINUED FULL SUPPORT, WHICH HAS HELPED LEVERAGE ADDITIONAL PRIVATE AND PUBLIC FUNDING, COMBINED WITH LANDFILL TIPPING FEES AND REVENUE GENERATED FROM THE REDEVELOPMENT OF BROWNFIELDS, WILL ENSURE THAT ALL OF THE REMAINING UNDEVELOPED OPEN SPACE IN THE MEADOWLANDS -- AN AREA 10 TIMES THE SIZE OF CENTRAL PARK -- WILL BE ACQUIRED WITHIN THE NEXT TWO YEARS.**
- **THIS WILL BE A GREAT ACHIEVEMENT, ONE IN WHICH MY COLLEAGUES SHOULD TAKE GREAT SATISFACTION. TOGETHER, WE WILL HAVE HELPED REVITALIZE A UNIQUE URBAN ECOSYSTEM WRITTEN OFF JUST A FEW YEARS AGO AS AN UNRECLAIMABLE TOXIC WASTELAND. INSTEAD, WE WILL TELL OUR CHILDREN AND OUR GRANDCHILDREN OF OUR ACHIEVEMENT.**
- **OUR SUCCESSFUL PRESERVATION EFFORTS HAVE REACHED A TURNING POINT. THIS SUBCOMMITTEE'S CONTINUED FULL SUPPORT IS CRITICAL TO HELP US BUILD ON THE ENORMOUS PROGRESS ALREADY MADE. YOUR CONTINUED SUPPORT WILL MAKE OUR SHARED VISION OF A MEADOWLANDS ENVIRONMENTAL PARK -- AN URBAN EVERGLADES WHERE MILLIONS WILL ENJOY ECO-CANOE TRIPS, BIRDWATCHING, NATURE-WALKING, AND A VARIETY OF EDUCATIONAL AND RECREATION ACTIVITIES ALL WITHIN VIEW OF THE NEW YORK CITY SKYLINE -- A DREAM COME TRUE.**
- **THE OTHER PROGRAM THAT I WOULD LIKE TO EXPRESS MY STRONG SUPPORT FOR IS THE SECURE OUR SCHOOLS ACT.**
- **AS MANY OF YOU MAY REMEMBER FROM MY TESTIMONY IN PREVIOUS YEARS, THE SECURE OUR SCHOOLS ACT, WHICH I WORKED TO GET PASSED WHEN I WAS A MEMBER OF THE JUDICIARY COMMITTEE, IS A NATIONAL SCHOOL SECURITY PROGRAM, AUTHORIZED AT \$30 MILLION EACH YEAR. THE ACT PROVIDES MATCHING GRANTS TO LOCAL GOVERNMENTS TO FUND VARIOUS SCHOOL SECURITY MEASURES.**

- **FOR TWO YEARS IN A ROW NOW, UNDER THE COPS' SAFE SCHOOLS INITIATIVE, THIS SUBCOMMITTEE HAS FUNDED THE SECURE OUR SCHOOLS ACT AT \$5 MILLION.**
- **IN NOVEMBER OF LAST YEAR, THE DEPARTMENT OF JUSTICE COPS OFFICE AWARDED SECURE OUR SCHOOLS GRANTS 69 LAW ENFORCEMENT AGENCIES IN 27 STATES ACROSS THIS COUNTRY.**
- **THIS MONEY WAS USED BY SOME SCHOOLS TO INSTALL METAL DETECTORS AND SECURITY CAMERAS AND BY OTHER SCHOOLS TO TRAIN PERSONNEL TO BETTER RESPOND TO A POTENTIAL OUTBREAK OF VIOLENCE ON SCHOOL PROPERTY.**
- **THIS FLEXIBILITY IS, IN MY OPINION, ONE OF THE KEY ASPECTS OF THE SECURE OUR SCHOOLS ACT. EACH TOWN, EACH SCHOOL DISTRICT, IS UNIQUE, EACH WITH DIFFERENT NEEDS. YET THIS PROGRAM, WHICH IS IMPLEMENTED ON A COMPLETELY VOLUNTARY BASIS, GIVES SCHOOL DISTRICTS THE FLEXIBILITY TO DECIDE WHICH TYPES OF SECURITY MEASURES ARE RIGHT FOR THEIR STUDENTS.**
- **ALTHOUGH I AM GRATEFUL FOR THE CONTINUED SUPPORT OF THIS SUBCOMMITTEE, I KNOW WE MUST STILL TRY TO HELP THE SCHOOLS THAT WERE NOT ABLE TO BENEFIT FROM THIS PROGRAM SIMPLY BECAUSE THERE WAS NOT ENOUGH MONEY TO GO AROUND.**
- **DOZENS OF SCHOOLS ACROSS THIS COUNTRY HAVE CONTACTED ME TO FIND OUT MORE ABOUT THE SECURE OUR SCHOOLS ACT. AND ALTHOUGH THE LOCATIONS, DEMOGRAPHICS AND NEEDS OF EACH SCHOOL VARIED, THE QUESTION WAS ALWAYS THE SAME: "HOW CAN WE APPLY FOR THIS SCHOOL SECURITY MONEY?"**

- **ALTHOUGH I AM VERY SATISFIED WITH THE WAY IN WHICH THE DEPARTMENT OF JUSTICE DISTRIBUTED THE FUNDS LAST YEAR, MORE THAN EVER, I STILL BELIEVE THAT IF THE SECURE OUR SCHOOLS ACT WERE FULLY FUNDED AT \$30 MILLION FOR FISCAL YEAR 2004, THIS PROGRAM WOULD BECOME A MODEL FOR FEDERAL/LOCAL PARTNERSHIPS IN THE AREA OF SCHOOL SAFETY.**
- **I KNOW EACH OF YOU HERE ON THE SUBCOMMITTEE SHARES MY COMMITMENT TO MAKING OUR SCHOOLS A PLACE WHERE CHILDREN ARE SAFE AND SECURE AND FREE FROM FEAR. I AM GRATEFUL FOR THE OPPORTUNITY YOU HAVE GIVEN ME TO UPDATE YOU ON THIS VITAL PROGRAM AND I LOOK FORWARD TO THE DAY WHEN THIS PROGRAM IS FUNDED AT A LEVEL WHERE IT CAN REACH ANY SCHOOL THROUGHOUT THE NATION THAT CHOOSES TO PARTICIPATE.**
- **THANK YOU FOR YOUR TIME AND CONSIDERATION. I LOOK FORWARD TO WORKING TOGETHER WITH EACH OF YOU AS WE MOVE FORWARD IN CRAFTING THE FISCAL YEAR 2004 APPROPRIATIONS BILLS.**

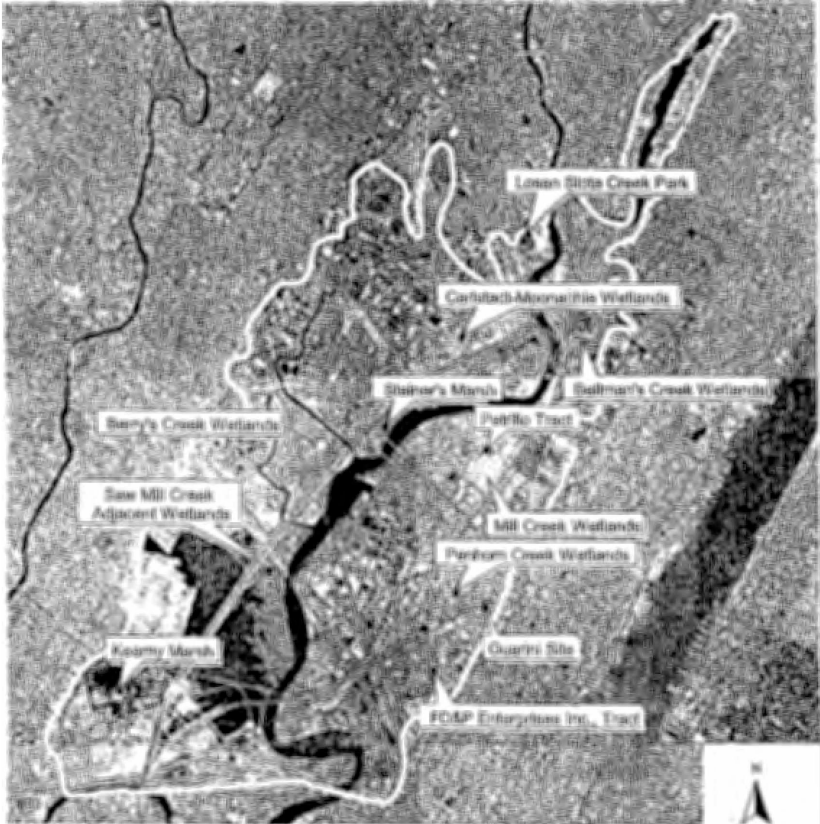
Green Map





U.S. Fish & Wildlife Service

Hackensack Meadowlands: Priority Sites Recommended for Acquisition and Ecosystem Restoration



New Jersey Wetlands Conservation District

● Acquisition
▨ Restoration

0 1 2 Miles

U.S. Fish and Wildlife Service
New Jersey Field Office
October 2001

Mr. WOLF. Thank you very much.

Mr. SERRANO. Were you ever a used car salesman? [Laughter.]

Mr. WOLF. I have no questions. Thank you for your testimony.
Mr. Serrano.

Mr. SERRANO. None. I just want to commend you again on your commitment to this. And how far is the Bronx from that park?

Mr. ROTHMAN. Very close. [Laughter.]

Actually, you can see the Empire State Building. Mr. Chairman, you can see—you can stand on a boat—

Mr. SERRANO. No, I know you worked hard on that project for a long time.

Mr. ROTHMAN. Thank you, thank you. It is incredible. And I look forward to taking you guys on a boat tour. And you will not believe the 65 species of birds there and wildlife that are returning now that we closed the landfills and are cleaning up the toxic waste and sites.

It is unbelievable. And we are bringing schools kids there—kayakers and boaters and birder watchers. And we brought the head of Fish and Wildlife Service—the National Fish and Wildlife Service. He took a kayak tour with me down the Hackensack River through the heart of it and he—it blew his mind.

He said, “You have to normally leave a boat two hours outside of a urban area to see this kind of diversity of wildlife and plant life. And here it is. There is the Empire State Building two miles away.”

But the people of the region desperately need this refuge. It is so crowded there. There is no other refuge. That is why we had to make it out of the landfills in this region. And it is now zoned undevelopable. We are almost there to purchase the whole, whole enchilada.

Mr. WOLF. Thank you.

Mr. Serrano.

Mr. Serrano, do you have anything?

Mr. SERRANO. Well, you lost me on the enchilada thing. [Laughter.]

Mr. WOLF. Mr.—we have no further questions. Thank you.

Mr. ROTHMAN. Thank you.

Mr. WOLF. Mr. McNulty.

THURSDAY, APRIL 10, 2003.

WITNESS

HON. MICHAEL McNULTY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. McNULTY. Thank you, Mr. Chairman and Ranking Member Serrano.

I just have one request that is worth \$3 million in the Byrne discretionary grant account for Excelsior College in Albany, New York. It is a continuous criminal justice distance learning program.

This program benefits law enforcement officers all across the nation. And I emphasize, although its headquartered in my district, it serves communities all across the nation, and a number of them—actually have students in a number of foreign countries in

other programs. But this is domestic. Just parenthetically, it also—again, not having to do with this request, Excelsior College is the largest nursing program in the world.

It is the oldest distance learning college. It has awarded fully accredited degrees to more than 100,000 students over 30 years in existence.

It is unique in many ways. Primarily it serves working adults including many members of the United States armed forces. Excelsior is an exclusive distance learning institution. There is no campus. It is—you might say the jet age of distance learning, mostly computer and other experience.

Third, Excelsior offers working adults the opportunity to earn college credit for professional training experience. Proven to offer educational outcomes equal to outcomes expected in the college classroom.

The Criminal Justice Distance Learning Program requires Excelsior College faculty to visit interested training academies and evaluate the curriculum and courses offered by those academies. Where college level learning is demonstrated, Excelsior College awards college credit similar to the advanced placement test that many high school seniors take for college credit.

Many military and computer science training programs have already been evaluated and approved by the American Council on Education as containing the same curriculum as outcomes in traditional college courses. This program is critical to law enforcement officers as it offers them flexible approaches to earning college credit, a tool increasingly in demand within the law enforcement community.

And I want to thank you because this project was first funded in the fiscal 2002 Commerce, Justice and State appropriations bill. And I thank you for doing that which you did to the tune of \$1 million.

I am very pleased to report that the demand for this service is far greater than anyone expected. As of February of this year, the college had received requests from 23 academies all across the country for evaluations. They already did 15 site visits. They have completed six of those and have fully completed the assessment for the Texas Department of Public Safety, the largest state police academy in the country.

In addition to these evaluations, Excelsior has assembled regional teams of expert evaluators for academia and law enforcement to verify that the content in training academies meets the collegiate learning outcome requirements.

In the process, many academies have told Excelsior that they have long wanted to evaluate their programs for college level equivalency, but the cost has prevented them from doing so. A \$3 million appropriation for fiscal 2004 will enable Excelsior College to continue this highly successful program, allowing it to evaluate an additional 100 training academies across the United States of America.

Mr. Chairman and Ranking Member Serrano, I would like to also be able to submit for the record three letters of praise and support for this program from the State of Nevada Commission on Peace

Officer Standards and Training, the Michigan State Police and the city of Colorado Springs, Colorado.

And finally, I recognize the tremendous strain that you are under as far as decisions of this committee are concerned. I know that you will receive a lot of worthy testimony today on very worthwhile projects.

And they will outnumber and outstrip the amount of resources available. So my request is for you to simply consider this program, which you have funded before, and I appreciate any consideration that you might give to this \$3 million request or any portion thereof.

[The information follows:]

Testimony of
The Honorable Michael R. McNulty (NY-21)

before the

**Subcommittee on Commerce, Justice, State, and the Judiciary
House Committee on Appropriations**



Project Request for Fiscal Year 2004

10 April 2003
H-309 The Capitol

COMMITTEE ON WAYS AND MEANS

RANKING MEMBER
SUBCOMMITTEE ON SELECT REVENUE MEASURES

SUBCOMMITTEE ON OVERSIGHT

WASHINGTON OFFICE:
2181 RAYBURN BUILDING
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(202) 229-9076MICHAEL R. McNULTY
CONGRESS OF THE UNITED STATES
21ST DISTRICT, NEW YORK

April 10, 2003

DISTRICT OFFICE:

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(518) 271-08222430 FURNMONT CORNER
ALBANY, NY 12010
(518) 843-3400**Chairman Wolf; my friend from New York, Mr. Serrano; Members of the Subcommittee:**

I present to you just one project for Fiscal Year 2004. I respectfully request \$3,000,000 in the Byrne Discretionary Grant account for Excelsior College in Albany, New York, to continue its criminal justice distance-learning program.

This program benefits law enforcement officers across the nation, a community of dedicated and tireless professionals who lay their lives on the line for us, day in and day out – a group of whom much is demanded, and to whom much is owed.

Before I get too far along, I should tell you that Excelsior College is the nation's oldest distance learning college, and has awarded fully accredited degrees to more than 100,000 students over its 30-year existence. The College is unique in many ways. First, it primarily serves working adults, including many members of the United States Armed Forces. Second, Excelsior is an exclusive distance learning institution – there is no campus, there are no classrooms. Third, Excelsior offers working adults the opportunity to earn college credit for professional training experiences proven to offer educational outcomes equal to the outcomes expected in a college classroom.

The criminal justice distance-learning program requires Excelsior College faculty to visit interested training academies and evaluate the curriculum in courses offered by those academies. Where college-level learning is demonstrated, Excelsior College awards college credit – similar to the advanced placement tests that many high school seniors take for college credit.

Many military and computer science training programs have already been evaluated and approved by the American Council on Education as containing the same curriculum and outcomes as traditional college courses.

(more)

COMMITTEE ON WAYS AND MEANS

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(McNulty Page 2)

This program is critical to law enforcement officers as it offers them a flexible approach to earning a college degree -- a tool increasingly in demand within the law enforcement community.

This project was originally funded in the FY 2002 Commerce, Justice, State Appropriations bill, and I thank you, Mr. Chairman, and your colleagues, for that \$1,000,000 provision. With that funding, Excelsior College began the process of evaluating law enforcement training academy programs for college-level equivalency.

Mr. Chairman, I am very pleased to report that the demand for this service is far greater than anyone expected. As of February 2003, the College had received requests from 23 academies for evaluations, had set 9 pre-assessment site visits and 6 assessment visits; completed 6 pre-assessment site visits and completed the assessment for the Texas Department of Public Safety, the largest state police academy in the country. In addition to these evaluations, Excelsior has assembled regional teams of expert evaluators from academia and law enforcement to verify that content in training academies meets collegiate learning outcome requirements.

In the process, many academies have told Excelsior that they have long wanted to evaluate their programs for college-level equivalency, but the cost has prevented them from doing so.

A \$3,000,000 appropriation in FY 2004 will enable Excelsior College to continue this highly successful program, allowing it to evaluate an additional 100 training academies across the United States.

Mr. Chairman, I very much appreciate the opportunity to present this testimony, and strongly urge that the Subcommittee provide \$3,000,000 to Excelsior College for its criminal justice distance-learning project in Fiscal Year 2004. Thank you.

Mike McNulty



STATE OF NEVADA
COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING
 3476 EXECUTIVE POINTS WAY, SUITE 12A
 CARSON CITY, NEVADA 89706
 (775) 684-7678 • FAX (775) 687-4911

KENNY C. QUINN
 Governor

RICHARD P. CLARK
 Executive Director

March 21, 2008

Richard Sutton, Program Specialist
 U.S. Department of Justice
 Office of Justice Programs
 Bureau of Justice Assistance
 810 7th Street, NW - Room 4424
 Washington, DC 20531

Dear Mr. Sutton:

Nevada P.O.S.T. Commission provides basic training to approximately 50 peace officers from about 50 criminal justice agencies annually. Most of the agencies that we serve are rural law enforcement agencies without the benefit of educational opportunities. The Excelsior College program allows these individuals to begin working on a college degree and will motivate them to continue their education when they return to their agencies with the ability to work through Excelsior College to complete their degree. Further, there is always a direct correlation between higher education and increased levels of professionalism in the ranks of law enforcement. This is a guaranteed advantage to the employing law enforcement agencies and the communities these individuals serve.

Nevada P.O.S.T. Academy has also benefited from an academic assessment provided by Excelsior College, which will certainly help our future justification for funding.

If I can be of further assistance, please let me know.

Sincerely,



Richard P. Clark
 Executive Director
 Commission on Peace Officers' Standards & Training (POST)

RPC/djgm

Cc: Timothy R. Birch, Assessment Coordinator, Excelsior College



JOHN ENGLES
XXXXXXXXXXXX
XXXXXXXXXXXX
JENNIFER M. GRANHOLM
CHIEF OF POLICE

STATE OF MICHIGAN
DEPARTMENT OF STATE POLICE
LANSING



SOLY S. DEARENXXXXXXXXXXXX
XXXXXXXXXXXX
COL. TADARIAL J. STURDIVANT
CHIEF OF POLICE

March 26, 2003

Richard Sutton, Program Specialist
U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance
810 7th Street, NW - Room 4424
Washington, DC 20531

Dear Mr. Sutton:

I am pleased to be a member of the Criminal Justice Training Assessment Advisory Board for Excelsior College in Albany, New York. It has been very enlightening and rewarding to be part of this project funded by your organization. You can be sure your grant money is being put to good use.

I feel very strongly that this project helps address several matters of critical importance to the police profession. Several years ago, the federal government provided essential funding to help advance college education for members of the police profession. That effort was known as the Law Enforcement Assistance Program (LEAP). Subsequent to that program expiring, there has been no other supporting program to replace it.

The CJTA program at Excelsior College provides a unique opportunity for professional police and correction personnel to document college credits earned through academics. This is extremely innovative and forward thinking. It is refreshing to have quality-training programs recognized for potential college credits. This effort could very well lead to the advancement of educational levels of police and correction personnel.

This program could not have come at a better time. It provides for assessments of criminal justice training programs at no cost to the agencies. It also provides for an objective and outside evaluation of training methods and class materials. Finally, this program impacts the very heart of where LEAP stopped. It provides for a non-traditional, outcome-based institution like Excelsior College to accept credit recommendations that allow for law enforcement and correction personnel to complete a college degree on flexible terms.

Please accept this letter of support for continued funding for this CJTA program at Excelsior College. I can assure you the administration at Excelsior College is fully committed to the goals of this program and demonstrate the utmost professionalism by meeting the highest of ethical standards to accomplish their objectives. I am available to you should you have any questions.

Sincerely,

GENE W. HOEKWATER, CAPTAIN
Training Division Commander



CITY OF COLORADO SPRINGS

POLICE DEPARTMENT
Training Academy

March 31, 2003

Richard Sutton, Program Specialist
 US Department of Justice
 Office of Justice Programs
 Bureau of Justice Assistance
 810 7th Street, NW - Room 4424
 Washington, DC 20531

Mr. Sutton,


I am writing this letter in support of the efforts put forward by Excelsior College to accredit various police academies across the country in order to provide college credits to law enforcement officers for the training they receive.

This type of assessment is extremely valuable to those individuals that attend our police academy that may not otherwise be in a position of attending another institution of higher learning due to various scheduling and time constraints. Obtaining college credits early in an officer's career certainly provides the impetus for a continuous higher education pursuit. Excelsior's non-traditional program is far more flexible and adaptive to the needs of law enforcement officers.

The assessment of our academy by an outside agency is not unlike our national law enforcement accreditation with CALEA, however it provides more focused attention to our training methods and materials to insure that we remain current and up to date with the latest developments within the police training field.

Overall, the program developed by Excelsior College contributes to the professionalism within the ranks of law enforcement. Having an institution such as Excelsior College perform these no cost, on-site assessments is a significant benefit and allows us to improve and further develop our officers and the profession, especially considering our present budget constraints.

Sincerely,


 Lt. John E. Godsey
 CSPD Training Academy Director



TEL 719-444-7676
 725 North Murray Boulevard • Colorado Springs, Colorado 80915



Mr. WOLF. Thank you, Mike. We will try to do the best we can. But we appreciate your testimony.

Mr. Serrano.

Mr. SERRANO. Just to state that Mike has been very strong on this particular program. I know that you do not ask for a lot of things, but you do care about this one. I will join the chairman in providing any help we can give you.

Mr. Stupak.

THURSDAY, APRIL 10, 2003.

WITNESS

HON. BART STUPAK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. STUPAK. Thank you, Mr. Chairman.

Mr. WOLF. Your full statement will appear in the record.

Mr. STUPAK. Thanks.

Good morning, Mr. Chairman.

Mr. Chairman, the first part of my testimony deals with the Department of Commerce. Those are mostly issues that we have always dealt with on Great Lakes and to help protect our Great Lakes. Whether it is the International Joint Commission, which is a joint commission between U.S. and Canada and their request for their budget to the Sea Grant Program to the Great Lakes Fisheries, which is a \$4 billion program in Michigan.

This committee has been supportive, and this subcommittee. And I want to say thank you for that. So I am just going to breeze over that and hope you will continue the funding as you have for these vital programs in the Great Lakes.

I would like to spend a few moments talking about Department of Justice and some of the needs we do have in Northern Michigan. As you know, my district is one of the biggest in the nation. It is one of the most rural in the nation. And any help you can give on some of our modest requests certainly goes a long way in rural areas.

Like the first one is Algier County Public Safety geographic information systems communication upgrade, \$70,000. Compared to the \$30 million that Mr. Rothman was asking for, this might seem small, but it goes a long ways to help out small counties like this. The GIS, or geographic information system is really the foundation for all mapping and even our global positioning system, GPS.

So this information can be used to locate with accuracy where things are, whether it is a fire hydrant in a rural district, where are they, to natural disasters and emergency situations, whether manmade or naturally occurring. That is why the GIS is critically important to law enforcement.

Next, is probably our number one priority or request. The Charlevoix, Sheboygan, Emmet CCE central dispatch authority, you have helped them in the past. Now, last year we had asked for an upgrade.

But now things have sort of changed, and Coast Guard and Border Patrol and Customs. This batch is probably the most progressive one in my district. And they put millions of dollars into it.

And they are in the tip of the Lower Peninsula there, right by the Straits of Mackinac on the eastern end. But since—with their system they have, they have been in contact with the Coast Guard, with the Border Patrol and Customs. And we have a crossing right there in Chippewa County. Canada, we have probably about 100-something miles of water there by Canada—the St. Mary's River.

And this CCE is like the premier center. And they have been approached by others to be able to upgrade their system so they can do fingerprinting for INS, for Customs, right out of their—out of Sault Ste. Marie.

And, so that is why the increase went from a million, which—to \$15 million.

Mr. WOLF. Will the gentleman yield this question?

Mr. STUPAK. Yes, sir.

Mr. WOLF. Ah, I think you might want to be talking with the Homeland Security Appropriations Subcommittee—

Mr. STUPAK. We have.

Mr. WOLF [continuing]. On that. I think that is really where that would be funded, since that has sort of moved out of this committee on to Mr. Rogers. Excuse me.

Mr. STUPAK. Sure. We have, Mr. Chairman, and hopefully, they will help us, but I am trying to cover all my bases here on this one, because it is critically important.

But they have brought together all of their middle units in those three counties. And that is, actually, the size of, like, Delaware, and some of the other states. So, it is a huge, massive area. And they take in about 13 law enforcement areas, 28 fire departments, ambulances, state police—they are all tied in. It is one of the few that are worked in very nicely.

So, I will keep my eye on the other one, and if it does not look good, I will may be coming back. Or I at least mentioned to you on the floor.

Chippewa County, which I just mentioned—they are looking to upgrade their system. Again, they got about 451 miles of shoreline, and it is the international border with Canada. They have not upgraded their system since 1974. It does not even work very well. So, that is the upgrade we are looking for there.

Lake Superior State University, like Mr. McNulty, is a law enforcement training center—criminal justice and fire science program. They are asking for some help to upgrade their system—\$383,000.

The Lac Vieux Desert Reserve Tribal Police Detention Facility, we are asking \$545,000. This was actually a Native American tribe on the extreme western end of the Upper Peninsula. And they were—they have actually went ahead and built this detention center, and it helps out, again, Michigan State Police, local sheriff's department, local—but they just do not have any money to operate it now.

They built it out of their resources. The operating funds are of a difficulty to get from them. For the state to transfer money in has not worked as they had hoped it would.

So, the detention center is still there. They have taken other monies to operate it. So they are looking for \$545,000 so they can operate it, which would then free up people to go on the road.

The reason why this detention center was so critical—out where they are located, you have to go 100 miles to detain anybody, to put them in jail. And then, if you had a court appearance, you have to run up 50 miles, pick them up, return another 50 miles. It was just eating up their costs.

They built it because they are a small tribe, really cannot keep it up. The state of Michigan supports it, everyone else supports it. So, if you could do something on that one, we would appreciate it.

Thin Blue Line of Michigan. This committee has been very good the last two years we have been in asking for help. You have provided that help to them, so I want to say thank you and hope you will continue their assistance.

As an old Thin Blue Line, as the number of volunteers where police officer or firefighter is killed in Michigan—an aid builder will volunteer services to bring attorneys and others to help them go through the quagmire of paperwork to make sure they will receive all their benefits.

And this is a volunteer program. All of that money that is left just goes to operating costs. They travel the state of Michigan on their own time, their own vehicles—that is what we use the money for in you have supported in the past, and we appreciate it.

Last but not least, the COPS hiring program. I will put my strong emphasis on law enforcement, since I came out of that area. I thank you for last year for restoring funding for the COPS program. I hope you continue funding the program.

[The information follows:]

Testimony of Rep. Bart Stupak
Hearing of the Appropriations Subcommittee on Commerce, Justice, State
Fiscal Year 2004 Appropriations
April 10, 2003

Mr. Chairman, thank you for the opportunity to testify before this Subcommittee today. I will attempt to summarize, and I ask that my full statement be included in the record. I appreciate your willingness to allow me to discuss issues that are extremely important to the people of my district and extremely important to the nation.

DEPARTMENT OF COMMERCE:

International Joint Commission - \$7.81 million

I would like to respectfully request the subcommittee grant approval to the International Joint Commission's (IJC) Fiscal Year 2004 budget request of \$7.810 million. This year's request reflects an increase of \$354,000 over the Fiscal Year 2003 request. Monies in the FY 2004 budget will support costs associated with year number four of a five-year bi-national study of the regulation of Lake Ontario-St. Lawrence River levels and flows (\$1.311 million) and \$2.26 million will be used for the U.S. share of costs for year one of a three-year bi-national study of the Upper Great Lakes. The program would examine the regulation of Lake Superior outflows and their influence on Lake Superior, Huron, Michigan and Erie.

In Fiscal Year 2004, the IJC proposes to continue the study to determine the necessary changes required in the Orders of approval for operation of structures on the St. Lawrence River (New York, Ontario and Quebec) and a similar study of the Orders of Approval that influence flows and levels on the upper Great Lakes. Current orders of the St. Lawrence and the upper Great Lakes are 50 and 25 years old respectively and do not take into consideration the protection of the environment, interests and needs in the region, nor the potential changes in timing and volume of water supplies. Significant variations in water levels have and will continue to create social and economic impacts throughout the Great Lakes basin. Development of updated orders for these control structures is a fiscal and environmental imperative.

Mr. Chairman, the IJC continues to play a vital role in the formulation of important policies governing the use of the Great Lakes. The subcommittee's support of this year's budget request demonstrates the nation's interest in protecting this precious natural resource.

Great Lakes Fishery Commission - \$16.5 million

I would also like to ask the subcommittee to appropriate \$16.5 million in Fiscal 2004 to the Great Lakes Fishery Commission (GLFC). GLFC will use the monies as part of a comprehensive program to carry out essential fishery management activities in the Great Lakes Basin.

The GLFC is a treasure shared by Canada and the United States, charged by the 1955 Convention on Great Lakes Fisheries to control invasive species such as the sea lamprey, institute a cooperative management program, and coordinate fisheries research. The fishery draws millions of anglers to the lakes, supports tens of thousands of jobs, and generates up to \$4 billion annually in economic return to the people of the region each year. Moreover, healthy fish communities are an integral part of a healthy Great Lakes environment. The GLFC is critical to the management of this fishery.

National Sea Grant Program – \$68.4 million

I would like to ask the subcommittee to fund the National Sea Grant College Program at \$68.4 million in Fiscal Year 2004, authorized under the National Sea Grant College Program Act of 1998 (P.L. 105-160.)

The Sea Grant Program is a highly successful partnership between the Federal government, states, universities and the private sector. In my state, both the University of Michigan and Michigan State University are partners in the program. Their Sea Grant research and educational outreach programs are indispensable to the protection and sustainable use of the Great Lakes.

Every \$2 of federal Sea Grant funds is matched by \$1 in non-federal funds provided by the host universities or state or private donors. In 2002, the Michigan Sea Grant used its funds, in part, to research the treatment and management of ballast water to prevent the spread of invasive species such as zebra mussels, which are threatening Great Lakes fisheries; for projects vital to understanding the economic effects of marsh restoration and coastal wetlands decision making; for studies of the impacts of algae and sediments on aquatic food chains; and even for a study of how to improve the safety of towing, anchoring and mooring operations for Great Lakes ships and barges, large and small.

DEPARTMENT OF JUSTICE:

Alger County, MI Public Safety Geographic Information System and Communication Upgrades - \$70,000

Alger County's request for \$70,000 for a geographic information system (GIS) is another important public safety request that I hope will be strongly considered by this

Subcommittee. This GIS would be critical for the Alger County Sheriff Department, the area's 911 emergency system, and other law enforcement agencies.

The County's planned GIS would be the foundation for accurate base mapping. From this foundation would come good road centerlines via a Global Positioning System. Then, layers of information can be added with the same location accuracy (e.g. hydrants, utilities, bridges, railroads, etc.), all of which are needed in planning for or responding to an actual disaster and emergency situation, whether natural or man-made.

A GIS would also provide the County with a foundation by which they will be able to upgrade their communications system for the Sheriff Department and 911 emergency system. All entities within the county should be able to communicate with each other in their own jurisdiction, as well as state and nation-wide.

Charlevoix-Cheboygan-Emmett Central Dispatch Authority, MI - \$15 million

I am very grateful for the committee's assistance in fiscal year 2002 with funding for the three-county Charlevoix-Cheboygan-Emmett Central Dispatch Authority (CCE). CCE is a 911 emergency services agency that has been faced with a need to update their dispatching and records keeping software, and although the federal funding that was received in FY '02 was helpful, their funding needs continue.

CCE has conducted a thorough review of their radio and mobile data systems, and a major restructuring is necessary in order to finish the software upgrades, and to take the next step to develop a reliable and modern emergency response system. These mobile data systems would be capable of silent encrypted communications with access to fingerprint, mugshot, and other information, and will be offered to various federal agencies protecting this region of our border with Canada. It is important to note that this region is also home to sites such as a nuclear power plant, the Mackinac Bridge, and the Soo Locks that in the interest of homeland security need access to these avenues of information.

As a tri-county 911 Center acting as the Central Dispatch covering an area roughly equal to Delaware or Rhode Island in geographic size, CCE has proven its regional concept to be a success. CCE has been practicing the concept of sharing resources and costs for approximately ten years now, and is looked to by many other regions as a model of what can be done through cooperation. The coming together of governmental units to provide service to the public and the thirteen law enforcement, twenty-eight fire departments, eight ambulance, and nine medical first responder units served by CCE has been an accomplishment unrivaled in the State of Michigan.

Because of the large and semi-rural nature of the area CCE covers, however, CCE lacks the population base to fund some of the necessary upgrades that are needed to maintain the response levels expected and demanded by the public and the

public safety agencies served. In this era where homeland security is so important, I hope that the Subcommittee can assist CCE in its funding request of \$15 million in its important public safety mission.

Chippewa County, MI Sheriff's Office - \$1,102,600

I would also appreciate the Subcommittee's assistance in providing \$1,102,600 for the Chippewa County Sheriff's Office for several items that the Sheriff's Office direly needs for homeland security.

Chippewa County lies at the eastern end of Michigan's Upper Peninsula, and covers a geographic area of 1650 square miles. It has about 451 miles of shoreline, contains three large islands, and shares the international border with Canada.

The Sheriff's Office is requesting \$800,000 in funding to assist in updating an antiquated radio system that dates back to 1974. Currently, there are several areas within the County where radio contact is negotiable at best, and some areas have no radio contact at all. With an updated communications system, 98% coverage could be achieved.

The remainder of the funding is requested for manpower and vehicles to patrol the international border, and other necessary equipment, such as night vision goggles, to facilitate this responsibility. Funding for vehicles could be used to acquire patrol cars, and watercraft and off-road vehicles such as snowmobiles. These specialized vehicles are necessary because of the unique nature of the Chippewa County jurisdiction and the border, where persons could enter without authority and without being detected by using boats or snowmobiles. Equipping the Sheriff's Office with similar vehicles would allow a superior ability to patrol this border and the jurisdiction.

Chippewa County contains an International Bridge, and the Soo Locks, and merely 25 miles south of the County is the Mackinac Bridge, which is the only connection between the Upper and Lower Peninsula. If any of these were subject to a terrorist act, the impact would be devastating to the economy of the area and the state of Michigan. I hope that this important funding can be provided to the Chippewa County Sheriff's Office so that they can work to keep their jurisdiction and the state of Michigan safe.

Lake Superior State University Criminal Justice/Fire Science Program Personnel and Equipment-- \$383,000

I respectfully request funding in the amount of \$383,000 in order to provide for personnel and equipment costs for Lake Superior State University's (LSSU) Criminal Justice / Fire Science Program.

The acquisition of equipment and personnel would be an important first step toward the development of a major center for education, training, and emergency management planning. This funding would help expand the existing curriculum to include supervisory, managerial, and planning oriented coursework.

The development and implementation of this program would greatly enhance the emergency response capabilities of emergency services in the area adjacent to a major freeway, international bridge, and a locks system on an international waterway which is a major shipping route.

Lac Vieux Desert Tribal Police Detention Facility - \$545,000

I ask your help in supporting the Lac Vieux Desert Tribal Community and Police Department's request to the Bureau of Indian Affairs Department of Corrections account for \$545,000 in funds to operate the tribe's newly constructed police detention facility in Watersmeet, Michigan, in the western Upper Peninsula.

A new detention center, with two holding cells, a juvenile holding room, office space for the Michigan State Police and administrative work areas, was completed this past year, solely with \$1.3 million in tribal money. However, the tribe's funding sources have been exhausted by the new construction and the hiring of two corrections personnel.

Before the new facility was constructed, tribal police had to travel more than 100 miles to incarcerate an arrested suspect. Now the department, which works both on and off the reservation, backs up Gogebic County law enforcement and is certified by the State of Michigan, can save dollars and keep arrestees in the community. Both the Michigan State Police and the Gogebic County Sheriff have offered letters of support, and are in strong agreement with the benefits provided to local non-tribal law enforcement by the tribe's detention facility. The tribe has demonstrated its commitment to law enforcement, but is deserving of assistance with its operating costs from BIA/Department of Corrections.

Thin Blue Line of Michigan -- \$200,000

I respectfully request \$200,000 in funding for the Thin Blue Line of Michigan program. This assistance will ensure the continuation of the important programs Thin Blue Line of Michigan (TBL) conducts on behalf of the members of the Michigan Law Enforcement community and their families.

TBL puts together a response team of volunteers that come to the aid of these families who have recently lost an officer in the line-of-duty and help them through these trying times. The funds sought by TBL are minimal compared to the services they perform for Michigan's law enforcement officers and their loved ones, and I hope that this subcommittee will assist TBL with its funding request.

COPS Hiring Program -- \$330 million

Mr. Chairman, as you may know, I am the founder and co-chair of the Law Enforcement Caucus and have long been a supporter of the Community Oriented Policing Services (COPS) Program.

A decade ago as crime was soaring, law enforcement officers were rushing from incident to incident. Today, eight years after the Violent Crime Control and Law Enforcement Act of 1994 was signed into law, officers are walking the beat again. Citizens now know the officers policing their neighborhoods. Officers and citizens are partnering to develop creative and innovative ways to deal with long-standing problems. COPS' Universal Hiring Program (UHP) provides funding directly to local, state, and tribal jurisdictions for the salaries and benefits of newly hired officers engaged in this successful community policing program.

I urge this committee to continue to fund this important program at a level of \$330 million.

National Association of Town Watch, National Night Out -- \$475,000

Mr. Chairman, I would also like to request \$475,000 in funding for the National Association of Town Watch National Night Out program from the Bureau of Justice Affairs, Office of Justice Programs account. This successful program supports community involvement in addressing crime and drugs, child safety, and homeland security.

This funding is needed for NNO to continue to support the efforts of local communities. This money is critical for several reasons: NNO is outgrowing its resources, expanding by 250 communities and 800,000 people from 1999-2002 while federal funding was unchanged; increased funding provides better support to existing NATW communities and expands the number of neighborhood watch programs and police partnerships; increased funding allows NNO to reach more people beyond the 33 million participants on important issues such as crime, drugs, child safety, and homeland security; federal funding provides one-third of NNO's total funding, which is the key to generating the other two-thirds of funding from private sources.

Mr. Chairman and Ranking Member, thank you again for the opportunity to testify before this Subcommittee today. I appreciate you allowing me to discuss these issues that are of such great importance to the citizens of my district as well as the citizens of this nation.

Mr. WOLF. Thank you, Bart.

Mr. Serrano.

Mr. SERRANO. Well, just to commend you for the fact that you have not only asked for particular things for your district, but you do have great concern, as some of the folks behind you also will, for issues that are nationwide and global, and I commend you for that.

Mr. STUPAK. Thank you.

Mr. WOLF. Thank you.

Mr. Farr, and perhaps we can get Mr. Allen at the same time. We have a full schedule up here. Your full statement will appear on the record.

THURSDAY, APRIL 10, 2003.

WITNESS

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

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

I am delighted to be here, and I always love coming here, and looking at that map, because we are here to talk about the oceans, and you can see how much of the blue world is out there on our planet. And this is the committee—just thinking about your jurisdiction, of how wide it is.

But to bring it to the oceans, I was trying to think of how it related the oceans to you, Mr. Chairman. The only thing I could think, was:

“O Shenandoah, away you rolling river.”

Well, that rolling river goes into the Potomac and into the Atlantic, and what we are—

Mr. WOLF. I would love to have it. The Atlantic.

Can you do the second verse?

Mr. FARR. No. [Laughter.]

In fact, I was thinking of what I could do for Mr. Serrano. And I could not come up with any—you know, I would think of a Sinatra song that had to do with the oceans. The only thing I could come up with is his sidekick Dino Martin, who—

“Somewhere beyond the sea, somewhere waiting for me.”

So, both of you—

Mr. SERRANO. So you have never heard Sinatra’s “Lowly two rivers stay away from my door?”

Mr. FARR. I am waiting to hear you sing it. [Laughter.]

The point is that Mr. Allen and I are both here because we live in coastal areas. And the coastal areas are this incredible meeting of land and water—the key big masses on the planet, and it just called the most fragile ecosystem and the least known about.

We have developed, and to the credit of this committee, a program called the National Marine Sanctuary within NOAA. And I would like the—of people in that division to start creating national parks. That these are areas that are—there are only 13 of them in the United States.

And, what they are becoming—I mean, they are all in the water, so it is not, you do not walk through them. It is not accessible in

the sense of a land mass, but it is beginning to, because of the focus, to create this interpretation of—what is it?

What is all this? Why is this all important? Why should we take care of things like tide pools, and not just go in there and take things out of them.

As we have learned that if we took everything out of the forests, trees and so on, you would not have a survivable environment.

And we are starting to learn that about the ocean, and so I am working here to be strong supporters of the National Marine Sanctuary Program. It is not a very expensive program, the administration has supported it.

I am suggesting that we might even put a little more money in there just because of the, cover of the operations and maintenance of these programs, which we did that, we focused that on the national parks a few years ago.

Mr. Regula was really keen on making sure that the national parks sort of invested in their infrastructure, and it became, as you remember, a battle between whether you got to create more national parks or take care of the ones we have.

We ought to take care of the marine sanctuaries we have, and just give them a little more money to do what they are doing well.

Within NOAA there is also a program that is new, it is called the Marine Protected Areas, it is very controversial, commercial fishermen are concerned about these.

Mr. Allen and I both support strong commercial fishing industries. I am very supportive of not—because they are so new that, and everybody's just, well, what if? What if they stop us from fishing?

We have not even gotten to that point yet. And I am suggesting these programs need to be supported, because right now they are collecting data to try to figure out—and I would say the marine protected areas are much like the equivalent of wilderness areas within our national forests, where we have decided that there ought to be certain areas that are not logged and not mined and not—that are left in their natural state.

We are collecting the data on where those ought to be in the ocean, we do not know yet. And before we decide that some harm may come to somebody, we ought not to kill the programs.

So I would like to support that very strongly.

And lastly, I think that we also have to look at—and this is something both of us spent a lot of our time on—is, how do we better—Mr. Gilchrest as well—but how do you better protect your marine fisheries?

I mean, it is an integral of our nation's history and our economy.

But, we are using the technology that is—it is so evident right now, even in the Iraqi war. Part of that, going out into the ocean, and the fish do not have a chance anymore. We caught 4.3 million tons of fish in 2002 alone. Those fish are \$3.2 billion to our economy.

But, you know, we are out there just catching wild stuff. This is equivalent to America, when you had to go out and hunt for your food at night. When we took it from the wild. Well, we do not need that anymore. And we need to know how to not catch so much from the ocean without protecting that environment better.

So we need to do a better assessment on our fish stocks. We have already seen some that have collapsed. And I am sure that—is going to talk a little bit about that.

But those are the areas that I am asking about. And nothing specifically for my district.

I came with my attention on—I would like to throw this in, and I do not know if this could be in report language or something—that we are, the Congress is able to access Sea Grant Fellows. They choose with their fellowship program, whether they want to go work for agencies and other areas.

And those that come to Congress, I think it is about 8 a year, they choose what offices they want to work in. I have had some in my office.

But it proved to me that they are still—they are only authorized to be here for a year. We ought to expand that Sea Grant Fellowship to two years, to one session of Congress. Because they get started on working on programs, and they never see them completed. And it is kind of a disruption.

So, that is just my two cents' worth. And I appreciate your time and your interest. And, again, any effort—all the land masses in America contribute to the ocean, because all the water systems run into it.

And most of those water systems are also dependent on a clean ocean in order to get fish stock back in and provide for recreational fishing and so on. And I really appreciate your attention to the universality of dealing with this of this program, and I appreciate your continued support.

[The information follows:]

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DRUG ADMINISTRATION, AND RELATED AGENCIES

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April 10, 2003

TESTIMONY OF THE HONORABLE SAM FARR
BEFORE THE HOUSE SUBCOMMITTEE ON
COMMERCE, JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS

Chairman Wolf, Ranking Member Serrano, and Members of the Subcommittee:
Thank you for this opportunity to testify before you today alongside my colleagues from
the House Oceans Caucus.

The culture, economy, and security of the United States are very closely linked to
our oceans. In fact, one of every six jobs in the United States is related to or derived
from the marine environment, and one-third of our GDP is produced in the coastal zone
through fishing, transportation, recreation and other industries. Our marine resources
are clearly among our greatest national assets, yet we too frequently neglect our
responsibility to manage and protect them. We must especially remember the
importance of our marine resources during this time of war, as attention is being drawn
towards the events in Iraq and away from crises occurring in our own coastal
communities and ecosystems.

Today, I join the other co-chairs of the House Oceans Caucus in emphasizing the
importance of funding NOAA's ocean programs. Particularly, I would like to highlight the
National Marine Sanctuary and Marine Protected Area programs and our nation's needs
for fisheries management and data collection.

The National Marine Sanctuary Program serves as a trustee for our nation's
system of 13 marine sanctuaries. These sanctuaries contain important marine
ecosystems that range from deep submarine canyons through coral reefs to rocky
intertidal flats. Within these sanctuaries, we have whale migration routes, mangrove
and kelp forests, deep ocean gardens, and even historically significant archeological
sites.

At times, the sanctuaries are likened to our national parks, but marine
sanctuaries are actually quite unique. While both the national parks and the sanctuaries
serve to protect natural resources and educate the public, marine sanctuaries must
often be managed for multiple and, at times, competing uses such as commercial
fishing, shipping, marine access, recreation, and, ultimately, conservation.

I am pleased that the administration's budget request recognizes the importance of the Sanctuary Program. I suggest the committee consider a small increase to the President's operations and maintenance request to address the substantial backlog in vessel maintenance and facilities improvements. I further propose that the committee support the President's full request for the PAC account, and ensure that these funding levels are preserved throughout the appropriations process.

Sanctuaries are just one of the many types of marine protected areas, or MPAs, that we use for the purposes of marine resource management and conservation. U.S. MPAs also include fishery management zones, national seashores and parks, wildlife refuges, estuarine research reserves, and many other area designations.

Over the past few years, MPAs have been considered particularly contentious, largely due to the lack of specific information on the broad range of uses and benefits afforded by the different marine protected areas. I recommend that the President's level-funded budget request for the MPA program be slightly increased such that the program may more rapidly inventory all of our MPAs and gain a national perspective on their use and effectiveness.

The future of marine resource management will require much better integration across regional and jurisdictional boundaries. The National Marine Sanctuaries and Marine Protected Areas programs will be essential toward the development of an integrated national marine policy. I ask that you work to ensure appropriate funding for these forward-looking programs.

Finally I would like to emphasize the urgent need to better protect our marine fisheries. Fishing has been an integral part of our nation's history and economy. In 2001 alone, we caught over 4.3 million tons of fish. These fish added over 3.2 billion dollars to our economy. Despite the extraordinary value of this national asset, our record of management has been poor. As a result, we are currently facing serious threats to the long-term sustainability of marine resources.

Already, one-third of the assessed U.S. fish stocks are severely overfished, with many headed for total collapse. The devastating economic and ecological impacts caused by the decline and collapse of fisheries provides dramatic evidence for the necessity of maintaining healthy stocks. My colleague Tom Allen witnessed this devastation in the state of Maine from the collapse of the New England cod fishery, and I have seen it in my district with the dramatic decline of west coast groundfish and California salmon runs.

Tom and I both know first-hand that when fishery management becomes crisis management, everyone loses. Resources get diverted into legal battles, federal buyouts, and costly emergency grant assistance. Fishermen lose their jobs, coastal communities are economically and culturally devastated, and marine ecosystems are irreparably destroyed. We need to turn our fisheries away from this unnecessary situation.

Sustainable fisheries management is built only on a foundation of reliable, accurate, and up-to-date scientific data. I urge this committee to consider significant increases to the President's budget request for the management of our nation's fisheries. Not only do I suggest an increase in the appropriation for stock assessments, I also propose that you consider more robust funding levels for both the fisheries' observer and cooperative research programs. Some of the funding for the observer and cooperative research programs should remain at the national level of the National Marine Fisheries Service to help them fully and rapidly analyze the scientific data thus collected. While I realize we are under severe budgetary constraints for FY2004, we must balance the cost of management with the high risk of failure in the not-too-distant future. It will be a great and irretrievable loss to the economy and culture of this country if we allow our fisheries to continue towards collapse.

Once again I thank the subcommittee for allowing us to testify. In closing, I ask that during this year's appropriations process, you, the members of this subcommittee, please keep in mind that we must all continue to be the stewards of our nation's oceans and coasts. It is imperative to recognize that because we all gain so much from these natural resources, we have the joint obligation to protect them.

Mr. WOLF. Thank you, Sam.

Maybe you can check with the authorizers to see, maybe we can do something on that and extend it for two years in the bill. If we had—sometimes the authorizers get upset if we go in a certain area, but I think that one makes sense.

You are saying, bring one in the cycle at the beginning of January of the new session, and they would stay through the entire—

Mr. FARR. It would stay for two years. I do not know if they need to stay for two years in the agency anyway or not, but if they choose the Congressional model, it is not going to cost any more.

Mr. WOLF. No, no, it is not. Well, if you check with the authorizers, we will look at it.

Mr. FARR. Okay. Thank you.

THURSDAY, APRIL 10, 2003.

WITNESS

HON. TOM ALLEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MAINE

Mr. ALLEN. Thank you, Mr. Chairman, and thank you, my friend Jose.

We—I do not have any songs to sing, but I—

Mr. SERRANO. But, you know, it is funny, how quick those things. “How Deep Is the Ocean”? [Laughter.]

And there is always the summer wind that came in blowing in from across the sea, right?

Mr. ALLEN. Let no one say that committee members do not work while—

[Laughter.]

Mr. ALLEN. I just want to thank you for all your past support in this area. I understand Mr. Greenwood and Mr. Weldon are both tied up, but they are submitting their testimony.

The four of us—the Ocean Caucus, and really, I think, in many ways, Curt was the driving force behind the creation of the Oceans Caucus—are here to call attention to a resource that is both not very well known and at great risk. I mean, it is often said that we know more about the far side of the moon than we know about our oceans.

There is a tremendous need for good science, in part, because we need to have dependable correct data to make wise management decisions. And it is particularly acute in coastal communities like mine in New England, where our entire fishing industry is very much dependent on the quality of the science. We have to know what is going on in the ocean, or this resource will suffer enormous damage, and no longer be sustainable.

On behalf of the Oceans Caucus, I want to talk about two things: One, the NOAA ocean observing programs; and, two, the National Sea Grant college program. I also concur with Sam’s suggestion regarding the Knauss Marine Policy Fellows.

First, ocean observing systems are ways that scientists can generate data about the oceans and the atmosphere. They provide a wide variety of capabilities in support of our core NOAA missions, including improved data for real time dissemination and forecast

modeling, improved environmental and fisheries management, climate change research, ocean science and the development of new sensor technologies.

Just to give you an example. Prior to the establishment of the ocean observing system in the Gulf of Maine, fishermen used to have to guess what the weather was like 14, 15 miles offshore. Now they do not, because they can get real time data from a buoy located that far off shore. This cuts down on fuel consumption and improves safety, since the fishermen can now avoid going out to a place where it is too dangerous for them to go. It is an extraordinary development.

The National Ocean Research Leadership Council, which is a partnership of the Navy, NOAA, NASA and the National Science Foundation, has called for the implementation of a national integrated sustained ocean observing system by 2010. There are a lot of different agencies involved, public and private partnerships. And we need to help support their efforts.

The Oceans Caucus is asking support for NOAA's budget request of \$6.3 million to build and sustain a global ocean observance system within the NOAA Office of Oceanic and Atmospheric Research. And for the \$2 million dollars that the National Weather Service coastal global ocean observance system has requested.

These systems would provide data that would do everything from affect coastal erosion and would help the fishing, tourism, oil and gas industries. They would provide data on marine resources and protected species. They would document changes in ocean heat and carbon content, measure sea level change and really help us understand the climate.

Separate from that NOAA request, I am also asking for \$4 million in support of the Gulf of Maine Ocean Observing System, or GoMOOS. This project is a collaborative effort of the University of Maine, the University of New Hampshire, and governmental and non-governmental agencies and groups. GoMOOS is the system that is operating up in the Gulf of Maine today.

But it is very much short of funds. The funds in the 2003 budget were not adequate to keep it going. We are very worried that without adequate funding in 2004, we may have to start pulling buoys out of the water. GoMOOS is considered the model regional system for the country. This is the system that is farthest advanced. It is a matter of enormous concern that we be able to get this money.

There is, in addition to the \$3 million for—basically for operating funds for GoMOOS, another \$1 million that would help the National Ocean Service coordinate regional systems like GoMOOS into a national framework. This funding would also help develop systems in other regions that are not currently monitored.

A couple of comments about the National Sea Grant College Program. It supports high quality competitive research and outreach that is directly responsive to the concerns of coastal constituents. For nearly four decades, this program has provided an extraordinary return for a fairly small federal investment.

The appropriations are matched by state and private funds. There are 31 Sea Grant programs located in coastal and Great Lakes states and they serve as the core of a national network of over 300 different participating institutions.

Sea Grant led the development and implementation of the lobster zone management process in Maine. Mr. Chairman, although this may not be a direct concern to your constituents, however the Maine lobster industry is important to our nation as a whole. It is now a model for how fisheries can be successfully managed by the participants themselves.

Our lobstermen have basically divided the coast into zones. They have set their own trap limits. They have agreed how to manage the resource within those areas. And as a result of the involvement of 7,000 fishermen, the lobster resource is thriving. I mean, lobstermen are doing very, very well.

Sea Grant is currently authorized to work in four priority areas: fisheries extension, aquatic nuisance species, oyster disease research and harmful algal blooms. Keeping the funding going is critical to all of them.

So what we are asking is \$68.14 million for Sea Grant funding in 2004, which would be an \$8 million increase over 2003 appropriations. We are asking for \$5 million to restore the buying power for the Sea Grant program that has been lost due to inflation and for \$3 million to support the Sea Grant fisheries extension program. This would allow Sea Grant to place additional fisheries agents on the docks to assist both the commercial and recreational fishing sectors.

And with that, Mr. Chairman, I just want to thank you again for your interest in this particular area and to reinforce how important our oceans are on a bipartisan basis.

[The information follows:]

TESTIMONY OF THE HONORABLE TOM ALLEN
BEFORE THE HOUSE SUBCOMMITTEE ON
COMMERCE, JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS

April 10, 2003

I thank the Chairman and the Subcommittee for holding this important hearing on funding needs in the Commerce, Justice, State and Judiciary Appropriations bill for Fiscal Year 2004. We, the Co-Chairs of the House Oceans Caucus, would like to take this opportunity to testify on just a few of the most urgent funding priorities within the budget request of the National Oceanic and Atmospheric Administration (NOAA).

Our nation's people are inextricably linked to the sea and our marine and coastal areas contain some of our nation's most valuable assets. Healthy oceans are critical to the economy, security, and health of the entire nation. NOAA programs support federal, state, and territorial cooperative efforts to ensure proper coastal management and sustainable economic growth, protection of critical habitats, reduction of pollution, and sustainable fisheries. It is imperative that the necessary funding is provided to create the infrastructure and perform the research that will increase our ability to better understand, utilize, and protect our marine environment.

For my part, I would like to explain the significant benefits that will be realized through funding dedicated to NOAA ocean observing programs and the National Sea Grant College Program.

Ocean Observing Programs

NOAA has been charged with managing our marine environment, and yet the ocean observation data that is necessary to make management decisions is often not available. A continued investment in ocean observations is necessary. Ocean observations allow scientists to generate data that help us understand the short and long term trends occurring in the world's oceans and atmosphere. This in turn will lead to improved weather and climate forecasts, improved natural resources management, and a better understanding of the sources and impacts of marine pollution.

The importance of ocean observation systems is well recognized. The National Ocean Research Leadership Council, consisting of leadership from the Navy, NOAA, NASA, and the National Science Foundation, has called for the full implementation of an integrated, sustained, ocean observing system by 2010. The National Ocean Research Leadership Council has created an office under the National Oceanographic Partnership Program, or NOPP, which will act to integrate existing and new ocean observational efforts of the NOPP agencies and their international, state, local and private-sector partners. NOAA's effort is therefore closely coupled to other U.S. and international observing programs, and the integration of the agencies will improve user access to ocean knowledge, data, and tools.

Towards these goals, we ask that for support of NOAA's budget request for \$6.3 million to build and sustain a global ocean observing system within the NOAA Office of Oceanic and Atmospheric Research. This system would document changes in ocean heat and carbon content, measure sea level change, help us understand climate systems, and improve our predictive capabilities.

We also support the \$2.0 million request for the National Weather Service Coastal-Global Ocean Observing System. This system is the U.S. component of the international effort for increased coastal observations. The system provides forecasts of ocean conditions which adversely impact coastline erosion and the fishing, tourism, oil and gas industries; allows biological and chemical water sampling; provides information on locations of marine endangered or protected species; and monitors coral reef health.

Separate from the NOAA budget request, I ask for \$4 million in support of the Gulf of Maine Ocean Observing System (GoMOOS). I have made this request in a separate letter to the Subcommittee. The GoMOOS project is a collaborative effort of research institutions, including the University of Maine, and the University of New Hampshire, among others, government and non-governmental agencies, commercial businesses and a non-profit corporation. This request includes a \$1 million allocation that would help the National Ocean Service coordinate successful regional observing systems, such as GoMOOS, into a national framework and develop systems in regions that are not currently monitored.

Funding of ocean observing systems would help provide a variety of capabilities in support of core NOAA missions including improved ocean observation data for real-time dissemination and forecast modeling, improved environmental management and fisheries management, climate change research, ocean science, and the development of improved sensor technologies.

The National Sea Grant College Program

The National Sea Grant College Program has proven its value to taxpayers as a program that supports high quality, competitive research and outreach that is directly responsive to the concerns of coastal constituents. For this reason, last year Congress overwhelmingly approved reauthorization of the Sea Grant program and significantly increased its authorized funding levels, demonstrating enormous Congressional support for this program.

For nearly four decades, the National Sea Grant College Program has provided an extraordinary return on a rather small federal investment. Federal dollars appropriated to the Sea Grant program are leveraged and matched by state and private funds. The 31 Sea Grant programs, located in coastal and Great Lakes states, serve as the core of a national network of over 300 participating institutions involving more than 3,000 scientists, engineers, educators, students, and outreach experts.

Sea Grant's distinguishing feature is policy- or mission-relevant science linked to an extensive outreach and education network. This structure ensures that Sea Grant research is

useful to marine resource users and managers. Because Sea Grant is non-regulatory and science-based, it serves as an "honest broker" among a wide range of constituents.

For example, within the last 3 years Sea Grant coordinated 900 volunteers who restored 53 oyster reefs at 20 sites along the South Carolina coast. In addition, research sponsored by Sea Grant led to the development and implementation of the Lobster Zone Management process in Maine. This new paradigm in fisheries management now involves over 7000 fishermen. Application of university expertise, meaningful engagement of stakeholders, and substantive public outreach and education results in Sea Grant accomplishments like these and many others.

However, over the last 20 years, Sea Grant has lost significant opportunities to address critical coastal, marine, and Great Lakes issues simply because its base appropriations have not kept pace with inflation and demand. Sea Grant is currently authorized to work in four priority areas: fisheries extension, aquatic nuisance species, oyster disease research, and harmful algal blooms. Because funding has not kept up with demands, Sea Grant has sacrificed its base funding to support these priority areas.

Based on Sea Grant's remarkable assets and potential, the members of the House Oceans Caucus urge you to provide a total of \$68.41 million for Sea Grant funding in Fiscal Year 2004, reflecting an \$8 million increase over FY03 appropriations. Specifically, we request \$5 million to help restore Sea Grant's "buying power" that has been lost due to inflation and \$3 million to support the Sea Grant fisheries extension program, enabling Sea Grant to permanently place additional fisheries agents on the docks to assist both our commercial and recreational fisheries sectors.

In closing, I'd like to thank the Chairman and the Committee for allowing me to testify today. Please consider this testimony in combination with that of the other Co-Chairs of the House Oceans Caucus when establishing funding levels for NOAA's programs. If you have questions please contact me or my staff.

Mr. WOLF. Thank you, Tom. I appreciate your testimony.

Mr. Serrano.

Mr. SERRANO. Just one second, could you briefly explain to me the thing about the fishing and knowing the weather?

Mr. ALLEN. Oh, yes. The way GoMOOS operates, there are buoys located off the coast in various places in the Gulf of Maine. The buoys measure air temperature, windspeed, visibility, salinity, and a whole lot of things like that. They measure the seas, you know, how high the seas are running and currents and things like that.

There are sensors on the buoys that transmit data real time to a Web site. The fishermen turn on their computers. They log on to the GoMOOS Web site. They get the data from a particular buoy and they can decide whether or not to go out.

Mr. SERRANO. These are water satellites, right? I mean weather satellites.

Mr. ALLEN. Right, that is what it is. Ocean observance systems will do for the oceans what satellites have done for predicting weather.

Mr. SERRANO. Thank you.

Mr. ALLEN. Thank you very much.

Mr. WOLF. Mr. Weldon's not coming. Mr. Emanuel—

THURSDAY, APRIL 10, 2003.

WITNESS

HON. RAHM EMANUEL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. EMANUEL. Coming right here, timing is everything.

Mr. WOLF. Your full statement will appear in the record.

Mr. EMANUEL. Thank you.

Let me apologize if I held you up. I am sorry.

Mr. WOLF. No, no, you were just on time.

Mr. EMANUEL. Thank you for the opportunity to testify before the subcommittee on the fiscal year 2004 appropriations request on critical things for the area of Chicago. What I am proposing are three to four areas, specifically in the drug interdiction and repeat offenders.

Gateway Foundation is a foundation in Chicago that has done model programs throughout the country, trying to reduce repeat offenders and substance abusers. And it is a program I have worked with extensively, both as a private citizen back in Chicago, also as an individual when I was in the White House.

Upwards of 80 percent of those entering the Cook County Jail test positive for illegal substance abuse and 75 to 80 percent of those individuals are repeat offenders. I am seeking a \$3 million appropriation grant to help the Chicago Gateway Foundation implement the novel comprehensive approach which is coerced abstinence.

It ties treatment to mandatory constant drug testing. It is called coerced abstinence. It has been a policy that has been used around the country.

There have been studies done both in Texas and in Illinois, where those who participated in the program, you dropped the re-

cidivism rate down to as low as .7 percent. Those who do not participate and leave jail with their substance abuse intact and their habit intact end up having being close to about 75 percent of repeat offenders.

And basically the attempt here is to break or slam shut the revolving door between constant substance abusers coming in and out of the system with their drug habit intact. And it deals specifically with breaking that.

This project will specifically focus on those who are on probation who are the—result in about a third of the crimes in both theft, armed robbery and burglary area care.

The cost for the core steps in this policy is 30 bucks per inmate, \$10 for the probationers per day, as opposed to \$21,000 for the incarceration of an adult and \$55,000 for a juvenile annually.

The second program is one—a project, a pilot project started by the Cook County Sheriff's Department and it is a program for female drug offenders. And it deals, again, with the area of coerced abstinence. This is a project called for \$4 million.

But one of the things that is unique about it is that it specifically targets female inmates who are repeat offenders.

But allows them to go through drug treatment, the coerced abstinence policy, but keep their families together and them with their children care.

And as you remember, in the state of the union, the president talked about trying to make sure that female offenders have an ability to have some relationship still with their children. This is a model project that Cook County Sheriff's Office has developed. The request here is for \$4 million to start off the program care.

Third is the Childserv family child care homes program. It is providing families a helping hand to help them support themselves, improving their quality of life and keeping them from draining state resources. The Childserv family child care homes program—builds entrepreneurial opportunities for low income individuals while providing affordable, accessible child care, a much needed resource among lower income families care.

It is a child care service in home and allows women—individuals of modest income to set up a child care facility inside a house and a business inside their home. It both serves children well, as well as obviously starting off new and small businesses care.

And third, the mayor of the city of Chicago has started an initiative to break substance abuse among, specifically the gay and lesbian community—is a program for the gay and lesbian community to deal with drugs and substance abuse. That would be an initiative for \$400,000 care.

I think I made a mistake by not telling you that the earlier program, Childserv—it targets parents transitioning off welfare to work but who are no longer eligible for child care subsidies, but are not earning a significant nor sufficient amount of income to afford the full cost of child care care.

This initiative and startup would be \$500,000, support 20 child care facilities in the district, and provide 60 children of working parents child care.

I know you have a lot of people, so I was trying to rush through it.

[The information follows:]

Statement of the Honorable Rahm Emanuel
 Member Testimony – April 10, 2003
 Committee on Appropriations
 Subcommittee on Commerce, Justice, State, and the Judiciary

Mr. Chairman, thank you for the opportunity to testify before the subcommittee on Commerce, Justice, State, and the Judiciary regarding my FY 2004 Appropriations requests.

My first funding priority is a pilot program that uses a novel approach to sever the connection between substance abuse and violent crime, ultimately reducing murders and other violent crimes in the city of Chicago and Cook County. One cannot ignore the link between violent crime and drug use – upwards of 80 percent of those entering the Cook County jail test positive for an illegal substance, and 75 to 80 percent of these criminals are likely to be rearrested. This revolving door of drugs and crime will not be stopped without intensive efforts to halt drug use among criminals.

Chicago's Gateway Foundation has pioneered a novel and comprehensive approach to stopping this revolving door. The core of this program is a strategy called Coerced Abstinence, which requires drug offenders to participate in daily drug testing and treatment. It acknowledges that treatment alone is often unsuccessful, and can be made immeasurably more effective by linking it with strict enforcement of sobriety.

Along with Coerced Abstinence, the Gateway Foundation provides drug offenders with an intensive support system designed to prevent, not just punish, repeated drug offenses. The program provides education, job training, and life skills training to help previous offenders live drug- and crime-free lives, and provides the tools to recognize the symptoms of potential relapses and the skills to prevent them.

A review of the Gateway and other comparable programs has shown that they can reduce drug users' recidivism rate from as high as 73 percent to as low as 7 percent. By attacking the problems of violent crime and drug abuse from their root, this program represents a cost effective, common sense approach that stands to save lives, reduce crime, and ultimately save money and resources for our states and local governments. Coerced abstinence costs \$30 per day for inmates and as little as \$10 per day for probationers. The average annual cost of housing an adult prison inmate is \$21,000, with juvenile inmates costing up to \$55,000. Especially given the budget deficits faced by Illinois and so many other states this year, it is crucial that we implement this proven, cost effective approach to crime prevention.

My second request is also a pilot program that uses intensive drug treatment and counseling services to help drug offenders get their lives back on track. The Cook County Sheriff's department is spearheading a first-of-its-kind program that would serve incarcerated mothers who are repeat drug offenders in a freestanding facility located close to the jail, and provide them with drug treatment, career counseling, anger management, and other life skills training. The program coordinates this training with the goal of reuniting participants with their children within four to six months. Federal funding could jumpstart this program, allowing the Sheriff's Department to serve as many as 100 women at the outset of the pilot program.

My third request, the ChildServ Family Child Care Homes program, seeks to build entrepreneurial opportunities for low-income individuals while providing affordable and accessible child care, a much-needed resource among lower-income families. ChildServ, founded in 1894, is a comprehensive child and family service agency in Chicago's Fifth District. The Family Child Care Homes program helps residents of under-resourced communities to open, market, and operate their own child care businesses out of their homes. In addition, the program directly subsidizes the cost of care for low-income families in underserved communities.

The program targets parents transitioning off TANF who are no longer eligible for child care subsidies, but are also not earning sufficient income to afford the full cost of child care. With the funding I am requesting, ChildServ would be able to recruit, license, train, and support 20 Family Child Care Home providers in Chicago's Fifth District, and provide direct subsidies to 60 children to receive care through this program. The program serves families with incomes just above the State Child Care subsidy level, providing an essential resource to help families who have worked their way out of welfare to remain independent, keeping them out of an already-burdened system.

My fourth priority addresses the growing problem of substance abuse among lesbian, gay, bisexual, and transgender (LGBT) individuals. The use of crack cocaine, heroin, and alcohol among LGBT communities has increased by disturbing proportions in Chicago and across the nation in recent years. In addition, as LGBT individuals seek appropriate substance abuse treatment from traditional providers, they often encounter personnel who are unable to appropriately respond to their unique needs.

In August 2001, the Chicago Task force on LGBT Substance Abuse, comprised of city officials and community members, developed a comprehensive strategy for a citywide plan of action. The task force will release a report this May outlining the specific problems of LGBT substance abuse and targeted strategies for curbing this abuse. This report stands to be a national model for public/private partnerships focusing on LGBT health.

Aligned with the release of this report is the launch of a comprehensive plan to address LGBT health in the city of Chicago. The strategy includes the provision of staff training at over 100 citywide substance abuse treatment agencies, a communications and media campaign to highlight the problem and target individuals for treatment, and funding for research to continue to develop the best ways to solve this problem. Federal funding for this program will help the City of Chicago to take important steps toward combating substance abuse in the LGBT community, and will provide experience that can serve as a model to address this important concern throughout the nation.

Mr. Chairman, thank you for your consideration of these critically important programs and for taking the time to review my requests.

Mr. WOLF. No, that is fine. And your full statement will appear in the record. We appreciate your appearing before this committee. And thank you.

Mr. EMANUEL. Thank you very much.

Mr. WOLF. And Mr. Serrano.

Mr. SERRANO. What areas do you represent, specifically?

Mr. EMANUEL. It is the north side of Chicago. It goes from Wrigley Field and Lincoln Park and—Memorial Hospital on the east side, literally on the border to the lake, up through Wrigley Field, where Wrigley Park is and then Albany Park, where my grandfather on my mother's side came in 1917 from Russia.

It is one of the most dense areas and low income areas of the city, to the west side, Hiawatha Park, Forest Park. It is a working-class ethnic Catholic district, 65 percent of the district is ethnic Catholic. So it has a diverse—they have the largest population of police and firefighters and city employees.

Mr. SERRANO. Thank you for your testimony.

Mr. Wolf. Mr. Chairman.

Mr. WOLF. The staff has advised me that one proposal may fall within the jurisdiction of the Labor/HHS subcommittee.

Mr. EMANUEL. The child care proposal?

Mr. WOLF. Yes.

Mr. EMANUEL. Thank you very much.

Mr. WOLF. Thank you very much.

Mr. EMANUEL. I think that was one that they were thinking about originally as a possible Byrne grant. I do not know what happened to the Byrne grant.

Mr. WOLF. Yes, it is under a little pressure. And—

Mr. EMANUEL. Rumor has it. [Laughter.]

Mr. WOLF. And so I think you might want to kind of look at—

Mr. EMANUEL. We will let you know if we do do that so that we are not double-dipping.

Mr. WOLF. Okay.

Mr. Visclosky.

Mr. Visclosky, your full statement will appear in the record.

THURSDAY, APRIL 10, 2003.

WITNESS

HON. PETER VISCLOSKY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA

Mr. VISCLOSKY. Mr. Chairman, Mr. Serrano, thank you very much for allowing me to testify before you today. I am here really just for two reasons: one, to thank both of you as well as the members of the subcommittee and the staff. You have continued to be very thoughtful and very generous on behalf of the people I represent in Northwest Indiana.

And, particularly, I would like to thank you for your continued support of the Bulletproof Vest Partnership Program that Congressman LoBiondo and myself had worked so hard to authorize. You have in fact saved the lives of police officers all over the nation and I do want to thank you for that.

The requests that I have are for that program as well as a number of other programs important in Northwest Indiana. We will look forward to working with you and your staffs as we proceed to mark up in conference.

[The information follows:]

**Subcommittee on Commerce, Justice, State,
the Judiciary, and Related Agencies
Committee on Appropriations**

U.S. House of Representatives

**Testimony of U.S. Representative Peter J. Visclosky
IN-01**

April 11, 2003

Mr. Chairman, Mr. Serrano, members of the Subcommittee, thank you for the opportunity to testify before you today. I also wish to thank the Subcommittee for its generosity last year when considering my funding priorities.

I remain committed to giving our nation's police officers the tools they need to do their jobs. Under the organizational structure set up by the federal authorities responsible for Homeland Security, Lake County, Indiana has been designated to serve as the lead county within a five county region in the event of an emergency. **I respectfully request that in Fiscal Year (FY) 2004, the Subcommittee direct the Community Oriented Policing Services (COPS) office to award a grant under the COPS Technology Program in the amount of \$2 million to the Lake County, Indiana, Sheriff's Department.** The funding will be used for the development of an Emergency Command Center. This facility will be the central command center in the event of a natural disaster or terrorist attack in the region. Although the Emergency Command Center will be under the primary control of the Lake County Sheriff's Office, every relevant agency and industry will be accommodated through its use. This Command Center will also serve as the main operations and training center for all primary and secondary responders within the region.

Second, I am requesting \$1.35 million for technology upgrades at the Gary, Indiana Police Department. The Gary Police Department is in dire need of technology to expand its law enforcement capacity to deal with drug-related crime and associated violence. The threat assessment has determined that Gary's location, next to the City of Chicago, the Port of Indiana, the Gary/Chicago Airport and I-80/94 and I-65 has made it a transshipment point for drugs destined for the Midwest. The following items will give the Gary Police Department the capacity to appropriately investigate and, if necessary, respond to both domestic terrorism and drug related crimes of violence.

The upgrades include an Interoperable communications system, including equipment and software to provide communications between multiple State, Federal and Local agencies simultaneously. As the largest police department in Northwest Indiana, it is appropriate that Gary serve that function. The upgrade also includes surveillance equipment, including video downlink and pole cameras. Video downlink will allow agencies to better manage critical incidents via live feed, real time video, from the scene to an emergency operation center (EOC) or command vehicle. The video feed can be sent to the EOC by helicopter, pole camera or other video apparatuses. Third, a Shot Spotter System is a technology that allows the police department to triangulate the sound created by gunshots and to graphically display the location within seconds of the gunshot and then dispatch officers to the scene. The system is designed to cover a two square mile area of the city. The expansion of Mobile Data Terminals is critical to providing law enforcement officer with the comprehensive information necessary for officer safety and effective law enforcement.

My third request is for \$1 million for communications upgrades at the Porter County, Indiana Sheriff's Office. There are components within the Porter County Sheriff's office's communication system that are three decades old and continue to operate using vacuum tube technology. Vital communications links between Emergency Management, County Highway, Emergency Medical Services, multiple fire departments, municipal police agencies, and the Porter County Sheriff's Department are at serious risk of failure due to inadequacies in their radio system. In addition, the Porter County Sheriff's Department continues to utilize CDPD, which is a technology that cellular companies are abandoning. This will force the Department to change to the new format, GPRS. This change requires users to upgrade the modems in the squad cars to the new devices.

My fourth request is for \$5 million for the continued support of Project Hoosier SAFE-T in FY 2004. Law enforcement agencies in Indiana currently operate on several different radio frequencies. As a result, they find it extremely difficult to communicate with other police, fire, and emergency departments. In fact, a police officer in one jurisdiction in pursuit of a felon into a second jurisdiction must currently switch to another radio channel to communicate with the officers in the new jurisdiction. However, he or she can no longer talk to the members of his or her own department unless the officer in pursuit switches back to the original channel.

As you can see, this state of affairs causes serious difficulty in coordinating responses to emergency situations among various departments and, consequently, severely impairs the ability of police officers to fight crime. Fortunately, there is a clear solution, Project Hoosier SAFE-T. In FY 2003, this Subcommittee provided \$1 million to continue construction of the infrastructure for a statewide mobile voice and data communication system. This system will benefit public safety by allowing emergency medical services, fire officials, and police officers to communicate with one another effectively.

For my final request, I would like to ask for the Subcommittee's continued support of the Bulletproof Vest Partnership Program. This program was initiated by Congressman LoBiondo and myself, cosponsored by 305 Members of the House, and signed into law on June 16, 1998. Because this original authorization expired after three years, in 2000 Congress passed, and the President signed into law, a reauthorization for this program. The authorization provides \$50 million annually for three years through 2004 for the purchase of vests, and made stab-proof vests eligible for the program. The purpose of the program is to save the lives of law enforcement officers by helping state and local governments equip their law enforcement officers with bulletproof vests. The law authorized the Bureau of Justice Assistance (BJA), to administer the funds directly to state and local governments. Partner governments must show their own commitment to improving the safety of their law enforcement officers by providing at least 50 percent of the cost of each vest purchased under this program.

BJA has streamlined an innovative process by which eligible governments may apply for grants under this program. The entire application and payment process for the Bulletproof Vest Partnership Program occurs electronically via the program's web site. This process is intended to ensure that grants are provided for vests in the most customer-friendly and expedient manner. The program has been a tremendous success, and I respectfully request that the Subcommittee continue to support the Bulletproof Vest Partnership Program.

Thank you for your consideration of my funding priorities. Do not hesitate to let me know if you have any questions or need any additional information.

Mr. WOLF. Thank you very much.

Mr. SERRANO. Thank you so much for your statement, and we will both be seeing you about some items we have in mind for your—

Mr. VISCLOSKY. All right. [Laughter.]

Mr. WOLF. Thank you.

Mr. SERRANO. Thank you.

Mr. WOLF. Mr. Sanders, your full statement will appear in the record.

THURSDAY, APRIL 10, 2003.

WITNESS

HON. BERNARD SANDERS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VERMONT

Mr. SANDERS. Okay.

Mr. WOLF. And you can to summarize, if you can.

Mr. SANDERS. Sure. First of all, Mr. Chairman, let me, and Mr. Serrano—all right, let me very sincerely thank you for the \$250,000 grant that you provided for the At-Risk Youth Crime Prevention Center in Newport, Derby Vermont region. That is the very, very tip of Vermont, the few miles away from the Canadian border.

It is, in fact, one of the lowest-income areas in the state of Vermont. They have been raising money in nickels and dimes at the high school, well over a thousand people have contributed, and that sum of money that you provided is going to take them close to the top. They are going to build that project; it is going to be a real asset for the community.

I have introduced—I am going to—coming back to you now, my major request is for funding for another facility similar to that, this time in the southern part of the state, in a town called Springfield, Vermont, which used to be a major industrial center in the state of Vermont—machine tool and die stuff.

It has been devastated by the loss of good-paying manufacturing jobs, the community, again, is trying to come together and fund a community center, focusing on at-risk kids, senior center—senior citizens, preschool, and so forth and so on.

Now, I believe I have national legislation in which would provide federal funding for community centers like this all over America. And I will tell you why I think these centers are so important.

We are all aware of the crisis in terms of obesity and other health problems which can, in fact, be dealt with before people become sick. No question about it. We do not get enough exercise. Our people are too heavy. We spend over a trillion dollars a year on health care, and yet we do a paltry sum of that in terms of disease prevention.

I predict that the day will come when I will not have to come to you for this money; it will be funded from the health care dollars. Any sensible person knows that if we keep people healthy, you save money, not only improve the quality of life.

So, I think these community centers do a great deal, especially in a climate like mine in Vermont, where, in the wintertime, it is

bitter cold. And then people sit—they vegetate. They stay inside, they watch TV, they eat crap, they get too heavy, they get depressed. And these community centers give people an opportunity to mix with other people, to get out and exercise.

All over America—in your district, in yours, Jose. You know, people who have the money go to these physical fitness places. It is no great secret, right? But they are expensive. And if you are a working-class family, you are a low-income family, you are not going to go to those facilities.

These facilities are going to be open to everybody at nominal or no cost. And I think that they are just—every dollar we spend on them, we as a nation are going to save money in terms of disease prevention, in terms of bringing kids out.

You know, we talk, in my—I will only talk about my district. Go to small towns of Vermont, you talk to the kids, and they say, "There is nothing to do. We hang out on the corners."

True all over America. But I do not want you to think it is not true in a rural state like Vermont. It is absolutely true. And when I was mayor of Burlington, we built youth centers which have done, I think, a tremendous job. You know, kids, they come in, they listen to their crappy music and all that stuff, but at least they are doing non-alcohol, non-drug-related activity, right?

That is where we have to move in this country, and that is what this is about. So I want to thank you very much for the support that you have given us in the last process and I am going to ask for your support again.

In a similar sense, there is a much smaller grant that we would like, for \$25,000, for at-risk youth crime prevention in the town of West Rutland, also a working-class town. This would help them improve upon a facility that they have.

We also have two requests in for police departments. One is for the Bristol, Vermont, Police Department to purchase HAZMAT equipment through the Department of Justice.

And the last request is, similarly, is for the Middlebury, Vermont, Police Department to upgrade personal protective equipment in to enhance shelter and communication facilities.

So, those are the four requests that we would like.

[The information follows:]

**STATEMENT BY REP. BERNARD SANDERS IN SUPPORT OF FY
'04 CJS APPROPRIATION PROJECTS FOR THE STATE OF
VERMONT**

Chairman Wolf and Ranking Member Serrano, thank you for giving me this opportunity to testify in support of my appropriation requests for the State of Vermont.

First, let me begin by expressing my appreciation to the Subcommittee for providing \$250,000 for an at-risk youth crime prevention center in the Newport-Derby, Vermont region that I requested last year. This is a very important project that will have an extraordinarily positive impact on improving the lives of youth in my State thanks in large part to this Subcommittee.

This year, I would like to request funding for the following projects:

1. **\$1 million for an at-risk youth crime prevention center for Springfield, Vermont.**

My top priority is to provide \$1 million in federal funding for an at-risk youth crime prevention center in Springfield, Vermont.

This is a one time request for a grant to help fund the construction of a regional at-risk youth crime prevention center in Springfield that will serve eight surrounding communities in an area hard hit with plant closings and high unemployment.

Last year, this area had the highest unemployment in Vermont for two consecutive quarters. In the last few years, Springfield has lost a total of 1,500 jobs which is absolutely devastating to a town with a population of only 9,200. As jobs have disappeared from this community, social problems have increased dramatically.

Since 1997, school children qualifying for subsidized or free school lunches increased from 35% to 51%. This year a record 58% of Kindergarten through 12th grade students are eligible for Medicaid in this small town.

Even though this is a rural area, nearly half of the high school students in Springfield have smoked marijuana. In addition, this town is above Vermont State averages of students who have used inhalants, and students who have provided or sold drugs on school property. The teen pregnancy rate in Springfield is significantly higher than the State-wide average and the percentage of welfare families is 9.9 percent, nearly twice that of the State as a whole.

In spite of these statistics, the people in Springfield voted last September for optimism and hope: to build a new crime prevention center for at-risk youth. While this Center would not be a panacea for all at-risk youth, there is ample evidence that significant physical fitness and recreation opportunities make a measurable difference on youth crime and delinquency.

This project will provide jobs for at-risk youth and for those in the Windsor County Court Diversion program which is an alternative to jail time.

The construction budget for this project is \$4.9 million, and the Springfield community has already raised a little more than half of this total. If federal funding is provided for this project, they will be able to begin construction this year.

This project has received contributions and pledges from 21 Vermont and New Hampshire corporations with each pledging a minimum of

\$10,000 and a maximum of \$250,000. Three-years ago this project received a \$500,000 grant from HUD and since then they have commitments from three Foundations for a total of \$300,000. They have also received a \$100,000 grant from the Springfield Housing Authority, half of which will provide scholarships for youth and low income tenants. In addition, an area Foundation has offered \$5,000 a year to provide scholarships for needy youngsters.

This project should serve as a national model for other rural areas in our country to prevent crime for at-risk youth and to provide positive and measurable health gains in the general population.

2. \$25,000 for an at-risk youth crime prevention center for the Town of West Rutland.

My second request is for a much smaller but very exciting project in the Town of West Rutland, Vermont. Specifically, the Town of West Rutland is in need of \$25,000 to construct an at-risk youth crime prevention center. The project will entail rehabilitating a 30-year old dilapidated rest-room and changing-room facility that has been shut down. This building is in the middle of a 25-acre recreation area in the Town that includes a little league baseball field and ice-skating rink. Federal funding is needed for this building to be rehabilitated to accommodate winter use to prevent crime among at-risk youth in West Rutland.

Last year, out of the 325 crime-related incidents in West Rutland, 65 of them or 20% were youth related. Federal funding is needed to correct this problem.

This project will enable at-risk youth to congregate in a supervised atmosphere removing them from the streets and other unsupervised

environments conducive to unacceptable behaviors. West Rutland is a very small low-income community with a population of only 2,500. It is also a bedroom community without a substantial industrial or commercial tax base. The town is deeply in debt for major infrastructure improvements, such as waste water treatment, water system improvements, and highway facilities.

Therefore, federal funding is necessary for this project to prevent crime for at-risk youth.

3. \$40,210 for the Bristol, Vermont Police Department to purchase HAZ-MAT equipment through the Department of Justice.

My third request is to provide \$40,210 for the Bristol, Vermont Police Department through the Department of Justice to purchase equipment to help them respond to Haz-Mat & WMD incidents.

Specifically, this funding would allow the Bristol Police Department to purchase Personal Protective Equipment, communications gear, medical supplies and an electronic chemical detector. This project will also improve the first response capabilities of Bristol Area Emergency Services, reducing the need to use federal resources during an emergency.

The Bristol Police Department currently receives federal funding through the Local Law Enforcement Block Grant program. They have used these funds to upgrade computer systems and other equipment needs primarily focusing on crime prevention and equipment upgrading.

This project will enable the emergency services in Bristol, as well as the Towns of Monkton, Lincoln and New Haven to better respond to incidents of WMD and HAZ MAT.

4. \$65,920 in federal funding for the Town of Middlebury, Police Department to upgrade personal protective equipment and enhance shelter and communication facilities.

My final request is to provide \$65,920 for the Middlebury Police Department to upgrade personal protective equipment and enhance shelter and communication facilities. Specifically, federal funding is needed for this project to provide:

- ** Respiratory protection against Nuclear, Biological, chemical threats;
- ** Testing Equipment to provide the police department the capability to sample and test for harmful substances;
- ** An Emergency Communications System to provide a backup communication system for police, fire and rescue;
- ** Shelter accommodations, including bedding and related equipment for the Town's emergency shelter;
- ** Body shields to protect officers from blunt force;
- ** A Portable Decontamination Shower; and
- ** A Security Gate to secure access to the Middlebury Police Department building.

This funding is needed to protect the civilian population and critical infrastructure in the event of a local area or regional threat. Federal agencies cannot provide first response protection or mitigation. This responsibility must be absorbed by the local community. At this time, the Town of Middlebury has no capability to withstand or control response to any type of WMD or NBC attack. First responders simply don't have the protective equipment or infrastructure to preserve the local government, the population, and the infrastructure. Therefore, federal funding is needed for this project.

Mr. WOLF. Well, thank you very much. We will try to see what we can do.

You may wish to make a request through Mr. Rogers' Subcommittee on Homeland Security.

Mr. SANDERS. Okay. We will do that.

Mr. WOLF. With that, Mr. Serrano.

Mr. SERRANO. No. That is just a whole new area that is opening up, the Homeland Security Subcommittee. I really appreciate your testimony and the fact that you appeared yourself to young people and keeping our communities safe.

Mr. SANDERS. And let me offer this: please, I would love to take both of you up. Come on up. You know, what goes on in northern Vermont is different than what is in your district, and it is different in your district, Frank. But I think you can see people coming together around these community centers.

Mr. WOLF. You also, too, might have your staff talk to our staff about the request to see if there is a way things could be shaped.

Mr. SANDERS. Okay. We will do that promptly. Jose, thank you.

Mr. SERRANO. There is nobody here. [Laughter.]

Mr. TERRY. Well, then—In conclusion—

Mr. WOLF. Your full schedule will appear uninterrupted and if we could summarize, and we welcome you here.

THURSDAY, APRIL 10, 2003.

WITNESS

HON. LEE TERRY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEBRASKA

Mr. TERRY. Well, thank you. I do appreciate the time. And I am here, once again, on behalf of Girls and Boys Town USA.

First of all, let me start off by thanking you for the support that you have given them in the past. It is extremely important to Girls and Boys Town, but, more importantly, to the girls and boys that they serve.

Now, Boys Town has sold off property in Omaha, Nebraska, and raised money committed to their project of putting satellite projects throughout the country, in the toughest neighborhoods, in our cities, to try to help these children.

But the fact is, they cannot raise enough money to do it as quickly as it needs to be done. And that is why I come before this subcommittee and request help for Girls and Boys Town.

They have a great model and a great record of success. They truly take the children that the courts have given up on and have a remarkable success rate. Not every child is reformed, but almost 80 percent of the kids that they bring in leave on track to receive their high school education, on track to become a good part of our society.

And Father Val Peter was in town yesterday, and he mentioned that they have 73 of their graduates in the Gulf right now fighting for America. And he pulled out a letter and read it, from one of his past students, that had a \$10 bill in it as his weekly donation to the church. And that is just the type of quality person that they are able to help.

So, I come before you. They are in progress of a new facility in Phoenix, in New Jersey. They are doing two new projects in Portland, and Tallahassee, Florida.

So, every year that you help them is another new city they can go in the year after and help those kids.

I just greatly appreciate the help that you have given Girls and Boys Town to help those girls and boys in our toughest cities.

Any questions?

[The information follows:]

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Congress of the United States
House of Representatives

April 10, 2003

Testimony of Representative Lee Terry (NE-02)
Before the Commerce/Justice/State Appropriations Subcommittee
Fiscal Year 2004 Appropriations
RE: Girls and Boys Town USA

HOUSE COMMITTEE ON
ENERGY AND COMMERCE

SUBCOMMITTEES
COMMERCE, TRADE AND
CONSUMER PROTECTION

ENVIRONMENT AND HAZARDOUS
MATERIALS

TELECOMMUNICATIONS
AND THE INTERNET

Mr. Chairman, Ranking Member Serrano, members of the Subcommittee, thank you for this opportunity to testify to you today. I also wish to thank the Subcommittee for its generosity during the last two years in funding the important projects I submitted on behalf of Girls and Boys Town USA. This Subcommittee, along with your Senate colleagues, graciously provided \$1.5 million in Fiscal Year 2002 and \$1.5 million in Fiscal Year 2003. This funding is greatly appreciated, and is helping to transform the lives of troubled and disadvantaged youth.

I have the privilege of representing the people of the great state of Nebraska. Nebraska is the home of Girls and Boys Town USA, one of the world's greatest institutions for troubled children and teenagers. I am here again because continued Federal support for Girls and Boys Town is still very important. I respectfully request this Subcommittee's support for again providing \$1.5 million in funding in Fiscal Year 2004 for the national priority projects of this respected non-profit and non-sectarian organization.

As Members of the Subcommittee are aware, Boys Town was founded by Father Edward Flanagan in 1917 to rescue youth that society had abandoned. Since its founding, it has been successful at leading thousands of at-risk youth from lives of desperation and despair to lives of

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opportunity and hope. Last year alone, this organization helped 37,984 children and teenagers hurt by physical, emotional or sexual abuse. Girls and Boys Town hopes to serve 1,000 more this year. Many of these children had the most severe types of behavior problems that often lead to criminal activities, substance abuse, promiscuity, and in the most severe cases, even death. Girls and Boys Town is dedicated to securing a better future for these children by providing security, life-skills training and a loving, supervised family environment with care tailored to each child's individual needs.

Last year, Girls and Boys Town reached 453,065 children and families through its National Hotline and an estimated 1.1 million through outreach and training programs. This organization's goal is to strengthen families who need help, and provide surrogate, caring family structures for those children whose circumstances have deprived them of the family relationships that many of us take for granted. The highly-trained married couples who provide care are role models that troubled children can emulate to help them lead successful lives. As Father Val Peter, the current Executive Director, has stated, the goal is to "not only heal the wounds, but to make these children whole again so they can become a strong, positive force to touch other lives."

Girls and Boys Town is only prevented from reaching more hurt and troubled children by limited resources. As I testified last year, the \$1.5 million this Subcommittee generously provided in Fiscal Year 2002 helped to establish much-needed emergency and long-term care in New Orleans, Louisiana, and to begin establishing services in Newark, New Jersey and near Phoenix, Arizona. These are all areas with high concentrations of at-risk youth. The Fiscal Year 2003 funding continued the efforts in Newark and the Phoenix area, and began expansion efforts

for long-term residential treatment facilities in Portsmouth, Rhode Island, and short-term residential facilities in Los Angeles County, California, for troubled children and teenagers.

This year, I am again requesting that a total of \$3 million be provided, with \$1.5 million from this Subcommittee, and \$1.5 million from the VA, HUD, and Independent Agencies Subcommittee. This funding will continue critical support for the priority projects in Newark, Phoenix and Portsmouth, and expand services in Tallahassee, Florida. While I continue to ask for Federal support, I want to assure this Subcommittee that Girls and Boys Town provides millions of dollars in matching private funds to assist with the completion of these projects.

The Federal government's involvement with these projects will allow them to be completed 10 to 15 years faster than they could be otherwise. I believe it is in everyone's interest to make sure that at-risk children who can be helped are helped before they become a burden to society by turning to drugs, welfare or crime.

Please note on the first chart I have enclosed with my testimony that the young men and women who come to Girls and Boys Town have an 85 percent high school graduation rate. This is compared to a 30 percent graduation rate for troubled youth who do not receive services. Please also note that 33 percent of those who come to Girls and Boys Town serve their country in the Armed Forces, compared to a mere 8 percent of those who do not receive help from Girls and Boys Town.

Finally, please note that when asked if they would send a child who had troubles to Girls and Boys Town, more than 90 percent of those who have received Girls and Boys Town's services answer affirmatively. Girls and Boys Town's studies show greater numbers of treated children returning home following care, fewer in detention, and many more living happy, productive lives. A longitudinal study has also shown that 81 percent of Girls and Boys Town

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graduates plan to enroll in secondary education to improve their future. Nearly 80 percent who move to other placements are placed in less restrictive environments. These are key indicators of success. Girls and Boys Town is truly making children "whole again so they can become a strong, positive force" in other people's lives as well as their own.

Let me share with you some individual stories of children who received help.

A Juvenile Court Judge gave Anna the opportunity to live in a Girls and Boys Town Emergency Shelter after her mother introduced her to prostitution at age 12. After little more than six months in the program, Anna has broken with prostitution, is living with her grandmother, and has returned to school.

At age 13, Juan ran away from home to escape the physical abuse of his alcoholic father. He was arrested seven months later for running drugs for a dealer. A Juvenile Court Judge sent him to a Girls and Boys Town Emergency Shelter. He learned self-discipline and the relationship skills necessary to lead a normal life. He found a job and he is back in school, living with his aunt. His life has been transformed because of Girls and Boys Town. He now plans to graduate from school and go on to college.

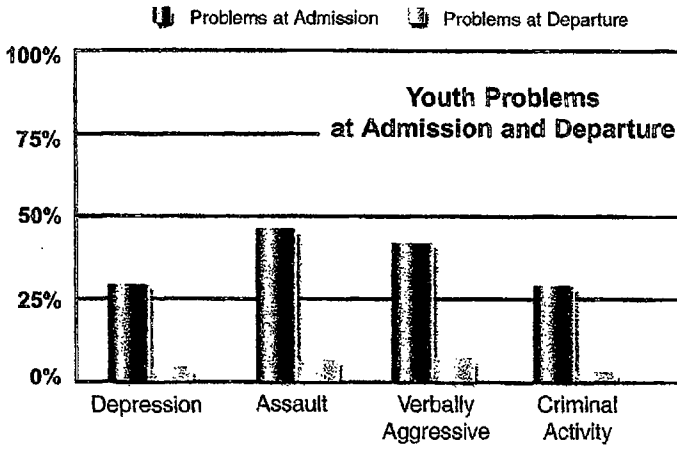
Neglected. Abused. Abandoned. That's how Jenny spent the first 13 years of her life. She was born in prison. There was no happy home, no school that cared, none of the fun things a child deserves while growing up. Jenny never knew her father. Her mother was a drug dealer. Eventually, she was placed at Girls and Boys Town for her special needs. Here she found a true home. She regained her childhood. She began to love life, and most of all, she discovered that she could be happy. She graduated from Boys Town and joined the Navy. For the last seven years she has served in Naval Intelligence. She is currently on the Island of Diego Garcia in the Indian Ocean, helping us win the war with Iraq. Girls and Boys Town never gave up on her.

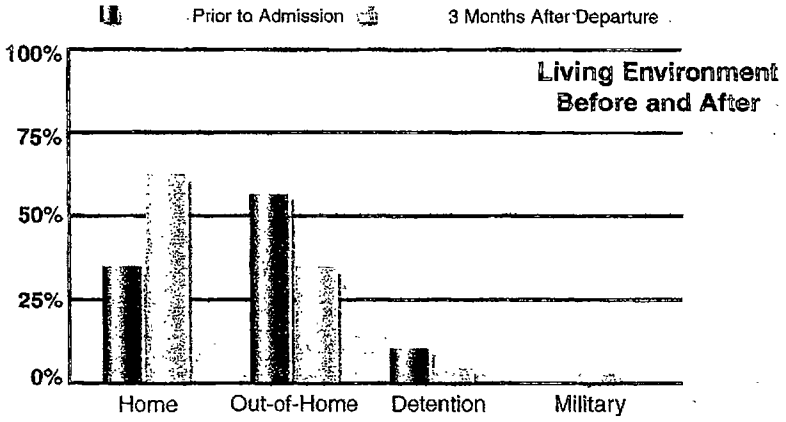
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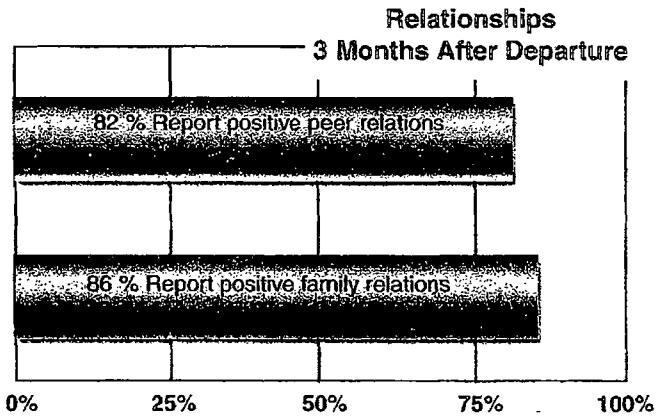
There are many other stories such as those you have just heard. Stories of youth fighting their way free from involvement in gangs, stories of young single mothers learning how to provide a brighter future for their children, stories of angry and abandoned youth learning to once again accept love and life, and stories of physically-abused children emerging from the shell of pain and loneliness to embrace the future and all its incredible possibilities.

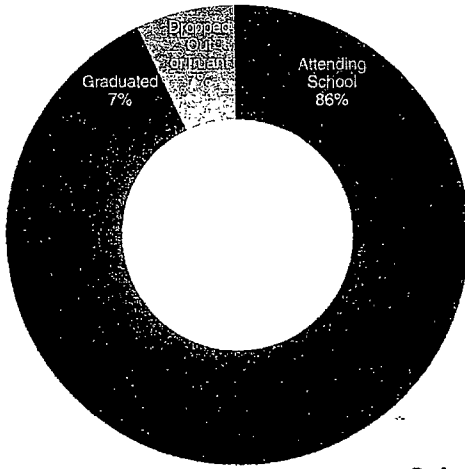
I urge the Subcommittee to help fund Girls and Boys Town's priority projects, for the future of the many children like Anna, Juan and Jenny, whose lives will be changed for good, and for the positive impact these children will have on others in our great nation. I believe this organization has truly been inspired. Many lives have been blessed because of the personal efforts and sacrifice of many dedicated people guided by the vision of Father Flanagan. His legacy lives on in the lives of many who would otherwise be without hope.

I thank the Subcommittee for your help in prior years, and in advance for this year's funding.



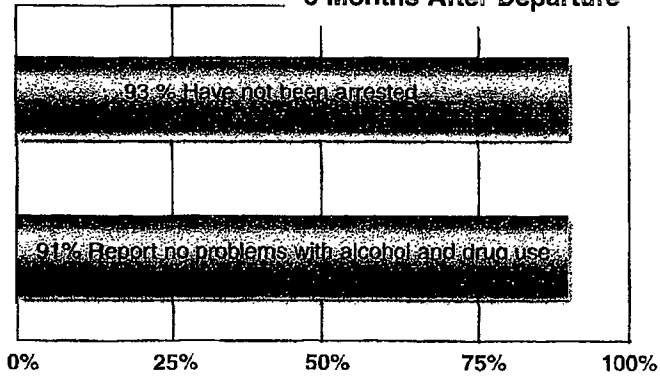






**School
Attendance
3 Months After Departure**

Source: 3-Month Follow-Up Surveys from 1999 & 2000

**Arrest & Substance Abuse
3 Months After Departure**

Mr. WOLF. Well, we will try to help. Again, it is a good program. I do appreciate your coming before the committee and I thank you for that.

Mr. SERRANO. We do appreciate your commitment to this program. And, as the Chairman says, it is one of those stellar programs that we will try to keep helping.

Mr. TERRY. Thank you.

Mr. WOLF. Thank you, Lee. The meeting is adjourned. Thank you.

[Testimony for the record follows:]

**CONGRESSMAN JOE BACA
SUBCOMMITTEE TESTIMONY ON CJSJ APPROPRIATIONS
APRIL 10, 2003**

Thank you Mr. Chairman and members of the subcommittee for allowing me to testify today. This year I will ask the subcommittee to consider funding various important projects in my district.

But, before I highlight a few of my funding priorities, I would like to bring to the subcommittee's attention the unprecedented population growth in my region. The region I represent in California, called the Inland Empire, is growing by leaps and bounds. The Inland Empire is among the few remaining areas with affordable housing that are within driving distance of Los Angeles. This growth has made our region larger than 20 states. The Cities of Fontana, Ontario, Rialto, Colton, and San Bernardino stand to nearly double their populations by the end of the decade. The Inland Empire will grow by another 1.6 million people by 2020, bringing the population to 4.8 million. The population growth in my district outpaces that of 45 states.

This growth requires an equal investment in community, law enforcement, education, transportation, and economic development needs in order to keep up with demand. A combination of strong job creation and affordable housing has led to this incredible economic and population growth. We must ensure that growth in the Inland Empire is accompanied by programs to modernize law enforcement, programs that will protect our community from those who have committed crimes, and programs to help steer the youth of the Inland Empire away from a life of crime.

My first priority request is to for the Mobile Data Computer (MDC) Upgrade Project. The San Bernardino Police Department (SBPD) has 125 older model Mobile Data Computers (MDC) installed in first-line responder police units. The MDC's have 266 MHz processors and use Windows '95 as the operating system. MDC's provide voiceless communication of Calls for Service (CFS) and sensitive/confidential information that is invaluable to homeland security. They also provide field personnel with access to state and federal criminal justice databases. The SBPD handled 140,000 CFS in 2002. MDC's provide a vital communications link with field personnel and are essential to the delivery of service to the public.

In November 2003, SBPD will upgrade the Computer Aided Dispatch (CAD) and Records Management System (RMS) automated systems. These upgraded systems require that MDC's have minimum processing speed of 800 MHz and Windows XP as the operating system. The current MDC's cannot be upgraded to function with the new CAD/RMS platforms. I am seeking funding for the purchase and installation of 125 replacement MDC's.

I respectfully request an appropriation of \$1 million from the Department of Justice/Law Enforcement Technology Program account to the City of San Bernardino for this important project.

My second priority request is for the Police Activities League (PAL) Program. A Police Activities League (PAL) Program offers a full slate of recreational, educational, and cultural programs for youth ages 6-17 years. PAL's goals are to provide alternatives to gangs, drugs, and other criminal activities through a vast array of programs. The diverse programs help youth to develop a positive self-image and successful interpersonal skills that will encourage them to want to stay in school and to play a constructive role in the community. Typical PAL activities include: basketball, volleyball, karate, homework lab, computer lab, arts and crafts, and just "hanging out."

Under the care and supervision of trained police personnel, city staff, parents, and community volunteers, a positive social environment is created. Numerous sociological studies have established

that most youth crime and victimization occurs after school during the hours of 3:00pm and 6:00pm. The PAL Program would focus on providing a safe environment for youth during this critical time period. Approximately \$50,000 is required to assist with the start up of a PAL program. The funds will be used to acquire a suitable location, suitable educational and athletic equipment.

Future endeavors include working collaborations with the Rialto Unified School District, the San Bernardino County Probation Department, and the City of Rialto Recreation and Parks Department. Additionally, collaborative efforts will be specific outreach directed at grassroots organizations and other non-profit organizations to help bridge the funding gap and reach all of the community. ***I respectfully request an appropriation of \$200,000 under the Department of Justice/Juvenile Justice Programs, Discretionary Grants for National Programs and Special Emphasis Programs account for this important project.***

My third priority request is for the Home Run Program. Probation officers on school campuses throughout the County of San Bernardino utilize a school-based assessment process to identify clients for the program. Those students identified as being "at risk" of becoming chronic offenders are immediately provided with interventions. The assessment and service delivery model for this program is a proactive strategy utilizing the fundamental principles of Community Oriented Policing (COP) and Problem Oriented Policing (POP).

Funding from the Office of Community Oriented Policing Services is available for the expansion of a delinquency prevention and early intervention project designed to prevent and reduce criminal and violent behavior among juveniles who are at risk of becoming chronic offenders. ***I respectfully request an appropriation of \$495,000 under the Department of Justice/Byrne Grant Program account for this important project.***

My fourth priority request is for Probation Services Automation. The County of San Bernardino Probation Department includes Administration, Administrative Services, and Community and Detention Corrections encompassing a staff of 950, of which over 600 are sworn peace officers. The Department is partially automated in all of its operations.

This proposal will bridge the gap in automation needs by providing a mechanism for efficient planning of resources, greater access to information concerning clients in the community, and instant tracking of juvenile court dates and appearance records, and other client demographic information. If fully funded, this proposal will provide the capabilities of electronically transferring information directly to officers in the field, expanding the present use of computers by placing mobile data computers in all field staff units, improving tracking capabilities, improving records management, and ultimately, increasing interactions between probation officers and probationers. ***I respectfully request an appropriation of \$1.5 million under the Department of Justice/Law Enforcement Technology Program account for this important project.***

My fifth priority request is for the Impact/Night Light Program. The Impact/Night Light Program is dedicated to monitoring juvenile and youthful adult offenders engaged in street crime, assaults, homicide, graffiti, vandalism, and illegal use of firearms. There are currently five full-time Probation Office II positions, one Supervising Probation Officer position, one Clerk II position, five Police Officer and .5 FTE Police Sergeant positions funded by this grant. ***I respectfully request an appropriation of \$1 million under the Department of Justice/Office of Juvenile Justice & Delinquency Prevention account for this important project.***

My sixth priority request is for the Sex Offender Program. Sex offenders on probation represent one of the highest threats to public safety and potential for victimization of any group of criminals

under supervised release. Their crimes often have a lifelong, profound effect on their victims and families, and almost always involve multiple victims.

These predators are among the most difficult to supervise because of the hidden nature of their crimes and a reluctance of their victims to come forward. Public awareness of this public safety issue and the danger that sex offenders represent in the community has increased, resulting in the creation of Megan's Law, mandatory offender registration and community access to this information. The traditional method of supervising offenders in the County of San Bernardino has offered little in the way of public protection due to probation officer caseload. Because these offenders are manipulative, and their activities are covert, smaller caseloads of specially trained probation officers are necessary to effectively supervise them.

There are approximately 400 P.C. 290 registrant sex offenders under probation supervision in San Bernardino County. One specially trained unit of 10 probation officers could supervise all of these offenders, with a caseload ration of 1:40, providing regular home visits, home searches, computer pornography searches, and protection for potential victims. In addition to the 10 Probation Officers (PO), 1 Supervisor, 1 PO III, 2 Clerks, equipment and space to house the unit would be necessary.

I thank you Mr. Chairman, and the members of the Subcommittee, for allowing me to testify on these important projects. The Inland Empire of Southern California is a region of incredible growth, but somehow our investments seem to be limited to transportation, infrastructure, and home building. We must not forget to invest in initiatives that enhance the capability of our law enforcement, protect our community, and help prepare our youth for the challenges of a new century.

Thank you.

Testimony Before the House Appropriations Subcommittee on
Commerce, justice, state
Submitted by Representative Julia Carson
Thursday, April 10, 2003

Thank you, Chairman Wolf, and Ranking Member Serrano, for this opportunity to share with you and other members of the Subcommittee the priorities of Indianapolis, Indiana.

My first priority before this panel is a request for \$800,000 for the Indianapolis Home-Again: Offender Re-Entry Project.

This is a demonstration project that is designed to meet the needs of returning offenders and ensure community safety. It proposes three distinct phases over one-year of funding. The first phase focuses on building the capacity of front-line actors to assist offenders in rebuilding their lives. The second phase would deploy these newly educated system actors into the community to implement the strengths-bases modes. The third phase will connect the client databases between the Department of Correction and the homeless management information system so that information can be exchanged to help coordinate planning and service delivery.

In Indianapolis a recent survey of all shelter occupants found that over 15 % had recently been released from jail or prison. The percentage of offenders in shelters is much higher when only men were interviewed. Strategies need to be developed and policies changed that will address better pre- and post-release planning for offenders. Federal funding for the Indianapolis Home-Again Project: Offender Re-Entry Project would aid in training and institutionalizing a strength-based, client-centered model of providing service in both the criminal justice and social service systems.

My second priority for Indianapolis is the COPS Emergency Communications System Upgrade. Federal funding in the amount of \$400,000 would aid in replacing outdated emergency communications equipment. Metropolitan Emergency Communications Agency (MECA) is in the early stages of converting its radio communication system from analog to digital. Currently, MECA is using antiquated radios and must resort to disassembling old radios for parts to keep the equipment functioning. Purchasing new radios would ensure the successful operation of the current system through the transition to a new digital system compatible with surrounding jurisdictions.

My third priority for Indianapolis requests \$800,000 for the Life Sciences TIDE Program. The University of Indianapolis' Center for Business Partnerships' (CBP) Life Sciences Targeted Industries Development and Education (TIDE) program seek federal funding through the Small Business Administration's (SBA) Salaries and Expenses account.

In recent years, Indiana has lost an estimated 160,000 jobs, primarily in traditional manufacturing. There is a pressing need for strategies that assist businesses and workers during transition to the new economic realities. The TIDE program will align the education, training, and technical support services of the University behind a focused program to involve Indiana's smaller minority- and women-directed businesses. In particular, this program will provide the tools necessary for both existing and early stage companies to meet the very significant supplier and supporting services needs of the life sciences enterprise. Federal funding will help leverage local investments to identify critical supplier and supporting services opportunities, design responsive programs, and launch the delivery of services to the sector.

I would also like to mention three additional projects, supported by the entire Indiana delegation, which request federal funding that would benefit the State of Indiana.

The Indiana State Police seek \$1.5 million for equipment, training, supplies, and overtime to combat the spread of methamphetamine. In 1998, illegal methamphetamine production emerged in Indiana, when 43 clandestine labs were seized by the Indiana State Police. Two years ago, 681 labs were seized and last year, 988 labs were seized. Federal funds have been instrumental in addressing the increasing number of methamphetamine cases in Indiana.

The Indiana State Police also request \$1.5 million for state-of-the-art DNA equipment (for mitochondrial DNA), supplies, training and outsourcing of those DNA sample tests that make fiscal sense. In 1998, the State of Indiana received 664 DNA typing cases. Last year, that number increased to 1,260 cases. Within each case, there is normally more than one item to be tested. Federal funding would be used to meet the increased demands placed on the Forensic DNA Analysis Unit, as well as decrease the amount of backlog created by the increasing number of cases.

Finally, the Indiana State Police seek \$5 million for Project Hoosier SAFE-T (Safety Acting for Everyone-Together). This is a statewide emergency response, interoperable communications project. Continued federal funding would be used to supplement infrastructure grants to local

communities statewide for the development of the backbone.

On behalf of Indianapolis, Indiana, I would like to express my gratitude to all of you for considering the appropriation requests that I have made. Let me also commend you for extending this time for Members who do not have the pleasure of serving on the Appropriations Committee to articulate our priority requests. Your attention to the projects I have mentioned is truly appreciated.

Testimony of the Honorable John D. Dingell

**House Subcommittee on Commerce, Justice, State
the Judiciary and Related Agencies**

April 11, 2003

Chairman Wolf, Ranking Member Serrano, distinguished Members of the Subcommittee, thank you for the opportunity to testify. I deeply appreciate the important work of the Subcommittee as you seek to balance the needs and priorities of the agencies, departments and programs under your jurisdiction within the fiscal constraints of the budget.

I would like to draw the Subcommittee's attention to some nationwide programs that I believe are of tremendous value, and then highlight some meritorious programs in Michigan that deserve the Subcommittee's attention.

Programmatic Requests

LEADers Education Initiative at State Department's International Visitor Program

There is a critical need to increase funding for programs that counter the dangerous stereotypes and misperceptions of American institutions around the globe. Since 1941, the State Department's International Visitor Program has provided emerging foreign leaders with firsthand exposure to the American people and their values. Tony Blair and Hamid Karzai are alumni of the Program, along with more than 200 former and current heads of state.

I would respectfully request the Subcommittee allocate an additional \$10 million in new funds for the LEADers in Education Initiative through the State Department's International Visitor Program. These funds will enable approximately 725 foreign primary and secondary educators to travel to the United States to meet with their U.S. counterparts and, through classroom presentations in each community they visit, reach more than 200,000 American students.

Specific Project Requests

Downriver Community Conference – Police and Fire Equipment

Last year the Conference Report provided \$1 million to the Downriver Mutual Aid Data Network for an 800 MHz digital communication system, and I would like to thank the

Subcommittee for its support. I would respectfully request the Subcommittee support \$1.5 million for the purchase of police and fire fighting equipment through the Downriver Community Conference in my Congressional District.

The Downriver Community Conference is a partnership consisting of 18 communities in Southeastern Michigan. The purchase of this equipment will enhance the response of personnel to incidents involving community safety and homeland security. The equipment would allow Downriver Michigan police and fire departments to respond to many new risks facing our citizens.

Wayne County Emergency Communication Program

I respectfully request \$2 million for Wayne County, Michigan to upgrade the County's radios, telephones, and other field communications equipment. Through the Wayne County Emergency Communication Program, the County will develop a countywide communication system capable of withstanding a variety of field conditions. Maintaining a countywide system is essential to ensuring that all of the communities within Wayne County can communicate in an efficient and effective manner. As part of this upgrade, the County will ensure that the different devices used by various police, fire, and emergency personnel in the 44 communities within Wayne County can be interoperable. Interoperability is an important component of ensuring that the entire region is able to respond as quickly as possible in an emergency situation. Wayne County has not requested an appropriation for this project in previous years.

Collaborative Product Development – Focus: HOPE

I respectfully request the Subcommittee support an appropriation of \$3 million (U.S. Dept. of Commerce/Small Business Administration, Salaries and Expenses – Section 625) to support the Focus: HOPE Center for Advanced Technologies (CAT).

Begun in 1993 and initially funded by a unique memorandum of understanding between the U.S. Departments of Commerce, Defense, Labor, and Education, the Focus: HOPE CAT integrates hands-on manufacturing training and academic learning within a state-of-the-art production setting and educates advanced manufacturing engineers at world-competitive levels. Focus: HOPE currently partners with five universities and six industry partners to offer this unique 21st Century curriculum resulting in a student receiving an associate's or bachelor's degree.

The CAT program has the largest African-American enrollment in manufacturing engineering in the nation. Students work on actual manufacturing and research & development contracts for GM, Ford, DaimlerChrysler, the U.S. Government and others. The engineering program is producing highly skilled engineers who have real world experience combined with strong analytical and problem-solving skills.

Center for Community Building and Civic Engagement at Eastern Michigan University . . .

I would first like to thank the Subcommittee for its support of the Center for Community Building and Civic Engagement at Eastern Michigan University in the FY2003 Omnibus Appropriations Conference Report. For FY2004, I respectfully request \$1.9 million in the Department of Justice, Office of Justice Program, Edward Byrne Memorial Grants Program to continue and enhance the Center's work.

A centerpiece of the Center's program and orientation is a problem-based but competency-focused approach to working with the community. The University is partnering with community organizations and agencies to work on community defined, high priority and high impact challenges. A parallel mission and measure of success is the increase in competency and problem solving capacity of the community leaders and organizations.

There are three initial testing grounds, each presenting different challenges based on different social and cultural factors: (1) the Ypsilanti Chief of Police is working in partnership with Eastern Michigan University to strengthen and broaden the city's strong foundation of community policing; (2) the Latino population of southwest Detroit (and specifically the 4th Police Precinct) have developed strategies to resolve cultural differences, social and economic barriers and distrust between the local community and the larger Anglo and African-American communities; and (3) in the Arab-American community, the focus in the Center's first wave of initiatives is on the families of recent refugees. Current interventions by the Arab Community Center for Economic and Social Services (ACCESS) are focused on psychological/counseling services and parent education. The Center will support the expansion of these interventions to involve a stronger prevention orientation and a broader involvement of the schools, community policing initiatives and other community agencies working with youth.

Conclusion

I greatly appreciate your consideration of these important projects that would be of tremendous benefit to the people of Michigan, the Great Lakes region and, indeed, the nation. Thank you again for your attention to these very worthy requests and for the opportunity to testify.

**STATEMENT OF THE HONORABLE PHIL ENGLISH
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
COMMERCE, JUSTICE, STATE AND THE JUDICIARY**

I want to thank you Mr. Chairman and Congressman Serrano for affording me the opportunity to testify before the subcommittee. I want to talk about the efforts of Mercyhurst College to expand and enhance its criminal justice and intelligence training and education programs. Mercyhurst College has its main campus in Erie, PA and a two-year college in North East, PA. Both campuses are in my Congressional District.

In 1996, Mercyhurst-North East (MNE) began offering an Associate Degree in Criminal Justice. In addition to the associate degree offering, MNE also is the home of the Municipal Police Training Academy.

Mercyhurst College provides training to every law enforcement officer in northwest Pennsylvania.

MNE's current criminal justice degree program is based on community law enforcement and security needs prior to September 11th. New curricula and teacher training regimes need to be established to address the profound changes facing America's local and state law enforcement agencies, as well as utilities and private companies.

To meet these challenges and expand upon the extensive experience it has in training local and state law enforcement and security officers, Mercyhurst will establish the **Mercyhurst Law Enforcement and Safety/Research Technology and Training Institute** on its North East campus.

The Institute would be home to MNE's current Criminal Justice Associate Degree and law enforcement training programs, as well as new and innovative research and training efforts related to law enforcement and homeland security.

Testimony of the Honorable Phil English
Page 2

The Institute will be led by a highly experienced law enforcement/ public safety expert and include faculty with specialized technology background and expertise in law enforcement and public safety. It will provide a full range of state-of-the-art training for local law enforcement officers.

The establishment of this Institute will allow Mercyhurst to dramatically improve and upgrade the level of training it provides. The end result will be local law enforcement officers better prepared to meet the many new challenges of a post-September 11th world.

In addition to its established criminal justice and police training programs, Mercyhurst also has unique intelligence education program that is more than ten years old.

In 1992, Mercyhurst College established on its Erie campus a Research/Intelligence Analyst Program (R/IAP) as an undergraduate History major with the goal of producing graduates qualified as entry-level intelligence analysts. The program currently has 150 students and more than 100 graduates. In 1995, R/IAP joined with the college's Criminal Justice Department to create a master's degree in Administration of Justice with an intelligence concentration. In the fall 2003 a master's in Applied Intelligence should replace that program.

It will be the first resident non-government program of its kind.

In 1995, Mercyhurst established the not-for-profit Center for Information Research/ Analysis and Training (CIRAT) to seek grants, contracts and partnerships using R/IAP students' skills, faculty expertise and program laboratory capabilities. Since its inception CIRAT has produced a series of tailored, open-source, intelligence-related products and training for federal intelligence and law enforcement agencies and private corporations.

Mr. Chairman, I have first-hand experience with CIRAT -- it provides me with daily intelligence reports that I have found to be quite helpful and informative.

Testimony of the Honorable Phil English
Page 3

Although there are thousands of intelligence analysts spread across government and the private sector, and demand for their skills is skyrocketing, there are only four academic-based four-year undergraduate programs. Other than Mercyhurst's R/IAP, none are beyond the earliest stages of development.

Additionally, there is no government, private or academic center that examines in totality the analytical aspect of the intelligence profession to identify and initiate steps required to enhance its capability.

In the wake of September 11th, federal and state law enforcement and intelligence agencies are in desperate need for trained intelligence officers. To build upon the success and national credibility of R/IAP and CIRAT, complement the expansion of its criminal justice training programs on its North East campus, and meet the growing need for well-trained intelligence officers, Mercyhurst will establish an **Academic Center of Excellence for the Study and Application of Intelligence** on its Erie campus.

One of the priorities of the Center will be to identify the immediate, short-term and long-term needs of intelligence analysts and their managers, especially in the area of Homeland Security and training. The Center will also serve as a liaison between training centers in the intelligence, law enforcement and business communities; develop a series of model intelligence products for local, state and federal law enforcement agencies; and design a college credit certificate program for currently employed analysts.

The Center will play a critical role in improving the quality of intelligence work and the sharing and utilization of intelligence at the federal, state and local level -- as well as in the private sector.

Mr. Chairman, Mercyhurst College has a strong record when it comes to criminal justice training and intelligence education. It is a unique educational institution nationally.

Testimony of the Honorable Phil English
Page 4

Mercyhurst is a private institution filling a great public need.

As such, I am respectfully requesting that \$3 million be included in the Bureau of Justice Assistance account of the Fiscal Year 2004 Commerce-Justice-State Appropriations bill for Mercyhurst College to expand and enhance its criminal justice and intelligence analyst training and education programs in Erie, PA and North East, PA.

Thank you for your time and consideration. I'd be happy to answer any questions you might have.

The Honorable James C. Greenwood
Testimony: Commerce, Justice, State and Judiciary Appropriations Subcommittee

April 10, 2003

Mr. Chairman, thank you for the opportunity to testify before your committee today. As you may know, I am a Co-Chairman of the House Oceans Caucus and I would like to take this opportunity to highlight for you three programs (Ocean Exploration, Coral Reef Activities and the Conservation Trust Fund), within the National Oceanic and Atmospheric Administration's (NOAA) budget.

Ocean Exploration

Covering more than 70 percent of the surface of the earth, the ocean's beauty and power have long been a source of awe for many cultures. Although few explorers discovered the riches they initially sought, they found not only new lands, but also unexpected, bizarre, and dazzling deep-sea creatures inhabiting an alien world. As exciting and promising as the past oceanic discoveries have been, they pale in comparison to what future explorations may uncover.

The seas possess enormous economic importance. Some resources, such as fisheries and minerals, are well recognized. Other resources offer promise for the future. For example, marine mineral resources are extensive yet poorly understood. Furthermore, the oceans offer rich untapped potential for medications. Marine plants and animals possess inestimable biotechnological potential in treatment of human illnesses.

Therefore, I am urging that the Ocean Exploration program be funded at \$14.2 million -- a \$1million increase over fiscal year 2003. This investment will allow NOAA to embark on a national ocean exploration endeavor; build on initial efforts in ocean research; partner with existing public, private, and academic ocean exploration programs and promote undersea exploration and research. This proposal calls for an aggressive plan of action to build our national understanding of oceans systems and processes and to

develop partnerships for sharing information through education, outreach and communications. This exploration effort will focus in five areas: New Ocean Resources, Exploring Ocean Acoustics, America's Maritime Heritage, Exploring Ocean Frontiers and Census of Marine Life.

Coral Reef Activities

I am also requesting your support in providing an increase in funding for Coral Reef Activities.

Coral reefs are some of the most valuable and spectacular places on earth. Covering less than 1% of the planet's surface, coral reefs and their associated mangrove, seagrass, and other habitats are the world's most biologically diverse marine ecosystems. Coral reefs are valuable assets providing food, jobs, protection from storms and billion of dollars in revenues each year to local communities and national economies.

However, in the United States, as elsewhere around the world, many coral reefs have been destroyed or degraded. Chief culprits include over-exploitation of the living components of reef communities and nutrient pollution. The coral reef crisis threatens the survival of these valuable and ancient marine ecosystems and the communities and economies that depend on them.

Our request of \$30.25 million for Coral Reef Activities will allow for NOAA to continue supporting coral reef activities across our nation. Specifically, funding will enable NOAA to continue implementing the National Action Plan for Coral Reef Conservation developed by the Coral Reef Task Force. As you know, the Coral Reef Task Force developed the first comprehensive roadmap for U.S. action to help conserve coral reefs. This roadmap identifies 13 major actions that address two fundamental needs to reverse the coral reef crisis: (1) increase understanding of coral reef ecosystems and the natural and human processes that determine their health and viability and (2) reduce the adverse impacts of human uses of coral reef resources and habitats.

Conservation Trust Fund

With tremendous bipartisan support, Congress established the Conservation Trust Fund (also referred to as the Conservation Spending Category) in fiscal year 2001 to protect America's oceans, wildlands, open spaces, and cultural treasures. Through a stated commitment to long-term conservation, Congress established a guaranteed mechanism through FY2006 to fund critically important conservation programs within NOAA and the Department of Interior. NOAA's portion of the Trust Fund represents a major advancement in ocean conservation spending and many of the programs my co-chairs and I have already discussed would benefit from this continued commitment, including coral reefs, marine protected areas, fisheries stock assessments, and national marine sanctuaries. The Conservation Trust Fund is widely supported and I urge you to fully fund and maintain its integrity at its authorized level of \$520 million in FY04.

If our children's children are to inherit the ocean's bounty, we must come to understand and manage them far better than we do today. Like you, I am dedicated to exercising fiscal restraint, however, I remain convinced that any reduced commitment to ocean research and management will have serious economic and ecological consequences.

Once again, thank you for the opportunity to testify before you today on the importance of increased funding for various ocean programs. I hope that you will consider my testimony, along with that of the other Co-Chairs of the House Oceans Caucus, when establishing funding levels for NOAA's ocean programs.

ENERGY AND COMMERCE COMMITTEE:

ENERGY AND AIR QUALITY SUBCOMMITTEES

ENVIRONMENT AND HAZARDOUS

MATERIALS SUBCOMMITTEE

HEALTH SUBCOMMITTEE

RESOURCES COMMITTEE:

FORESTRY CONSERVATION, WILDLIFE AND

OCEANIC SUBCOMMITTEES

RANKING MEMBER

DEMOCRATIC POLICY COMMITTEE

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FRANK PALLONE, JR.

6TH DISTRICT, NEW JERSEY

Congress of the United States

House of Representatives

Washington, DC 20515-3006

CONGRESSMAN FRANK PALLONE, JR.

APPROPRIATIONS REQUESTS FOR FISCAL YEAR 2004.

MEMBERS' DAY.

SUBCOMMITTEE ON COMMERCE, JUSTICE, STATE AND THE JUDICIARY
COMMITTEE ON APPROPRIATIONS

APRIL 10, 2003

Thank you, Chairman Wolf and Ranking Member Serrano, for the opportunity to testify today. On behalf of the people of New Jersey's 6th Congressional district, I respectfully request the support of the Commerce, Justice, State and the Judiciary Subcommittee for inclusion of the following projects in its Fiscal Year 2004 Appropriations bill.

INDIAN LEGAL SERVICES

I respectfully request the Subcommittee to provide \$2.5 million in FY 2004 to implement the Tribal Civil and Criminal Legal Assistance Grants component of Public Law 106-559. I am grateful for inclusion of \$2.5 million in FY 2003 for Title I of the Act, but unfortunately the Administration's budget provides no funding in FY 2004 for these important grants.

On December 21, 2000, President Clinton signed into law S. 1508, the Indian Tribal Justice Technical and Legal Assistance Act, as Public Law 106-559. Title I of this Act authorizes the Attorney General of the Department of Justice to award grants to national or regional tribal justice system personnel organizations and non-profit entities which provide legal assistance for tribes and tribal members for the purpose of improving tribal judicial systems through training, technical assistance and civil legal and criminal assistance. Non-profit entities are defined under the Act to refer to the Indian Legal Services (ILS) programs historically funded by the Legal Services Corporation (LSC).

Since their establishment in 1966, the Indian Legal Services programs of the Legal Services Corporation have provided legal representation for individual Indian people living on or near Indian reservations and for tribal governments. Today there are 25 Indian Legal Services programs in existence, serving individual Indian clients and small tribes on more than 175 reservations in the "Lower 48," 220 villages in Alaska, and Native people in Hawaii. These ongoing programs are staffed by about 150 attorneys, paralegals and tribal court advocates.

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Together these programs, which represent in legal matters over 20,000 individual Indian people annually, now receive approximately \$7 million in funding from LSC. This funding is a decrease from nearly \$10 million in FY 1995.

Native Americans have unique legal needs because of the special trust responsibility between the federal government and tribal nations, which are best met by specialized legal practitioners who understand the nuances of federal Indian law. The plethora of legal issues includes local government law, police powers, administrative and regulatory authority, land use planning and environment regulation and enforcement, development of tribal judicial systems, relationships with state governments and the federal government, sovereignty and sovereign immunity, contracts with non-Indian vendors and contractors, housing issues, Indian child welfare rights and development of child protection and support codes, enrollment ordinances and processing, water rights and resource protection, and employment rights.

Indian people confront not only complex and diverse legal issues, but often the added complications of language and geographic barriers. Indian legal services are provided efficiently and effectively, enabling low-income Native Americans to have meaningful access to the legal system. Often, Indian Legal Services programs are the only game in town. ILS services have been important because attorneys practicing in towns bordering reservations have tended to represent parties opposing Indian people in legal disputes, or have been reluctant to represent Indian people who could not afford their services. The pro bono resources of the private bar are virtually non-existent as a fallback resource.

Indian Legal Services programs serve a vital role in the administration of and access to justice for Indian people in Indian Country, both in providing legal representation to individual Indian people and to tribal governments, and in assisting with the development of tribal courts through the provision of the legal expertise and resources of ILS programs on such elements as tribal codes and the training of court personnel and lay advocates.

Therefore, I request that \$2.5 million of funding be provided to address the unmet needs for legal representation in Indian country. I ask that \$0.5 million of this amount be allocated for training and technical assistance (Sec. 101) and that \$2.0 million be allocated through grants for civil legal assistance (Sec. 102) and criminal assistance (Sec. 103).

NATIONAL OCEAN SERVICE

Coastal and Estuarine Land Conservation (CELC)

I urge the Subcommittee to provide \$60 million for the Coastal and Estuarine Land Conservation program. The Nation's coasts and estuaries are subject to myriad threats, including ecosystem fragmentation, urban sprawl, and habitat loss. The Office of Ocean and Coastal Resource Management's CELC program is a valuable means of addressing the need for coastal habitat protection. The President did not request any funds for this program in his 2004 budget.

I specifically request that the Subcommittee appropriate an additional \$1.5 million in funds to help the Borough of Rumson, New Jersey, purchase 15.5 acres of Gunning Island in the Shrewsbury River. Historically, the island was used as a dredge spoil site, but this activity was ended, and remediation of the land has been completed. The island is threatened by development, but landowners are willing to see the property conserved if funds can be obtained for that purpose. The Borough of Rumson, Monmouth County, and the state of New Jersey all support this project. The 15.5 acres would be added to the portion of the island that is already owned by Rumson, to create a wildlife preserve that would be accessible for kayakers and canoeists.

National Estuarine Research Reserve System (NERRS)

The NERRS plays a critical role in efforts to sustain healthy, functioning estuaries: It is the only national monitoring program for estuaries. There are currently 25 reserves in the NERRS network. In 1997, the Mullica River-Great Bay estuarine system became the 24th member of the NERRS. This reserve, administered from within my district by the Institute of Marine and Coastal Sciences at Rutgers University, features an integrated program of research, coastal training, and education that fosters informed decision-making with respect to coastal resources in New Jersey.

The Jacques Cousteau National Estuarine Research Reserve (JCNER) is the only reserve in the national system to extend its boundaries seaward to the Atlantic Ocean. In addition to an active research program, the reserve staff train resource managers and educators on novel coastal management approaches and programs to enrich science education. In 2004, the JCNER hopes to expand their program of research, education, and stewardship throughout the state of New Jersey. They will establish regional resource centers in Monmouth and Cumberland Counties, with programs and services aimed at promoting informed coastal management, consistent with local and regional concerns. I therefore urge the Subcommittee to support a total of \$17 million for NERRS grants, and an additional \$13 million for base program acquisition and construction needs. This is \$0.6 million over the President's proposal for NERRS grants, and \$3 million over his proposed funding for the PAC account. These amounts are needed to support core programs and coastal stewardship education, as well as training, research, and monitoring programs. I respectfully request that \$3 million of the aforementioned construction funds be allocated to the Jacques Cousteau National Estuarine Research Reserve to renovate facilities at their Sandy Hook and Bridgeton locations; to support a broad range of research, education, and service programs.

OCEANIC AND ATMOSPHERIC RESEARCH

National Sea Grant College Program

I urge the Subcommittee to provide \$68.4 million for the Sea Grant College Program in Fiscal Year 2004. This request is \$11 million more than the President's request. As a former Sea Grant extension specialist in New Jersey, I have followed the successes of the

program's last 30 years. The National Sea Grant College Program promotes the sensible development and conservation of marine resources by funding research, education, and information services. States and the federal government jointly fund the program, thereby providing a maximal return on the federal investment.

Sea Grant projects in New Jersey typically include marine technology research and development, coastal zone management, ecosystems research, fisheries and aquaculture, marine biotechnology, and marine advisory services. In particular, New Jersey Sea Grant is involved in an interdisciplinary water quality monitoring and management study. It has already provided useful information to local, state, and national agencies that set policies regarding nutrient inputs in estuarine and coastal waters. Projects like this are crucial to protecting the marine environment and coastal economies and continued Sea Grant funding is crucial to the continuance of these programs and many more like them.

New Jersey Sea Grant's Marine Advisory Service has become a leader in fostering outreach programs and lending technical support to the state's marine and coastal industries. Current projects include: studying hard clam production and improving clam seed culturing techniques, assisting the recreational fishing industry with artificial reef creation, and helping to develop environmentally-related best management practices for the recreational boating industry. Other New Jersey Sea Grant projects include: safety training projects coordinated with the commercial fishing industry, educational projects for local organizations involving hands-on oyster growing, crab shedding, and fishing programs for inner city youngsters, and the development of aquaculture curriculums for community colleges.

NOAA FISHERIES (NMFS)

Striped Bass - Bluefish Research Program, Rutgers University

Funds for this program will improve the understanding of factors that determine variability in bluefish populations, including potential competitive interactions between bluefish and striped bass. The program is in the process of expanding to a coast-wide scale to address management-based information needs in support of NMFS stock assessment activities. I therefore request that the Subcommittee provide \$1 million for a NMFS budget line item that states "Rutgers", to administer and expand the Striped Bass-Bluefish Population Dynamics Research Program. This is approximately \$0.2 million more than the President's request.

James J. Howard Marine Sciences Laboratory, Sandy Hook, New Jersey

I urge the Subcommittee to provide \$2.5 million for the Sandy Hook Lab. This is \$0.5 million more than the President's request. The Sandy Hook Lab is a state of the art facility, and is currently working on exciting, cutting-edge research on Bluefin Tuna stock identification, as well as preparing background data on essential fish habitat under the Magnuson-Stevens Fishery Conservation and Management Act for the New England and Mid-Atlantic Fisheries Regional Councils. The lab is also involved in identifying

critical inshore coastal habitat for commercial and recreational fishery species for the Mid-Atlantic and Southern New England states.

The James J. Howard Marine Sciences Laboratory has unusual circumstances for a NMFS lab, as it has a lease with the State of New Jersey for use of the facilities. The agreement between the Federal government and the State under this lease requires that Federal dollars be allocated to the laboratory facility on an annual basis.

Mr. Chairman and Mr. Ranking Member, I appreciate the Subcommittee's time and attention to my requests. I look forward to working with the Subcommittee as the Fiscal Year 2004 appropriations process moves forward.

April 10, 2003

*Representative Curt Weldon
Co-Chairman, House Oceans Caucus*

*Testimony before the Appropriations Subcommittee on Commerce,
Justice, State and Judiciary*

I want to thank Chairman Wolf, Ranking Member Serrano, and the rest of the subcommittee for inviting us to testify for NOAA funding. I am very grateful for the opportunity, and I know that my fellow co-chairs of the House Oceans Caucus are as well.

NOAA has been and continues to be an important element in our Nation's Ocean Policy. Through its work on global climate change, fisheries research and atmospheric research, NOAA has provided our Nation with valuable information about the conditions of our oceans. In addition, the organization has provided grants to programs whose contributions have made the oceans cleaner for the United States and other nations. One such program, the Support the National Program of Action for the Protection of the Arctic Marine Environment, has made great strides to address the environmental hazards in the Russian Arctic. I hope that worthy programs like this will continue to receive full support from the United States government and I thank NOAA for its leadership in oceans exploration and clean-up.

I would further like to emphasize that a strong U.S. federal oceans community will only result when all of the federal ocean agencies partner to share their resources and capabilities. At a time when the funding of science activities must be considered in the larger context of national security and tight budget constraints, it is now more important than ever that the development of a truly integrated oceanographic partnership program become a major priority of the ocean community.

My purpose in being here is to address two important components of an integrated U.S. oceans program: 1) the critical impacts of non-point source pollution on our coastal ocean, and 2) the need for strengthening our federal ocean partnership.

Non-point Source Pollution - Clearly, one of the most significant problems facing our coastal ocean is non-point source

pollution. Agricultural and urban activities produce a variety of pollutants and toxic contaminants that find their way into ground water, into rivers, and ultimately, into our coastal ocean. Known as "non-point source pollution," this growing problem is rapidly expanding and is very difficult to combat. Every year more and more of our coastal ocean is impacted. The annual development of a "dead zone" in the Gulf of Mexico is now taken for granted. The very nature of non-point source pollution makes prevention a difficult task.

Reports by the Pew Oceans Commission, the US Oceans Commission, USGS, and NOAA find that runoff of nutrients, such as nitrogen and phosphorus fertilizers, is adversely affecting up to one-third of our nation's coastal waters. On average, 30% of the over 21 million acres of shellfish beds in the contiguous 48 states are under pollution restrictions each year. Principally polluted by urban runoff, harvests are annually prohibited at 20% of these areas and restricted at an additional 10%. Additionally, in 1998, the last year with available information, significantly more than half of the coastal waters of the 48 contiguous states were under fish and/or shellfish consumption advisories due to high concentrations of chemical contaminants such as mercury, PCBs or dioxin. While it is very easy to muster the troops to fight against a single, identifiable polluter dumping waste water at night into the ocean, non-point source pollution is much more complicated. I deeply hope that you will address the need to provide funding to address this important issue. This is an issue dear to the House Oceans Caucus and one on which we hope to focus significant attention during the 108th Congress.

Ocean Partnering - The National Oceanographic Partnership Program (NOPP) is a collaboration of fourteen federal agencies, including NOAA, to provide leadership and coordination of national oceanographic research and education programs. NOPP is an innovative program that resulted from legislation that Patrick Kennedy and I sponsored during the 105th Congress. NOPP facilitates new interactions among federal agencies, academia, and industry; increases visibility for ocean issues on the national agenda; and achieves a higher level of coordinated effort and synergy across the broad oceanographic community.

Through NOPP, the public and private sectors are brought together to support larger, more comprehensive projects, to promote sharing of resources, and to foster community-wide innovative advances in ocean science, technology, and education. Since 1997, NOPP has invested nearly \$80,000,000 to support over 50 research and education projects involving close to 200 public and private institutions. An equal amount of funding has been committed by the research and education community in the form of in-kind support.

Areas of interest include operational/routine observations, research "observatories," observational technique development, a "commons" for ocean information, and education/outreach. A primary focus of NOPP is the development of an integrated, sustained ocean observing system for the United States, a topic that we as co-chairs of the Oceans Caucus strongly support.

Lastly, I would like to state my enthusiasm for receiving the final report from the United States Commission on Ocean Policy this June. Since the passage of the Oceans Act of 2000, Admiral Watkins and his colleagues have traveled to numerous sites throughout the country and gathered information from nearly 300 witnesses on the condition of our oceans. The report will address a broad range of issues, from the stewardship of marine resources and pollution prevention to enhancing and supporting marine science, commerce and transportation. I am confident that the Commission will provide us with the proper guidance as we look to reformulate our Nation's Ocean Policy.

Thank you Mr. Chairman.

House Committee on Appropriations
Subcommittee on Commerce, Justice, State, and the Judiciary
Submitted by the Alliance for International Educational and Cultural Exchange

April 11, 2003

The Alliance for International Educational and Cultural Exchange appreciates the opportunity to submit testimony in support of the educational and cultural exchange programs administered by the Department of State.

The Alliance is the leading policy voice of the U.S. exchange community, and has worked closely with the subcommittee on exchange issues. We note with gratitude the subcommittee's role in increasing exchange appropriations in recent years.

The Alliance comprises 67 nongovernmental organizations, with nearly 8000 staff and 1.25 million volunteers throughout the United States. Through its members, the Alliance supports the international interests of 3300 American institutions of higher education.

With grassroots networks reaching all 50 states, Alliance members help advance the U.S. national interest by putting a human face on American foreign policy, transmitting American values, fostering economic ties with rapidly developing overseas markets, and assisting individuals with the development of critical foreign language, cross-cultural, and area studies expertise. Our members also leverage considerable private resources -- in cash and in kind -- in support of these critical programs.

By engaging a very broad array of American individuals and institutions in the conduct of our foreign affairs, exchange programs build both enhanced understanding and a web of productive contacts between Americans and the rest of the world.

Our requests for the FY04 exchange appropriation fall into three broad categories:

Core Exchange Budget – Bureau of Educational and Cultural Affairs

As a nation, we need to provide more opportunities for emerging leaders around the world to experience first-hand our society, our values, and our people. The Alliance therefore urges the subcommittee to provide substantial increases in funding for exchange programs. While appropriations for these programs have moved up in recent years, this account still lags well behind its historic levels in constant dollars due to the deep cuts of the mid-nineties. Coupled with the increases in fixed program costs such as airfare and accommodation, reduced appropriations have resulted in significantly diminished participant levels in programs consistently cited by our embassies as one of their most effective means of advancing U.S. policy interests.

For example, the Bush Administration's request for the State Department's core exchanges in FY04, excluding funding for programs provided for under the Freedom Support Act and SEED, appears to be level with the current year appropriation of \$245 million. In fact, we understand that this 'level funding' amounts to a reduction of approximately \$7.5 million available for programs, when one factors in increased costs.

While exchange budgets have risen in recent years thanks to the leadership of this subcommittee, State Department figures for the core exchange budget -- excluding Freedom Support Act and SEED funding -- indicate that exchange funding has declined 40 per cent in constant dollars over a 10-year period (1993-2002).

As our experiences since September 11, 2001, demonstrate clearly, we need public diplomacy and exchanges more than ever. We need to build trust and understanding for our people and our policy goals not just in the Muslim world -- an effort that will be of critical importance -- but around the globe. To win the war on terrorism and to

rebuild Iraq, we will need the help of our friends and allies in every region of the world. This is a time to intensify and expand our public diplomacy, and we believe there is strong bipartisan support in Congress to do exactly that.

We therefore urge the subcommittee to fund the Department of State's core exchange budget at \$286 million, the level authorized by the 107th Congress. This amount would provide for targeted, meaningful growth in every region of the world in support of our most important foreign policy objectives.

Exchanges with the countries of the former Soviet Union and Central Europe

We note that the Bush Administration budget request moves funding for exchange programs authorized by the Freedom Support Act (FSA) and SEED into the CJS bill for the first time. If the appropriations subcommittees agree with this change and the CJS subcommittee includes these programs in its bill, we urge you to substantially increase funding over the Administration's request.

The Administration has requested \$100 million for these programs. Our best estimates suggest that this level represents a cut of approximately 28 per cent. We hope the subcommittee will agree that this reduction is unwise in regions of the world of such strategic importance to the U.S. This is particularly true when one considers the effectiveness and impact of these exchange programs.

We urge the subcommittee to fund FSA and SEED programs at an overall level of \$145 million, which would allow for increases in program costs and a modest boost for these high priority activities.

A central aspect to the opening of the region has been the opportunity for the peoples of these countries to see how a democratic society functions, based on the principles of democracy and a free market economy. In recent Congressional testimony, former U.S. Ambassador to the Russian Federation James W. Collins said, "Efforts at reform in business and education ... are just beginning to take hold. We're just starting to create an established and recognizable critical mass of individuals able to sustain our national interest in fostering reforms in these countries. Now is not the time to be reducing these efforts, particularly with Russia and Ukraine, whose challenges remain paramount. I believe there is no greater priority in Eurasia at this time than developing and sustaining the young leadership of that region in their associations with the West and that responsibility remains critically in our hands."

Islamic Exchange Initiative – Building Cultural Bridges

While the need for increased funding is worldwide, increased exchanges with the Islamic world are particularly critical as we pursue the war on terrorism. To defeat terrorism, the United States will need more than the might and skill of our armed forces. To ultimately defeat terrorism, we must also engage the Muslim world in the realm of ideas, values, and beliefs.

No previous foreign affairs crisis has been so deeply rooted in cultural misunderstanding. One of the lessons of September 11 is that we have not done an adequate job of explaining ourselves to the world, or of building the personal and institutional connections with these countries that support healthy bilateral relationships. Policy disagreements alone cannot account for the fact that many in Islamic countries regard the United States, the greatest force for good in human history, as a source of evil.

A Gallup poll conducted in February 2002 reported that 61 per cent of Muslims believe that Arabs did not carry out the attack on the United States. That statistic alone speaks somber volumes about our failure to project our values and ideals effectively in Islamic nations.

Given the importance and urgency of the task and the broad arc of countries we will need to engage, stretching from Africa to Southeast Asia, we urge the subcommittee to appropriate \$100 million for this purpose.

As a long-term solution to the profound problems of cultural misunderstanding, there is no substitute for public diplomacy. It must be a key component of our long-term effort to eradicate terrorism. Public diplomacy in the Muslim world will require a sustained, serious effort if we are to succeed in our quest for lasting peace and security, stable bilateral relationships, and an end to terrorism. An Islamic Exchange Initiative, designed to broaden the range of meaningful relationships based on shared interests with current and emerging leaders and key institutions in Muslim countries, will be critical to our success.

Changing minds – or merely opening them – is a long, painstaking process. There are no quick fixes. If we are to win the war on terrorism, there will be no avoiding the need to build bridges between the American people and the people of the Muslim world. We must begin this process now.

In the Islamic world, we envision this initiative engaging the full range of programs and activities managed by the Bureau of Educational and Cultural Affairs: Fulbright and Humphrey exchanges that will stimulate broader cultural understanding, joint research and teaching, and foster positive relationships with a new generation of leaders; university affiliations targeted toward key fields such as mass media and economic development; International Visitor and other citizen exchange programs designed to bring emerging leaders into significant and direct contact with their professional counterparts and the daily substance of American life; youth and teacher exchanges and enhanced English teaching programs, all designed to bring larger numbers of young people a direct and accurate picture of our society, based on personal experience rather than vicious stereotyping.

Increasing the State Department's exchanges with the Islamic world will give us the means to develop productive, positive relationships. This initiative will engage the American public – in our communities, schools, and universities – in an effort to project American values. We will find no better or more convincing representatives of our way of life.

And the engagement of the American public will leverage significant additional resources to support this effort.

Initial efforts were made during the 107th Congress to both authorize and fund programs on a broad range of exchange activities to build relationships with the Islamic world and enhance U.S. national security.

We commend the subcommittee for funds made available in the FY02 supplemental for Islamic exchanges. The \$10 million appropriated by this subcommittee has been put to good use by the Department of State in key programs such as Fulbright, International Visitors, and English teaching.

We also recognize that this funding reflected the broad bipartisan support for an Islamic Exchange Initiative, clearly expressed in the passage in the House of the Hyde/Lantos Freedom Promotion Act, and in the Kennedy/Lugar Cultural Bridges Act, which attracted 12 cosponsors of both parties in the Senate.

A meaningful and effective Islamic exchange initiative will require \$100 million above the appropriation for the State Department's core exchanges. We recognize that this is a significant amount of money. We believe, however, that this funding level is necessary and appropriate given the expanse of the Muslim world and the urgency and importance of the task at hand.

Moreover, this amount of money spent on promoting our ideas and values is very small when compared to the sums we will expend on military hardware, but it is no less crucial to our success.

The level of support we have witnessed from senior members of both parties and both chambers underscores the timeliness and importance of this initiative. This is a moment when our national interests require Congressional leadership to build these cultural bridges.

Other program issues

In addition, we would like to draw the subcommittee's attention to three specific programs we believe are deserving of additional support:

The Foreign Study Grants for U.S. Undergraduates program, also known as the Gilman Scholarship Program, assists students of limited financial means from the U.S. to pursue study abroad. Demand for the scholarships is enormous, demonstrated by the nearly 3,000 applicants from 44 states and Puerto Rico last year. Due to funding constraints, however, the program was only able to grant 302 awards.

The Educational Partnership Program (formerly known as the College and University Affiliations Program) supports cooperation between U.S. colleges and universities and foreign post-secondary institutions in the form of faculty exchanges, curriculum development, collaborative research and other activities.

Overseas Educational Advising/Information Centers serve as an important, unbiased information resource for prospective foreign students interested in the U.S.

We have provided subcommittee staff with report language on these issues and welcome the opportunity to discuss them with you.

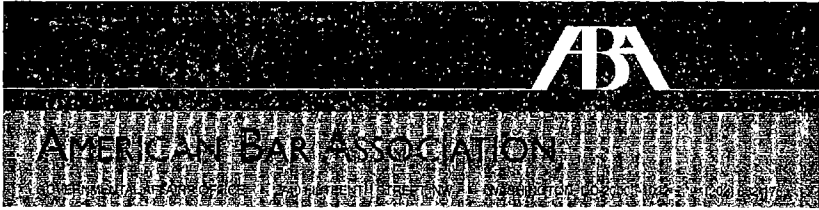
The U.S. exchange community stands ready to assist you in these efforts, and is grateful for your support.



The Alliance for International Educational and Cultural Exchange is an association of 67 organizations comprising the international educational and cultural exchange community in the United States. Its mission is to formulate and promote public policies that support the growth and well-being of international exchanges between the people of the United States and other nations. Alliance member organizations administer or facilitate exchange programs that put a human face on American foreign policy, transmit America's democratic values, foster economic ties with overseas markets, engage millions of Americans in our foreign affairs, and develop foreign language, cross-cultural, and area studies expertise of American citizens.

MEMBER ORGANIZATIONS

Academy for Educational Development	Council on Standards for International Education
Africa-America Institute	Travel
AFS Intercultural Programs-USA	Educational Testing Service
AIESEC, Inc.	EF Foundation for Foreign Study
*Alliances Abroad [corporate associate member]	French -- American Chamber of Commerce
American Association of College Registrars and	Fulbright Association
Admissions Officers	The German Marshall Fund of the United States
American Association of Community Colleges	Girl Scouts of the USA
American Association of Intensive English	Institute of International Education
Programs	International Cultural Exchange Services
American Council of Young Political Leaders	InterExchange
American Council on Education	International Internship Programs
American Councils for International	IREX: International Research & Exchanges Board
Education: ACTR/ACCELS	Japan-America Student Conference
American Institute for Foreign Study	IASPAU: Academic and Professional Programs for
Foundation	the Americas
American Intercultural Student Exchange	The Laurasian Institution
American-Scandinavian Foundation	Minnesota Agriculture Student Trainee/Practical
American Secondary Schools for International	Agricultural Reciprocal Training
Students and Teachers	Meridian International Center
AMIDEAST	NAFSA: Association of International
Amity Institute	Educators
*ASSE Work Experience Programs [corporate	National 4-H/Japanese Exchange Program
associate member]	National Association of State Universities and
Association of International Education	Land-Grant Colleges
Administrators	National Council for Eurasian and East
Association for International Practical	European Research
Training	National Council for International Visitors
Association of Professional Schools of	North Carolina Center for International
International Affairs	Understanding
AYUSA International	Ohio Agricultural Intern Program
BUNAC	Pacific Intercultural Exchange
CDS International	People to People International
Children's International Summer Villages, Inc.	Program of Academic Exchange
CEC International Partners	Sister Cities International
The College Board	University and College Intensive English Program
Communicating for Agriculture	World Education Services
Concordia Language Villages	World Exchange, Ltd.
Council of Graduate Schools	World Heritage
Council of International Programs USA	World Learning
Council on International Educational	YMCA International
Exchange	Youth Exchange Services



STATEMENT

of the

American Bar Association

on

FY 2004 Appropriations

for the

STATE JUSTICE INSTITUTE

and

SALARIES OF ARTICLE III FEDERAL JUDGES

submitted for the

hearing record of the

SUBCOMMITTEE ON COMMERCE, JUSTICE, STATE,

THE JUDICIARY AND RELATED AGENCIES

COMMITTEE ON APPROPRIATIONS

UNITED STATES HOUSE OF REPRESENTATIVES

April 2003

The American Bar Association is centrally concerned with promoting improvements in the administration of justice and preserving the independence of the judiciary as fundamental to a free society. In furtherance of these two objectives, we are submitting this statement to address the need for increased compensation for Article III judges and to urge Congress to appropriate adequate funds for the State Justice Institute. We respectfully request that this statement be incorporated into the Subcommittee's record of hearings on FY 2004 appropriations for Commerce, Justice and State, the Judiciary and Related Agencies.

State Justice Institute

In 1984, Congress created the State Justice Institute (SJI) as a federally funded, private, non-profit corporation to award federal grants to improve the quality of justice in state courts, facilitate better coordination between state and federal courts, and foster innovative, efficient solutions to common problems faced by all courts. It is the only source of federal funding exclusively dedicated to helping to meet the needs of our state courts, which hear over 97 per cent of the nation's cases. Since it became operational in 1987, the SJI has parlayed a modest amount of federal money into court improvement projects that benefit the nation's judicial system in its entirety and the public it serves. On behalf of the Association's 410,000 members, we can unequivocally say that the overwhelming consensus in the legal community is that the SJI effectively, efficiently and consistently executes its mandate despite a de minimis annual budget, which has never exceeded \$13.55 million.

In creating the State Justice Institute, Congress recognized that our state and federal courts are separate but interdependent and that the quality of justice in this nation depends on the vitality of both court systems. Concluding that the federal government has a stake in maintaining strong state judicial systems and improving state-court partnerships, Congress created SJI to monitor the state judicial system, assist in prioritizing the needs of the state courts and award small federal grants to foster solutions to critical problems confronting the courts. To enable all courts to benefit from federally funded projects, Congress required SJI to maximize the impact of each grant -- even those that provide technical assistance to a court with a specific problem -- through a variety of techniques, such as maintaining readily accessible information clearinghouses to assure that effective new approaches are shared with courts nationwide, convening national conferences to address emerging justice system issues, and placing practical products into the hands of judges and court personnel who can most benefit from them. These various strategies have proven effective in maximizing the benefits derived from each spent federal dollar and avoiding wasteful duplication of effort to solve identical or similar judicial administration problems.

After 15 years of SJI's operation, and out of a renewed concern for fiscal restraint in a time of competing budgetary demands, Congress requested that the Attorney General of the United States evaluate and report back on the effectiveness of the SJI. In November

2002, the Attorney General submitted his report to Congress in which he concluded that SJI effectively implements its mission with only minimal administrative costs. Moreover, the Attorney General reaffirmed the wisdom of the 98th Congress by validating the premise on which SJI was created. He noted that an important Federal purpose was served by supporting SJI's mission to improve the quality of justice in state courts, observing that, "given overlapping state-federal jurisdiction, it is in the Federal government's interest to have effective and fair state courts, lest litigants turn to Federal courts to resolve matters properly within state court responsibilities."

The American Bar Association concurs with these core findings. By strengthening our state courts, SJI grants strengthen our entire justice system. Furthermore, we would like to point out that the federal government also has a direct interest in the vitality of our state courts because many important federal programs depend on state courts for their implementation.

Subsequent Congresses, including this one, have in fact acknowledged the appropriateness of providing federal assistance to state court projects by regularly appropriating funds for specific state court improvement projects sponsored by individual members. In fact, the funds spent on these projects often has far exceeded the maximum appropriation SJI has ever received. While we do not doubt that such funds have been expended for worthy state court projects that have improved the administration of justice in a particular jurisdiction or state, we do not believe that it is a cost-efficient or effective way to provide federal financial support to strengthen our state judicial system. In contrast, disseminating federal funds through SJI assures that government money is spent on finding solutions to the most pressing judicial administration problems and sharing these solutions with every state and federal court.

The conference report accompanying Pub. L. No. 108-7 appropriated \$3.1 million in funding for SJI for FY 2003 but contained the proviso that SJI should obtain future funding from "bar associations and the States, who are the beneficiaries of SJI's work." Such a proposal is unrealistic and would effectively terminate this highly effective program.

The courts are an integral part of our democratic system of government. Their support should come from the public fisc. SJI was created to provide federal support for needed improvements to supplement state court resources, which are often inadequate because of strapped state budgets. Bar associations and other grantee organizations, in essence, already contribute their own funds to SJI by absorbing some of the cost of any grant activity in which they are involved. Furthermore, SJI relies on the dedication and expertise of organizations, such as the ABA, to develop and implement programs that will strengthen the justice system; and in return, SJI pays for a substantial portion of the cost of worthy programs, while grantees provide a certain amount of matching funds. In this way, SJI grants not only require a sharing of the financial burden, but they also help forge essential public-private partnerships to address justice system issues.

In addition, the ABA and other bar associations already make substantial financial (in addition to other) contributions to promote excellence in the justice system by annually allocating a significant amount of their general revenues for judicial system improvements. For example, in FY 2004, the ABA alone will spend almost \$2.5 million on such programs and projects.

In conclusion, terminating funding for the only government-funded entity exclusively dedicated to providing federal grants for projects to improve state courts makes no sense, especially at a time when our courts are facing a nation-wide fiscal crisis. Congress has a strong federal interest in strengthening the state courts and maintaining a robust justice system as well as a responsibility to implement sound fiscal policies. To deny the small sum of \$13.5 million to a program that is supported by every state supreme court and highly praised by the legal community, but authorize appropriations for projects that primarily benefit individual state courts, represents a serious fiscal miscalculation. For all these reasons, the ABA urges Congress to preserve SJI as a federally funded institute and to appropriate sufficient funds for FY 2004 for SJI to carry out its mandate. The ABA recommends an appropriation of \$13.5 million -- the amount that SJI received in 1996.

Article III Judicial Salaries

The 108th Congress has inherited a federal salary system for top-level government officials that is badly in need of reform. This is particularly true with respect to the Federal Judiciary.

The National Commission on the Public Service (otherwise known as the "Volcker Commission") concurs with this assessment. It recently concluded that "[j]udicial salaries are the most egregious example of the failure of federal compensation policies." Composed of government leaders from past Administrations, the non-partisan Commission succinctly summarized the severity of the problem in its report, *Urgent Business for America: Revitalizing the Federal government for the 21st Century*:

The lag in judicial salaries has gone on too long, and the potential for diminished quality in American jurisprudence is now too large. Too many of America's best lawyers have declined judicial appointments. Too many senior judges have sought private sector employment -- and compensation -- rather than making the important contributions we have long received from judges in senior status. Unless this is revised soon, the American people will pay a high price for the low salaries we impose on the men and women in whom we invest responsibility for the dispensation of justice

During the past decade in particular, judges have experienced both an absolute loss in purchasing power and a relative decline in remuneration as the salaries of peer group members have risen dramatically. Despite five salary adjustments since 1993, judges have suffered a 10.9 percent decline in the purchasing power of their salaries. That

judicial pay has not even kept pace with inflation has robbed judges of the prospect of salary stability during their tenure on the bench.

Even though judges freely acknowledge that rendering public service in a highly visible and respected role and serving in a lifetime appointment are intangible benefits that help compensate for the reduced salary levels associated with the bench, compensation levels for attorneys from other work sectors are relevant to the issue of fair and adequate judicial compensation. A marked disparity between judicial and private-sector attorney salaries has implications for the value we, as a society, place on the work they perform and negatively affects the ability to attract highly qualified judicial candidates and to retain highly experienced judges.

While the vast majority of federal judges have the requisite years of experience and legal skills that would enable them to command compensation similar to that paid to top-notch, seasoned attorneys in the private sphere (\$400,000 to \$800,000 according to the most recent surveys conducted by the National Law Journal), it is obviously not practical to suggest that Federal judges should be paid that much. The salaries of leaders of academia or nonprofit institutions are considered more reasonable points of reference because of both the level of education and expertise required of leaders of these institutions, and the psychic satisfaction derived from holding such jobs, which are comparable to those of Federal judges.

According to testimony submitted by Associate Justice Stephen Breyer to the Volcker Commission, the average salary of nonprofit CEOs is \$ 212,000 -- approximately 20 percent higher than that of a Supreme Court Justice and about 35 percent higher than that of a federal district judge. The differential between federal judicial salaries and salaries of leaders in the academic world is even larger. According to the Administrative Office of the U.S. Courts, the *average* salary for deans of the twenty-five law schools ranked highest in the annual *U.S. News and World Report* survey was \$301,639 and the average base salary for full professors at those law schools was \$209,571.

Even though market conditions alone should not be the measure of the adequacy of judicial salaries, the widening disparity between judicial salaries and those of attorneys with comparable skills employed in the private sphere is causing demonstrable harm to our nation's Third Branch by deterring excellent candidates from seeking judicial appointments and motivating sitting judges to resign prematurely from office to enter a more lucrative field.

Between 1990 and 2003, 77 Article III judges resigned or retired from the Federal bench and many of them returned to private practice. Fifty-one of the 77 departed judges entered the private practice of law and 14 others accepted jobs in related fields. Sixteen of the 77 judges departed before reaching retirement age, thereby forfeiting their right to salary for life. Premature departures from the bench impose both real and intangible costs upon the Third Branch, by compromising judicial independence fostered by life tenure and depriving the Federal Judiciary of the skills of some of its most capable and experienced jurists.

Inadequate judicial salaries also disadvantage the Federal Judiciary in the “war for talent.” Judicial pay may not be a deterrent to individuals who are independently wealthy or who are already in public service, where salaries are generally lower, but it is a strong disincentive for lawyers in private practice whose varied experiences bring a perspective and independence that is vital to the judiciary. Our analysis of the occupations held immediately prior to the confirmation of all district and circuit court judges appointed since 1977 supports this conclusion. For example, during President Carter’s term of office, 49.5% of his district court appointees came from the public sector, while 57.6% of President Bush’s district court appointees through the 107th Congress have come from the public sector.

White House Counsel Alberto Gonzales made this same point in an interview published in the May 2002 edition of *The Third Branch*:

We are aware of both young lawyers with family obligations and established prominent lawyers with substantial investment in their practice and community who feel that they cannot afford to go on the federal bench. The Judiciary suffers when it cannot attract top tier lawyers for whatever reason.

The Federal Judiciary benefits from the collective wealth of experience of its jurists who have served in different capacities in the public and private sectors. It is enriched by their diverse backgrounds and better able to serve the need of all Americans. We cannot afford to lose the diversity of the bench that comes from the appointment of individuals of varying financial means who have served in different capacities in both the public and private sectors.

In conclusion, while we recognize that there is a compelling need for salary reform within all top levels of government, we believe that there is an urgent and immediate need to substantially increase judicial salaries in order to maintain a stellar judiciary and protect one of the pillars of our democracy -- Federal judicial independence. We urge you to support an appropriation for the Federal Judiciary that is sufficient to cover a substantial pay raise for all Article III judges.

Judicial Programs:

Title	Agency	Original Award Date	Total Award	Original Start	End Date
Community of Courts: Complex Appellate Judge Phase II	State Justice Institute	5/1/97	\$199,797	5/1/97	5/31/02
Appellate Judges Seminar Series	State Justice Institute	12/13/93	\$941,512	10/1/94	12/31/01
Committee of Appellate Staff Attorneys Annual Educational Seminar	State Justice Institute	12/1/91	\$872,037	12/1/91	11/30/02
Council of Chief Judges Educational Seminar	State Justice Institute	11/28/90	\$730,539	12/1/90	3/9/02
Enhancing Coordination of State Programs on the Representative Payment Program	State Justice Institute	5/28/98	\$100,000	6/1/98	6/30/01
Improving the Courts Response to Domestic Violence: Full Faith and Credit to Protection Orders	State Justice Institute	10/14/97	\$70,648	9/1/97	6/30/02
Best Interest of the Child Guidelines	State Justice Institute	10/13/98	\$107,071	10/8/98	11/30/01

Standing Committee on
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STATEMENT OF

L. JONATHAN ROSS

Before the

**SUBCOMMITTEE ON COMMERCE, JUSTICE, STATE,
THE JUDICIARY AND RELATED AGENCIES**

Of the

**COMMITTEE ON APPROPRIATIONS
U. S. HOUSE OF REPRESENTATIVES**

On the subject of

**FY 2004 APPROPRIATIONS FOR THE
LEGAL SERVICES CORPORATION AND DEFENDER
SERVICES**

APRIL 11, 2003

Mr. Chairman and Members of the Subcommittee:

I am Jonathan Ross a lawyer in private practice with the Manchester, New Hampshire law firm of Wiggin & Nourie. I submit this testimony at the request of the President of the American Bar Association, Alfred P. Carlton, Jr., to voice the Association's views with respect to the FY 2004 appropriations for the Legal Services Corporation and the Judiciary's Defender Services Program.

I submit this testimony in my capacity as Chair of the American Bar Association's Standing Committee on Legal Aid and Indigent Defendants. This Standing Committee serves the ABA and the nation by examining issues relating to the delivery of civil legal assistance and criminal defender services to the poor. It maintains close liaison with state and local bar association leaders, providing information and developing policy and initiatives on civil legal aid and indigent defense.

I. LEGAL SERVICES CORPORATION

The ABA recommends LSC's FY 2004 appropriation be increased to \$387.7 million. The ABA is grateful for the Subcommittee's support for the small funding increase for FY 2003 that partially prevented drastic funding cuts to legal aid programs serving 26 states. As you know, the Corporation redistributes grants to local legal aid programs every 10 years using a formula based on the most recent census. This reallocation resulted in significant cuts to service areas in these 26 states, including Virginia, Kentucky, Ohio, Louisiana, Illinois, West Virginia, Minnesota, Michigan and Wisconsin. Because of the static nature of LSC funding and the 5.74 percent increase in poverty population nationwide, states whose poverty population (and LSC-eligible clients) remained the same or even actually increased may have received funding cuts.

At present, however, no state is able to meet the current demand for legal assistance, as programs must continue to turn away eligible clients with all but critical legal needs. In addition to the increase in the number of eligible clients as a result of the increase in the national poverty population, almost every state has already experienced or expects significant decreases in supplemental funding provided through state legislatures and/or Interest on Lawyer Trust Accounts (IOLTA).

At the same time, various credible studies - state and national - continue to show that despite the combined efforts of legal aid programs and private bar *pro bono* attorneys, 80% of the legal needs of those in poverty go unmet. These people are substantially the "working poor" who encounter legal problems relating to family relationships, domestic violence, health, employment, housing and other basic life issues. Such hardships have only increased in scope and frequency since the terrorist attacks and as a result of the faltering economy. Now, as a result of the mobilization of U.S. forces for the war in Iraq, there has been an increased demand for legal services among our servicemen and women, many of whom qualify for legal aid.

We understand that your Subcommittee faces many difficult funding choices right now. However, assuring access to our justice system for low-income individuals to resolve their legal

problems peacefully is essential to preserving the rule of law. At this time, the ABA respectfully requests that the Subcommittee fund LSC at \$387.7 million for FY 2004.

The LSC has historically been grossly under-funded. In 1996, Congress reduced LSC's funding by 30% from \$415 million to \$278 million and required many reforms in the way the LSC operated and restricted the activities of its local program grantees. The LSC has fully implemented all the required reforms, insuring that local grantees focus on meeting the basic, everyday legal needs of the poor. Though LSC's funding has increased over the past five years, those increases have not even accounted for inflation over this same period.

We estimate that, with inflation, the amount needed to merely bring LSC to pre-1996 levels would be \$490 million. The ABA therefore urges Congress to restore LSC's funding to \$490 million. In view of other pressing needs, we recognize that this cannot be accomplished at once, and ask the Subcommittee to increase LSC's funding from the FY 2003 level of \$336.6 million to this amount over a three-year period starting with a \$51.1 million increase in FY 2004.

At the very minimum, the ABA urges the Subcommittee to provide at least \$352.4 million for FY 2004, as recently requested by the Legal Services Corporation. LSC's request represents an increase correlating to the increase in the poverty population reported by the 2000 census.

The Legal Services Corporation Plays A Vital Role in the Justice System. For more than a quarter century, the Legal Services Corporation has been a lifeline for Americans in desperate need. For poor Americans, LSC-funded legal services programs have been there at times when they had nowhere else to go. These are just a few examples of the millions of people legal aid lawyers help every year:

Alexander and his wife had to move to another state for health reasons. They were unable to sell their mobile home, and eventually the lender repossessed the unit. Later, a collection agency notified them that they still owed \$12,000 on the note. At age 84, Alexander, who took pride in his good credit rating, wanted to do the right thing. He could not, however, pay the amount owed, nor could he afford an attorney. The local legal services office was able to assist him in obtaining a settlement agreement. He paid the settlement amount and was able to keep his good credit rating. He has returned to the work force part time and is caring for his ailing wife.

Mark, 38 years old, was dying from non-Hodgkin's lymphoma. Conventional chemotherapy had helped, but he needed a special type of bone marrow transplant to ensure that the lymphoma would not recur. Without the procedure, his doctors predicted that he would have only one year to live. Medicaid denied the procedure, claiming that this type of transplant was not a covered benefit even though it is considered the current standard of care for the disease. Mark's legal services attorney successfully argued that the denial was improper. The transplant was successful, and Mark is now home and seeking employment.

Following the death of her husband, Pat and her teenage grandson (who is physically disabled) faced losing their home to Pat's stepdaughters. Pat's grandson has had two brain tumors, is confined to a wheel chair and is dependent on a breathing machine at night while

sleeping. Pat's husband left no will, minimal insurance to cover burial expenses and few assets. Pat tried to keep her home but was told by the mortgage company that she had to get a quit-claim deed from her stepchildren since her husband had no will. A legal services lawyer represented Pat in probate court and obtained a ruling that allowed her to keep her home.

The Corporation, formed in 1974 with bipartisan Congressional support and the endorsement of the Nixon Administration, was created to ensure that all Americans have access to a lawyer and the justice system for civil legal issues regardless of their ability to pay. Today, this is more important than ever. A weak economy has created pressing new legal needs for many Americans who have lost employment or suffered other setbacks. According to the 2000 census, more than 36 million Americans live in poverty, making more than one in six Americans eligible for LSC-funded representation.

The LSC currently funds 161 local programs serving every county and Congressional District in the country. These programs provide direct services to more than one million constituents who struggle to get by on incomes below or near the poverty line as established by the Department of Health and Human Services. LSC clients include the working poor, veterans, family farmers and people with disabilities. Many beneficiaries of LSC funding were formerly middle-class, who became poor because of age, natural disaster, unemployment, illness or the breakup of a family. Historically, more than two-thirds of LSC clients have been women, most of them mothers with young children. Local legal services programs make a real difference in the lives of millions of poor Americans by helping them resolve such family law cases as domestic violence and child custody issues, and such benefit cases as wrongfully denied social security and veterans' benefits.

Importantly, as the examples above show, most matters do not end up in court, due to legal services intervention. Legal services programs encourage the swift resolution of disputes with minimum conflict; only about 10 percent of matters handled by legal aid programs are resolved through litigation. In many cases, clients are able to return to productive employment following resolution of their legal problems.

LSC remains a model public/private partnership, one of community-based and directed service. The Corporation has an admirable record of getting resources to those who need help, given its limited funding. More than ninety-five percent of LSC's annual appropriation is distributed directly to local, non-profit legal aid programs based on the poverty population living in each service area. Boards consisting of leaders of the local business and legal communities set the priorities for and oversee the work of these local grantees.

The Private Bar is an Active Partner with LSC in Serving the Legal Needs of the Poor.

Local legal aid programs work with state and local bar associations to recruit and train *pro bono* lawyers who supplement the core services provided by LSC funds. Yet despite the efforts of the organized bar, law firms and individual lawyers throughout the country, the legal problems of the poor cannot be addressed without a strong, well-funded Legal Services Corporation.

The ABA actively encourages lawyers to provide *pro bono* representation to needy clients. The ABA sponsors many programs to foster *pro bono* participation and increased funding for legal

aid programs, including: the **ABA Center for Pro Bono** which assists ABA members and the legal community in developing and supporting effective *pro bono* legal services in civil matters as part of the profession's effort to ensure access to legal representation and the American system of justice; the **Project to Expand Resources for Legal Services**, sponsored by SCLAID, which assists bar associations and their leaders, private lawyers, bar foundations, IOLTA programs, legal services programs and *pro bono* programs to increase private resources for legal services; and the **ABA Standing Committee on Legal Assistance for Military Personnel (LAMP)**, which helps the military and the Department of Defense improve the effectiveness of legal assistance provided in civil matters to an estimated nine million military personnel and their dependants. America's soldiers and their families are one of the neediest groups in terms of civil legal assistance, in such areas as medical needs, employment, family relationships, contracts they entered in civilian life, and many other day-to-day legal needs.

I am pleased to report that the efforts of the organized bar have increased dramatically over the years. I expect that lawyers and bar associations will continue to do more in the future.

Key constituencies support federal funding for Legal Services. The Corporation continues to have bipartisan support in Congress and across the nation. The business community also supports the LSC. Throughout the 1980s and 1990s a group of Fortune 100 general counsels lobbied Congress on behalf of adequate funding for LSC. These general counsels represent leading American corporations, including Eastman Kodak, Georgia-Pacific, Colgate-Palmolive, General Motors, Ford Motor Company, and DuPont.

Individual Americans strongly support spending their federal tax dollars to provide legal assistance to low-income individuals and families. Harris polls in 1997 and 1999 reported that 70-80 percent of the public believes federal dollars should be used to pay for civil legal aid to the poor in cases including child custody, adoption, and for victims of domestic violence.

II. CRIMINAL JUSTICE ACT: "DEFENDER SERVICES PROGRAM"

The ABA supports the request of the U.S. Judicial Conference for an hourly rate increase from \$90 to \$113 for compensation for panel attorneys who represent indigent defendants under the Criminal Justice Act. This modest increase is needed to continue to attract and retain competent panel attorneys. We also support the Judiciary's request for funds sufficient to increase the maximum hourly capital panel attorney rate from \$128 to \$157. The current capital panel attorney rate has not been raised since 1989, and now does not even cover overhead costs for many attorneys doing this most difficult work, work often done under highly stressful, emergency conditions. The Florida Supreme Court recently concluded that every capital case by definition involves "extraordinary circumstances and unusual representation." Without a fee increase, scores of qualified attorneys will simply stop-taking capital cases.

III. CONCLUSION

The American Bar Association urges the Subcommittee to provide adequate funding for the Legal Services Corporation and the Defender Services Program. These two programs are essential for ensuring "equal access to justice" for all.

Thank you for your consideration.

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Education:

Hobart College, B.A. 1964
 Georgetown University Law
 Center, J.D. 1967,
 Editor, Law Journal ..

Harvard University,
 LL.M. 1968

Fellow, American Academy of Matrimonial Lawyers
 Member, Pro Bono Committee 1997 - 2000

Professional:

Admitted: VA State Bar - 1967
 NH State Bar - 1968

N.H. Bar Association

ABA House of Delegates 1996-present
 President, 1985-86
 Board of Governors 1976-1981; 1983-1987
 CLE Faculty; Chair, Legal Negligence Committee 1989-1995;
 Chair, Family Law Task Force 1989-1991;
 Chair, Special Marital Master Committee 1992-1993;
 Co-Chair, Delivery of Legal Services Committee 1994-95, member 1995-96;
 Member, Finance Committee 1990-present;
 Member, Bench-Bar Marital Committee 1993-1995;
 Member, Family Law Section.

N.H. Bar Foundation - Member: Board of Directors 1983-1986
 Fellow.

New England Bar Association - President 1988-89, N.H. Delegate
 1986-88, 1990-present.

New England Bar Foundation - Vice-Chair & Director 1989- 1997

Member: American Bar Association since 1968:
 ABA Board of Governors 1998-1999 for District 1; Program & Planning
 Committee
 of Board; liaison to IOLTA Commission, Senior Lawyers Division and Law
 Library of Congress Committee.
 Standing Committee On Legal Aid and Indigent Defendants
 Term: 1993-1998; Chair: 2000-present
 Standing Committee Pro Bono and Public Service Term: 1999-2000;
 New England Bar Association. representative to National Caucus Of State-
 Bar
 Associations; Executive Committee member;
 Charter Member: Center For Professional Responsibility;
 Litigation Section; Senior Lawyer's Division;
 Family Law Section, Annual contributor to and panel
 member: Law in the Fifty States, 1980-present; member,
 Ethics Committee;

Faculty Presenter, Equal Justice Conference, Tampa, FLA regarding Pro Bono and the Judiciary; Presenter 2000, Houston, TX, Presenter 2001, San Diego, CA.

Member, Senior Lawyers Division, Pro Bono Committee 2000-

American Bar Foundation: Fellow

Co-Founder: Bar Leaders for the Preservation of Legal Services for the Poor.
Board of Directors, Legal Advice and Referral Center, Concord, NH 1996 to 2001.
National Conference of Bar Presidents: Teacher, Bar Leader Institute, Chicago, 1987, Presenter
on Legal Services, February 1989; Panel participant on Legal Services issues, August 1991;
Participant on the Nominating Committee 1992 and 1996; current member.

Recipient: Arthur von Brieson Award, NLADA 1987.

New Hampshire Judicial Council: Member 1984-1986.

AMERICAN BOARD OF TRIAL ADVOCATES: Charter Member, N.H. Chapter, President 1995-1996.

Life member of National Registry of Who's Who (2000)(#124252)

Personal:

Married: Kathleen (Kathy) M. Ross

Children: Sara - Dickinson College, Carlisle, PA, B.A. 1990; Senior Director: YMCA, Vernon Hills, IL

Heather - University of Pennsylvania, Philadelphia, PA
B.A., 1992; former Director Annual Giving: Buckingham, Browne & Nichols,
Cambridge, MA; currently second year law student, Boston University.

Rebecca - Evergreen State College, Olympia, WA, BA 1997; former
Assistant Director, Child Care Agency, Seattle, WA; Portland, ME.

Community Activities:

Mayor's Task Force on Future of Health Care In Manchester 1998
Greater Manchester Chamber of Commerce; Board of Directors and Legal Counsel, 1996-1997.

The Derryfield School - Chairman, Board of Trustees 1988-1992.
Member 1981 - 1992.

Summerbridge/Manchester - Chair, Advisory Board 1993-1996, 2000-present; Long
Range Planning Committee 2001.

Manchester Kiwanis Club, 1968 - present. President 1976; Director 1999-2000.

Manchester Girls Softball League - member of Board of Directors,
Treasurer and Assistant Coach 1980 - 1992

Manchester Boys and Girls Club - Trustee

Child & Family Services of N.H. - Nominations Committee 1986-87,
Vice President and Board of Directors 1974-81

N.H. Center for Performing Arts-Member Board of Directors 1982-85

N.H. Public Health Trust Advisory Board - Bar Assn. Trustee 1981-present

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American Foreign Service Association

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March 14, 2003

The Honorable Frank Wolf
 Chairman
 House Appropriations Subcommittee on
 Commerce, Justice, and State
 H-309 The Capitol
 Washington, D.C. 20515

Dear Mr. Chairman:

As you hold hearings in preparation to develop the Commerce, Justice, State and the Judiciary Appropriations for FY2004, I request the opportunity to testify before your Subcommittee on issues of importance to the American Foreign Service Association (AFSA) and the 23,000 active-duty and retired members of the U.S. Foreign Service.

We certainly welcome the Administration's FY 04 budget request. It is an important step in providing the funds needed to support the core operations of the Department of State. However, we believe this request should be seen as continuing the effort started in FY02 to address the serious shortfalls in our nation's diplomatic infrastructure.

Secretary Powell's commitment to the Diplomatic Readiness Initiative (DRI) has been truly welcomed by AFSA. We encourage the Congress to complete the three-year effort to fill the 1,158 person staffing gap by meeting the Administration's FY04 budget request. We were concerned during the FY03 appropriation process when insufficient funding for the DRI was reported out of the Senate Appropriations Committee. While we were gratified when the FY03 Omnibus was approved with sufficient funds, we remain concerned that the original FY03 funding level implied an uncertain level of Congressional commitment to the DRI.

AFSA again thanks your Subcommittee for its continued support of Worldwide Security upgrades in both the D&CP account and the ESCM account. However, due to the nature of international terrorism today, we are increasingly concerned about the need for additional funding for the protection of "soft targets." Thus, we welcomed the language in the accompanying report to the Omnibus Appropriations bill calling on the State Department to study the need for increased protection to overseas areas frequented by, or associated with, Americans. We hope that funding will be provided to implement recommendations from this study. Of particular concern to us is the protection of Foreign Service children traveling to and from school and while they are at school. Recently, NBC News broadcast a program showing videotape of terrorist training exercises of an attack on a school.

There is one other issue of importance that we wish to bring to your attention. As you may know, when Foreign Service members transfer from Washington, D.C. to an overseas location, they suffer an 11.48 percent (soon to rise to 12.74%) cut in base salaries (i.e., base pay plus locality pay). This means, for example, that an employee going to a 15%

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differential post such as Dakar, Senegal or Rangoon, Burma does not realize that 15% pay incentive but rather only 2.26% (i.e., differential payment minus forgone locality pay). A June 2002 General Accounting Office report on diplomatic readiness stated:

"According to State officials and Foreign Service employees, the incentive provided by differential (hardship) pay for overseas service has been diminished by rules governing locality pay.... State has not analyzed the effect that this difference has had since 1994 on the number of Foreign Service employees who bid on overseas assignments, including hardship posts. However, State Department officials, the American Foreign Service Association, and many officers with whom we met said that this gap penalizes overseas employees and that if it continues to grow, it will inevitably keep employees from choosing an overseas career in the Foreign Service.... We estimate that by 2006 and 2010, the differential pay incentives from the 15 percent and 20 percent differential posts, respectively, will be less than the locality pay for Washington, D.C., assuming that the locality pay rate continues to increase at about 1 percent per year."

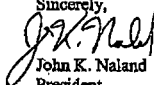
This "overseas disincentive pay cut" also impacts non-hardship posts. For example, when I transfer next summer to become the Principal Officer of the U.S. Consulate in Matamoros, Mexico, I will take a 12.74% cut in salary because our mission in Matamoros does not qualify for a hardship differential, danger pay, or a Cost-of-Living adjustment. I, like all other overseas Foreign Service members, will also see my allowed TSP retirement contributions fall since they are based on salary plus locality pay.

AFSA does not believe that Foreign Service members should take a pay cut to serve abroad. We understand that the CIA and NSA have already taken steps to fix this problem for their overseas employees and we believe that the Secretary of State and the heads of USAID, FCS, and FAS need authority to fix this problem for the Foreign Service. AFSA is currently seeking Congressional authorization to pay such "Overseas Comparability Pay" to Foreign Service members serving abroad. If successful this year, we will seek an appropriation in FY05 to implement that authorization.

Again, we request that AFSA be allowed to provide testimony on behalf of the active duty and retired Foreign Service. We have a unique perspective and interest, since the decisions made by this Subcommittee directly impact our members in their quality of life and their work environment as they serve this nation abroad.

If I may be of assistance, please contact me or the AFSA Director of Congressional Relations, Ken Nakamura, at (202) 944-5517 or nakamura@afsa.org.

Sincerely,



John K. Naland
President

American Foreign Service Association



American Foreign Service Association

2101 E Street NW Washington, DC 20037 (202) 338-4045

Fax: (202) 338-6820 E-Mail afsa@afsa.org

**A STATEMENT SUBMITTED TO THE HOUSE APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, STATE and
THE JUDICIARY**

**BY JOHN K. NALAND, PRESIDENT of
THE AMERICAN FOREIGN SERVICE ASSOCIATION**

April 11, 2003

Mr. Chairman and members of the Subcommittee,

On behalf of the American Foreign Service Association and the 23,000 active-duty and retired members of the Foreign Service, I express our appreciation for the opportunity to share our views and concerns with you.

First, I wish to also express our deep appreciation for the Subcommittee's and the Congress's support of the Administration's request in meeting our staffing needs, improving our information technology system, and making our posts and missions more secure. Certainly Secretary of State Colin Powell and his staff also must be thanked for their hard work on our behalf as they make their presentations before the Congress. The Secretary has often described his current role as both the President's principal foreign policy advisor and as the CEO of the Department of State. It has been a long time since the Foreign Service has had a Secretary who has so positively worn both hats.

CONTINUED VIGILANCE OF STAFFING NEEDS REQUIRED

In 1999 and 2000, several well-known institutions issued reports expressing grave concerns over the state of diplomacy's infrastructure. As you may remember for instance, the Overseas Presence Advisory Panel (OPAP) reported in 1999,

"The United States overseas presence, which provided the essential underpinnings of U.S. foreign policy for many decades, is near a state of crisis. Insecure and often decrepit facilities, obsolete information technology, outmoded administrative and human resources practices, poor allocation of resources, and competition from the private sector for talented staff threaten to cripple our nation's overseas capability, with far-reaching consequences for national security and prosperity."

Fortunately those studies were taken to heart. The Secretary developed a three-year plan, the Diplomatic Readiness Initiative (DRI), to meet a staffing shortfall at the Department of State of more than an eleven hundred people. We are in the final year of that plan with the FY04 request of \$97 million for the DRI to hire 399 additional foreign affairs personnel above

attrition. We are already beginning to see the benefits as new personnel are hired, the stress is being lifted from the shoulders of overly-stretched personnel and there is an easing, though not a reduction, in the work expectations of "doing more with less." Foreign Service personnel are able to take needed training and participate in career development programs instead of having to choose between training and filling an empty position, and a surge capacity is developing.

This hiring momentum needs to be maintained and the DRI needs to be successfully completed. AFSA urges the Congress to provide the necessary funds in FY04 to complete this effort.

However Mr. Chairman, I would also urge the Subcommittee to see adequate staffing as a dynamic process. The 1,158-person shortfall was identified nearly 3 years ago as existing at that point in time. A full forward-looking workforce study was not completed and conditions have changed. Section 301 of Public Law 107-228, the Foreign Relations Authorization Act of 2003 requires the Secretary of State to submit a "Comprehensive Workforce Plan" for the Department for the fiscal years 2003 through 2007. "The plan shall consider personnel needs in both the Civil Service and the Foreign Service and expected domestic and overseas personnel allocations." AFSA would encourage the Subcommittee to consider these workforce plans for staffing considerations to accommodate changes in the world in the coming years. We were near crisis until the Administration and the Congress stepped in to turn things around. The job is not done and such a situation should not be allowed to occur again. As the Secretary often states, "diplomacy is the first line of offense," and there are serious consequences for the economy, the welfare and the security of our nation if diplomacy is not adequately funded.

EMBASSY SECURITY – STILL MUCH TO BE DONE

AFSA believes that together, the Department of State and the Congress have been making impressive strides in improving the security of our posts and missions abroad. After the 1998 east Africa bombings of our embassies, the Accountability Review Boards (ARB), chaired by Admiral William Crowe, looked into the cause of those bombings. There were two important conclusions among others from ARBs work. First they found that there was a new face to international terrorism and a new threat environment.

"The renewed appearance of large bomb attacks against US embassies and the emergence of sophisticated and global terrorist networks aimed at US interests abroad have dramatically changed the threat environment. In addition, terrorists may in the future use new methods of attack of even greater destructive capacity, including biological or chemical weapons. Old assumptions are no longer valid."

Secondly the ARB found that the cause of the bombings could not be placed at the doorstep of any single individual but that it was a systemic problem of inattention.

"...there was a collective failure by several Administrations and Congresses over the past decade to invest adequate efforts and resources to reduce the vulnerability of US diplomatic missions around the world to terrorist attacks."

The "new threat environment" continues to haunt us as seen by the continued attacks on the symbols of our country at home and abroad. However, we have seen a major multi-year increase in security funding in both the hiring of additional security personnel and in security upgrades that has left no facility abroad unimproved. This increased funding is paying off as evidenced by the minimal damage done to the American Consulate in Karachi in a terrorist bombing in July 2002.

Mr. Chairman, as much as things have improved around the world with regard to the security of our facilities, the General Accounting Office reported in its March 20, 2003 testimony before the Senate Committee on Foreign Relations:

"However, even with these improvements, most office facilities do not meet security standards. As of December 2002, the primary office building at 232 posts lacked desired security because it did not meet one or more of State's five key current security standards.... Only 12 posts have a primary building that meets all 5 standards. As a result, thousands of U.S. government and foreign national employees may be vulnerable to terrorist attacks."

The Foreign Service does not seek fortresses in which we do our work. Such would be counterproductive to our purpose for being in a country. We accept the dangers that are part of this profession, but we also expect that our government, which sends us to these posts, should seek to provide for our safety as much as possible. AFSA urges that funding continue at its current, if not accelerated pace to complete the work of securing our posts and missions abroad.

"SOFT TARGETS" There is a subset of our concerns about the security of our posts and missions abroad. As you know from our testimony submitted to the Subcommittee last year, threats to "soft targets" are a major concern to the Foreign Service. In just the past year, we have had a mother and daughter killed in a church in Islamabad, Pakistan, and an USAID official killed in front of his house in Amman, Jordan. The threats to "soft targets" are very real for us. To Foreign Service members, the term "soft targets" means our spouse and children as we try and lead a somewhat normal life of going to school, to church, and on other family outings abroad.

We are very appreciative of the fact that the legislative branch understands that more than bricks and mortar need to be protected, but the Foreign Service community as well. The requirement in the FY03 Omnibus Appropriations bill calling upon the Department of State to develop a plan for the protection of "soft targets" and especially for schools abroad is very welcome. We did note, however, that the Senate was prepared to provide more for protecting "soft targets" than the House. Senator Gregg also provided for an additional \$10 million for soft target protection in the FY03 Supplemental, and we hope that has survived the Conference.

AFSA urges this Subcommittee to continue to follow this issue and to provide additional funding to shore up this important part of our overseas security. "Soft targets" is a descriptive euphemism but what we are really talking about is the lives of our people and their families as they serve this Nation abroad.

OVERSEAS COMPARABILITY PAY

Mr. Chairman, there is one more issue I wish to raise. At this time, it is not a request for funding, though hopefully there will be a time when such a request can be made. The issue is Overseas Comparability Pay, and it is very important to Foreign Service personnel.

The Federal Pay Comparability Act of 1990, 5 USC 5301 et seq., added a locality pay component to the salaries of all federal civilian employees serving in the continental U.S. As a consequence, when Foreign Service members transfer overseas from Washington, D.C., they now suffer a 12.74 % pay cut in salary. For example, an employee going to a 15 % hardship differential post such as Dakar, Senegal or Rangoon, Burma does not realize that 15 % pay incentive but rather only 2.26 % (i.e., differential payment minus forgone locality pay). Moreover, the lack of locality pay abroad also dramatically reduces employees' retirement savings (including Thrift Saving Plan contributions). While most Foreign Service members join because of the psychological, not financial, rewards of serving America, a continued slicing of overseas salaries by one percent a year compared to domestic salaries will inevitably make it difficult for the foreign affairs agencies to attract and retain a talented, diverse Foreign Service.

For two years, Secretary Powell has been working to convince the White House to seek authorization and funding to pay overseas Foreign Service employees an allowance equal to the Washington, D.C. locality pay rate. This effort has been coordinated with the other foreign affairs agencies and was formally endorsed by Director Kay James of the Office of Personnel Management. OPM endorsed this effort focused on the foreign affairs agencies after OPM concluded that there was not a strong argument for the inclusion of non-foreign affairs agencies that send employees on short tours abroad or that hire expatriate American citizens to work in their foreign country of residence. (Note: two years ago, the CIA and NSA began paying their overseas employees an allowance the amount of which is exactly equal to the D.C. locality pay rate.) Unfortunately, the White House has so far declined to seek funding or authorization for Overseas Locality Pay for Foreign Service employees. AFSA understands that the Department of State continues to believe there is a need for Overseas Comparability Pay even though the Administration does not support such a proposal at this time.

AFSA believes that Overseas Comparability Pay is needed, and when there comes a time to support an appropriations request, it is our hope that this Subcommittee will do so.

CONCLUSION

Mr. Chairman and members of the Subcommittee, I again wish to express our appreciation for the opportunity for the American Foreign Service Association to share our views and concerns with you. The decisions you make affect both our professional and private lives as we serve this Nation abroad. You directly help determine how safe we are at work and in our housing abroad; what working conditions are like from having to work in converted cargo boxes to comfortable, fully equipped offices; whether we have adequate staffing to share the work and whether we have information and telecommunications software and equipment to talk to our Colleagues around the world. We thank you for your decisions these past few years, and we ask for your continued support in the FY04 funding process and beyond.



AMERICAN FOREIGN SERVICE ASSOCIATION

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DISCLOSURE STATEMENT OF THE AMERICAN FOREIGN SERVICE ASSOCIATION

April 11, 2003

I, John K. Naland, declare that neither I nor the American Foreign Service Association, on whose behalf I am offering testimony, have received any federal grant, subgrant, contract or subcontract during Fiscal Years 1999, 2000, 2001, 2002 or 2003.

A handwritten signature in black ink that reads 'John K. Naland'.

John K. Naland
President
American Foreign Service Association



AMERICAN FOREIGN SERVICE ASSOCIATION

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BIOGRAPHIC STATEMENT OF JOHN K. NALAND PRESIDENT OF THE AMERICAN FOREIGN SERVICE ASSOCIATION (April 12, 2002)

John K. Naland assumed the presidency of the American Foreign Service Association on July 16, 2001. AFSA is the professional association and union representing 23,000 active-duty and retired Foreign Service employees of the Department of State, the Agency for International Development, the Foreign Agricultural Service, and the Foreign Commercial Service.

A career Foreign Service Officer, he joined the U.S. Department of State in 1986. He has served in Colombia, Costa Rica, and Nicaragua. His Washington tours include the State Department Operations Center, the White House Situation Room, the Secretary's Policy Planning Staff, and the Bureau of International Organization Affairs. He is a graduate of the Foreign Service Institute's nine month-long economic training course and worked for one year at Caterpillar Inc. under the State Department's Corporate Exchange Program. He was AFSA's Vice President for the State Department from 1999 to 2001.

Before joining State, he was a U.S. Army cavalry officer stationed in Germany. Born in Wichita, Kansas, he grew up in New Orleans, Louisiana where he graduated from Tulane University. He is married and has two pre-school daughters.

**STATEMENT OF
JOHN C. PETERSEN, ASSISTANT DIRECTOR
NATIONAL SECURITY – FOREIGN RELATIONS DIVISION
THE AMERICAN LEGION
BEFORE THE
SUBCOMMITTEE ON COMMERCE, JUSTICE, STATE
COMMITTEE ON APPROPRIATIONS
U.S. HOUSE OF REPRESENTATIVES
ON
U.S. DEPARTMENT OF STATE
FISCAL YEAR (FY) 2004 APPROPRIATIONS**

APRIL 11, 2003

Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to express the views of The American Legion regarding the Department of State Appropriations for FY 2004.

We are asking the Committee to fully fund—at least—the President’s request for the operations and activities of the U.S. Department of State. This is a critical time in our nation’s history. The men and women of the State Department are doing yeoman’s service, protecting and advancing our interests, in almost every country in the world. The service that the State Department provides as diplomatic “first responders” is absolutely essential to the security of our nation.

One of the founding principles of The American Legion is to support a strong national defense. The American Legion advocates not only for a strong military but also for our diplomatic personnel of the Department of State who are on the leading edge of American foreign policy. The State Department has always been a component of our national security apparatus, but in today’s environment the State Department’s contribution to our national security is indispensable.

The American Legion has long supported foreign policies that advance America’s interests abroad and promote peace and security worldwide. In more recent years the Legion has specifically supported adequate funding for the Department of State. For many years the State Department was underfunded and not provided the resources that it desperately needed. The American Legion is pleased to see the gradual increase in funding for the Department in recent years.

The President has requested \$9.8 billion for Department of State FY 2004 funding. This would be a 14.5% increase over the estimated FY 2003 budget. This budget is desperately needed for the State Department to successfully perform its many missions in the current war environment.

As part of their one-year term as elected leader of The American Legion, the National Commanders have an extensive foreign travel schedule. During their comprehensive trips to Europe and Asia, National Commander's have had opportunities to see first-hand the State Department in action and assess current conditions. Within the last two years these trips have included visits to American embassies in London, Lisbon, Sarajevo, Skopje, Seoul, Manila, the American Institute in Taiwan and the U.S. Mission to NATO. At each location the National Commander has encountered many of America's finest servants. But in some cases our diplomatic personnel have not had all the tools they need to be most effective in their jobs. A number of areas warrant improvement four of which have been outlined by the President in his request and are of particular interest to The American Legion.

Diplomatic Readiness -- The most important asset of any organization is its human capital. The Department of State has some of the most dedicated and highly educated of those in federal service. The FY 2004 request includes funding for the third group of 399 new foreign and civil service officers. These new positions are desperately needed to fill gaps in staffing for posts in countries critical in the war on terrorism.

Physical Infrastructure -- According to March 20, 2003 GAO testimony to the Senate Foreign Relations Committee, *Overseas Presence: Conditions of Overseas Diplomatic Facilities*, "the primary office building at more than half of the posts does not meet certain fire/life safety standards." The testimony goes on to conclude that there is a backlog of approximately \$730 million in maintenance costs. These costs will increase over time to the advanced age of many of our posts. These conditions are unacceptable. The State Department has made great strides in recent years in improving its overseas buildings, but much more needs to be done. The President's request includes funds for these needed improvements.

Embassy Security -- The list of names in the lobby of the Harry S Truman building of Foreign Service personnel who have died in the line of duty overseas continues to grow. This is in spite of the State Department's recent improvements to embassy security worldwide. The world today may be a more hostile place for Americans, but our government has an obligation to our Foreign Service personnel to provide them with safe and secure working environment. The 1998 bombings of our embassies in Africa brutally highlighted the immediate need for enhancement of counter-terrorist operations capabilities and physical security improvements. Since then, the Department has done much work to rectify these shortcomings, but many more upgrades need to be made. The President has requested \$1.5 billion for embassy security, construction and maintenance for FY 2004.

Information Technologies -- Just a couple of years ago many employees of the State Department were using antiquated information technologies, incompatible with more advanced systems employed by business and industry. With the world of technology moving forward at a rapid pace, the State Department was being left behind--wedded to obsolescent systems. The American Legion is extremely encouraged by Secretary Powell's initiatives to bring the department's information technology capabilities to a

level where they can be an effective tool and not a hindrance. The President's FY 2004 budget includes \$939 million for improvement of the Department's information technology systems. This 5% increase over last year's amount could not come at a more critical time.

The American Legion fully supports the President's FY 2004 budget proposal for the State Department which will, "build a world class diplomatic corps, focusing on the people, places and tools need to promote the Administration's policies worldwide [and] funds embassy and consulate security to protect American officials assigned abroad." The increases of this year's request over last year's budget are essential for the Department's ability to perform its mission. A recent press report indicated that the Senate Foreign Relations Committee has authorized an additional \$384 million to the President's request for State Department operations in FY 2004. This is obviously a very positive step and The American Legion encourages the House Appropriations Committee to follow suit.

Along with our military forces, America's diplomatic personnel are performing superbly with the resources they are given. However it is not enough, the President's requested increases over last year's budget—and even higher amounts—are justified and essential to modernize the Department of State to effectively execute their role in the global war on terrorism.

John C. Petersen

Assistant Director
The American Legion
National Security - Foreign Relations Division

John C. Petersen joined the staff of National Headquarters in August of 1998. In his current capacity as the Assistant Director of the National Security – Foreign Relations Division he manages the Legion's Foreign Relations Commission and assists in their policy development. He is responsible for liaison with the Departments of State and Defense and lobbies members of Congress on the Legion's foreign policy positions. Petersen conducts media interviews to relate The American Legion's views on foreign affairs issues and oversees the Legion's POW/MIA programs. Additionally, he arranges and participates in the foreign travel that the Legion leadership takes to visit U.S. troops and Legionnaires in Europe and Asia. Prior to joining the staff he was a Research Fellow at the Association of the United States Army's Institute for Land Warfare.

A native of Chicago, Petersen holds a B.A. in International Studies and an M.A. in International Commerce & Policy from George Mason University. He has also studied at Oxford University, Oxford, England. A Persian Gulf War-era veteran of the U.S. Army, Petersen was on active duty from 1990 to 1994. He served in airborne infantry and aviation units in Panama, Honduras, El Salvador, Egypt and Ft. Bragg, NC. Petersen also served in the Army National Guard from 1995 to 2001.

Petersen is a member of American Legion Post 68 in Washington, DC, the National Military Intelligence Association and he is a life member of the 82nd Airborne Division Association.

10 January 2002

THE AMERICAN LEGION

**Washington Office
1608 K Street, NW
Washington, DC 20006**

April 11, 2003

Honorable Frank R. Wolf, Chairman
Subcommittee on Commerce, Justice State
The Judiciary and Related Agencies
H-309, The Capitol
U.S. House of Representatives
Washington, DC 20515-6017

The American Legion has not received any federal grants or contracts during the current fiscal year or either of the two previous fiscal years, from any agency or program relevant to the subject of The U.S. Department of State Fiscal Year 2004 Appropriations.

Sincerely,

John C. Petersen, Assistant Director
National Security and Foreign Relations Division

**Testimony of
the
American Museum of Natural History**

presented to the

**House Appropriations Subcommittee on Commerce, Justice, State, and Judiciary
April 11, 2003**

About the American Museum of Natural History

The American Museum of Natural History [AMNH] is one of the nation's preeminent institutions for scientific research and public education. Since its founding in 1869, the Museum has pursued its mission to "discover, interpret, and disseminate—through scientific research and education—knowledge about human cultures, the natural world, and the universe." It is renowned for its exhibitions and collections of more than 32 million natural specimens and cultural artifacts. With nearly four million annual visitors—approximately half of them children—its audience is one of the largest, fastest growing, and most diverse of any museum in the country. Museum scientists conduct groundbreaking research in fields ranging from all branches of zoology, comparative genomics, and informatics to earth, space, and environmental sciences and biodiversity conservation. Their work forms the basis for all the Museum's activities that seek to explain complex issues and help people to understand the events and processes that created and continue to shape the Earth, life and civilization on this planet, and the universe beyond.

Today more than 200 Museum scientists with internationally recognized expertise, led by 46 curators, conduct laboratory and collections-based research programs as well as fieldwork and training. The Museum's research programs are organized under five divisions (Anthropology; Earth, Planetary, and Space Sciences; Invertebrate Zoology; Paleontology; and Vertebrate Zoology), along with the Center for Biodiversity and Conservation (CBC). The Museum also conducts graduate training programs in conjunction with a host of distinguished universities, supports doctoral and postdoctoral scientists with highly competitive research fellowships, and offers talented undergraduates an opportunity to work with Museum scientists.

The Museum's Center for Biodiversity and Conservation, founded in 1993, is dedicated to enhancing the use of rigorous scientific data to mitigate critical threats to global biodiversity. The CBC draws on the strengths of the Museum's scientific, education, and exhibition departments to integrate this information into the conservation process and to disseminate it widely. It forges key partnerships to conduct conservation-related field projects around the world, train scientists, organize scientific symposia, present public programs, and produce publications geared toward scientists, policy makers, and the lay public. Each spring, the CBC hosts symposia that focus on conservation issues. In 2002, the symposium, "Sustaining Seascapes: the Science and Policy of Marine Resource Management," was co-sponsored by NOAA's Marine Protected Areas Center, along with other federal and private organizations, and examined the large-scale conservation of marine ecosystems, giving special consideration to novel approaches to the sustainable management of biodiversity and fisheries. The focus of 2003's symposium, held March 20-21, was on conservation issues related to increased ecotourism in Southeast Asia.

The Museum's vast collections are a major scientific resource, providing the foundation for the Museum's interrelated research, education, and exhibition missions. They often include endangered and extinct species as well as many of the only known "type specimens"—examples

of species by which all other finds are compared. Within the collections are many spectacular individual collections, including the world's most comprehensive collections of dinosaurs, fossil mammals, Northwest Coast and Siberian cultural artifacts, North American butterflies, spiders, Australian and Chinese amphibians, reptiles, fishes, and one of the world's most important bird collections. Collections such as these are historical libraries of expertly identified and documented examples of species and artifacts, providing an irreplaceable record of life on earth. They provide vital data for Museum scientists as well for more than 250 national and international visiting scientists each year.

An exciting chapter in the Museum's history will occur this spring when one of the flagship and most popular halls—the Hall of Ocean Life—reopens after an extension renovation. Drawing on the Museum's world-renowned expertise in Ichthyology as well as other areas of vertebrate as well as invertebrate zoology, the Hall will be pivotal in educating visitors about the oceans' key role in sustaining life on our planet. It will feature two new "Spectrum of Life" walls highlighting the extraordinary diversity of marine life, a completely renovated two-story diorama of the Andros Coral Reef, a spectacular sea floor slab from the late Jurassic Period, and panels showcasing fossil specimens and some of the earliest signs of life on Earth, as well as the beloved, and refurbished, 94-foot-long giant blue whale. The renovated Hall of Ocean Life, together with the new Halls of Biodiversity, Planet Earth, and the Universe and the rebuilt Hayden Planetarium (part of the new Rose Center for Earth and Space), will provide visitors 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.

With the reopening of the Hall of Ocean Life, the Museum will have a singular opportunity for public education about marine environments, and it will draw on its vast educational resources to do so. In its Halls of Biodiversity, Planet Earth, and Ocean Life, the Museum presents current science news through *Science Bulletins*—multimedia productions that bring the latest science news and discoveries to the public using high-definition video documentaries, kiosks, and the web. The *Bulletins* will present features on such issues as marine biodiversity report, ocean life discoveries, and more. In addition, the Museum's Education Department provides standards-based curricular materials and on-site programs for more than 400,000 students and teachers who visit the Museum in school and camp groups each year, as well as professional development programs for teachers, Moveable Museums that travel to schools and community sites, a model after-school program, award-winning online educational resources, and lectures, workshops, and field excursions for adult learners. The Museum's National Center for Science Literacy, Education, and Technology, launched in 1997 in partnership with NASA, employs innovative technologies to bring educational materials and programs to online audiences nationwide.

COMMON GOALS OF NOAA AND THE AMERICAN MUSEUM

Today, as throughout its history, the National Oceanic and Atmospheric Administration [NOAA] is committed to describing and predicting changes in the Earth's environment and to conservation and wise management of the nation's coastal and marine resources. It dedicates itself to forecasting environmental changes, providing decision makers with reliable scientific information, and fostering global environmental stewardship.

The American Museum shares NOAA's commitment to these environmental goals and to the scientific research, technologies, and public education that underlie them. Indeed, informed environmental stewardship and preservation of our planet's biodiversity and resources—in marine, coastal, and other natural environments and habitats—are integral to the Museum's most fundamental purposes. Museum scientists conduct research worldwide on conservation biology

and habitat protection. Their investigations advance scientific understanding and public awareness of these vital issues. The Museum has also long been at the forefront of developing new research modes and methods, and today, throughout the science divisions and the CBC, AMNH investigators are exploring applications of GIS and remote sensing technologies to advance research pertinent to conservation and protecting threatened species and habitats.

The research programs of the CBC and the science divisions are enhanced by the Museum's research resources and technological capacity. New research tools—including molecular technologies, new collection types, innovations in computation, and GIS and remote sensing—are revolutionizing the way research can be conducted and data analyzed, as well as the way museum collections can be used and accessed by scientists, educators, policy makers, and the general public. The Museum has significant resources in these areas which it would bring to bear in its proposed partnership with NOAA. These include the following:

Molecular Laboratories. The Museum's molecular systematics program is at the leading edge of comparative genomics and the analysis of DNA sequences for evolutionary research. It includes two Molecular Systematics Laboratories, with sophisticated technologies for sequencing and advanced genomics research. In these laboratories, more than 40 researchers in molecular systematics, conservation genetics, and developmental biology conduct their research on a variety of study organisms.

Frozen Tissue Collection. The Museum is expanding its collections to include preserved biological tissues and isolated DNA in its new super-cold storage facility. This collection is an invaluable resource for research in many fields, including conservation biology, genetics and comparative genomics because it preserves genetic material and gene products from rare and endangered organisms that may become extinct before science fully exploits their potential. Capable of housing one million specimens, it will be the largest super-cold tissue collection of its kind. In the past two years, 15,000 specimens not available at any other institute or facility have already accessioned. At the same time, the Museum is pioneering the development of collection and storage protocols for such collections. To maximize use and utility of the facility for researchers worldwide, the Museum is also developing a sophisticated website and online database that includes collection information and digitized images.

Supercomputing. Museum researchers now have onsite access to a 560-processor cluster—the fastest parallel computing cluster in an evolutionary biology laboratory and one of the fastest installed in a non-defense environment. This computing cluster, constructed in-house from scratch, represents one of the key achievements of Museum scientists who, over the last eight years, have taken a leadership role in developing and applying new computational approaches to deciphering evolutionary relationships through time and across species. Their groundbreaking efforts in cluster computing, algorithm development, and evolutionary theory have been widely recognized and commended for their broad applicability for biology as a whole. Indeed, the bioinformatics tools these Museum scientists are creating will not only help to generate evolutionary scenarios, but also will inform and make more efficient large genome sequencing efforts pertinent to biodiversity science as well as be applicable in other informatics contexts, in non-genomics areas of evolutionary biology as well as in other disciplines.

Remote Sensing and Geographical Information Systems Technologies. The CBC houses a Remote Sensing/Geographical Information Systems (RS/GIS) lab which has had noted success since it was launched in the fall of 1998. Wise conservation policy requires effective knowledge of the distribution of species and ecological communities at local, regional, and global scales. Without this information, it is difficult to decide where to allocate scarce conservation resources. Remote sensing technologies can provide essential data on such things as land-cover and land-

use, as well as sea surface temperatures and chlorophyll content. GIS makes it possible for scientists to compare and visualize the relationships among satellite and legacy data, raw standardized samples, and data obtained through ground truthing. Because it provides the database backbone that can connect field work to analysis, GIS is becoming an indispensable component in environmental data analysis and is thus revolutionizing work in conservation.

The CBC uses its RS/GIS technologies in biodiversity and marine reserve research in various ways—for example, to identify sites suitable for biological inventory; to provide supplementary quantitative and qualitative data in and around study sites (e.g. extent of habitat fragmentation); and to develop persuasive visual depictions and digital presentations for reports, publications, and meetings.

Building on the scientific strengths and resources outlined above, the Museum now proposes to launch, in partnership with NOAA, a basic and applied research initiative that employs the latest technologies to advance scientific understanding of resource management and stewardship issues for marine and coastal environments. The explosion of research technologies creates a unique window of opportunity for the Museum to develop new ways to integrate these state-of-the-art analytical tools into its biological and environmental research, as well as to present results to the public in its exhibition halls, websites, and educational programs. It is this intersection of research capability and technological opportunity that underlies the planned initiative.

The Museum proposes a multifaceted initiative to include work in areas of concern it shares with NOAA, such as the following:

Conservation research using GIS. Museum vertebrate and invertebrate zoologists carry out ambitious field work and collection expansion programs throughout the tropical freshwaters of the globe, conduct biotic surveys, and explore marine ecosystems:

- Ichthyologists, for example, study the evolution, behavior, and conservation of the largest and most diverse populations—and one of the most endangered of all vertebrate groups—the fishes. Their work concerns not only discovery and classification of many still unknown species but also the protection and conservation of many species whose habitats and survival are at risk.
- Invertebrate zoologists are discovering many species of marine invertebrates. Field research in the Florida Keys, for instance, is documenting for the first time the extraordinary biodiversity of marine mollusks.

These researchers, in studying endangered ecosystems, marine species, and marine reserves, can use GIS to develop finer, tighter, more precise datasets. Also, GIS analysis enables them to ask more sophisticated and flexible questions, and to discover patterns, series, and gradations.

Biodiversity conservation: CBC investigators are conducting important research field projects relying on the capacities of GIS/RS. They include:

- *Marine reserve networks*—Researchers in the CBC's marine program are using GIS to analyze the physical, biological, and cultural processes affecting coral reef systems in the Bahamas. GIS is an indispensable tool in this research, because it allows the researchers to integrate maps with sets of biophysical and

socioeconomic data and to create dynamic models for testing hypotheses about marine reserve networks in a spatially realistic framework.

- *Humpback whales in Madagascar*—Collaborating researchers from the American Museum and the Wildlife Conservation Society are using GIS to track the migrations of Humpback whales in the western Indian Ocean region. They are creating a database that contains identification photos, biopsies, DNA sequences, and sighting information for hundreds of individual whales. Being able to identify individuals at the genetic level will enable researchers to unravel the complex migration patterns of Humpbacks with greater accuracy, thus improving conservation practices and increasing understanding of marine sanctuaries, the status of whales, their population structure, abundance, and recent trends in their distribution.
- *Biotic surveys and inventories*—The CBC conducts floral and faunal surveys in ecologically threatened regions of Bolivia and Vietnam. Both countries are extremely rich in biodiversity that is threatened by high rates of deforestation and inadequate conservation planning. These biotic surveys provide essential data on the distribution and abundance of species, thus enabling researchers to analyze the role of climate change on land cover and develop plans to reduce threats to biodiversity. They also create an opportunity for Museum researchers to train local field biologists and conservation managers how to conduct surveys using remote sensing data and biophysical measures and how to apply results to the long-term management and conservation of biodiversity.

Collections data and access. Museum researchers can use GIS to bring the Museum's vast collections alive and to increase exponentially the analyses that researchers can carry out for conservation research and decision making. By coupling GIS with the Museum's increasingly strong web presence to provide easy access, researchers worldwide will be able to pose more sophisticated questions and uncover new connections and relationships among the collections data. For example, by using georeferenced data, researchers can compare current maps with legacy data to trace environmental changes over time.

Public education and outreach: As an added benefit of the proposed partnership with NOAA, the Museum plans to feature current NOAA-related science and discovery in the renovated Hall of Ocean Life as well as in its other educational programs and resources. With access to GIS applications and datasets, the *Science Bulletins*, for example, can promote public understanding of current science through global earth science-related datasets, maps, and more.

These research applications for GIS and other technologies demonstrate the Museum's enormous potential for using cutting-edge tools to help advance environmental forecasting, provide decision makers with reliable scientific information, and foster global environmental stewardship.

We therefore request \$1 million to join in partnership with NOAA to advance basic and applied research that will strengthen resource management and conservation of marine and coastal environments and public understanding of these issues. In so doing, the Museum will support its participatory share with funds from nonfederal as well as federal sources: By generating critical scientific knowledge about the vital role of ocean and marine environments, we can advance our shared commitment to environmental stewardship so pivotal to our nation's and our planet's health.



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**Statement
 of the
 AMERICAN PUBLIC POWER ASSOCIATION
 Submitted to the
 HOUSE APPROPRIATIONS COMMITTEE'S
 SUBCOMMITTEE ON COMMERCE, JUSTICE, STATE AND THE
 JUDICIARY**

April 11, 2003

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 of the 50 States (all but Hawaii). Collectively, public power utilities deliver electricity to one of every seven electric consumers (about 40 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 Antitrust Division (DOJ) and the Federal Trade Commission (FTC) play critical roles in monitoring and enforcing antitrust laws affecting the electric utility industry. With the transition continuing to occur in the restructured wholesale electricity market, this oversight is more crucial than ever.

APPA supports adequate funding for staffing antitrust enforcement and oversight at the FTC and DOJ. Specifically, we support the Administration's requests of \$141.9 million for FY 2004 for the DOJ's Antitrust Division (an increase of approximately \$4 million over FY 2003's appropriated level of \$137.8) and of \$191.1 million for FY 2004 for the FTC (an increase of over \$19.5 million over FY 2003's appropriated level of \$171.6).

We appreciate the opportunity to submit this statement outlining our FY 2004 funding priorities within the Commerce-Justice-State and Judiciary Subcommittee's jurisdiction.

Testimony Of American Rivers

S. Elizabeth Birnbaum
Director of Government Affairs

Submitted to the House Subcommittee on
Commerce, Justice, State and the Judiciary

This year, American Rivers was joined by more than 400 national, regional and local organizations concerned with river conservation throughout the United States¹ in calling for significantly increased funding for the following programs in the Commerce, Justice, State and the Judiciary (CJS) Appropriations bill. I urge that these requests be incorporated in the CJS Appropriations bill for Fiscal Year 2004.

1) Federal Salmon Plan for the Columbia and Snake rivers

Several Members of Congress from the Northwest, as well as the Administration, have pledged to work to restore twelve Endangered Species Act listed stocks of Snake and Columbia river salmon without partially removing the lower four Snake River dams. Congress can help honor that commitment by funding the necessary salmon recovery measures. More than two years since the release of the 2000 Federal Salmon Plan for the Columbia and Snake rivers, federal agencies have failed to fulfill nearly three-quarters of its requirements.

The Salmon Plan relies primarily on improving tributary and estuary habitat and reforming hatchery and harvest practices. While over 500 fisheries scientists and most conservationists believe that partial removal of the lower Snake River dams must be the cornerstone of a larger strategy to recover Snake River salmon, many elements of the Salmon Plan are also necessary to achieve salmon recovery.

If the Salmon Plan's non-breach recovery package is not funded and implemented, or if these actions do not yield the needed biological benefit for Snake River stocks, the plan contemplates seeking congressional authorization – after a “check-in” this September – to partially remove the four lower Snake River dams or pursue other stronger recovery measures.

Inadequate federal funding is a major reason that implementation of the Salmon Plan has fallen so far behind. Full funding for Fiscal Year (FY) 2004 will require \$529.3 million distributed among ten different federal agencies through five different appropriations bills. The CJS Appropriations bill governs funding for the National Marine Fisheries

¹ These groups have endorsed the “River Budget for Fiscal Year 2004”, a report of national funding priorities for local river conservation. A list of groups endorsing the River Budget can be viewed at <http://www.americanrivers.org/riverbudget/default.htm>

Service (NMFS), which is charged with pursuing and administering the Salmon Plan's crucial science and monitoring activities, as well as implementing hatchery and harvest reform measures. The administration has proposed increasing the NMFS budget for Columbia River salmon by approximately 50 percent this year, from the FY03 level of \$26.2 million to \$39.7 million in FY04. While this increase would be helpful, internal NMFS documents estimate that fully implementing the Salmon Plan would require an increase of closer to 200 percent.

To ensure full development of the scientific standards, reforms, and restoration activities required by the Federal Salmon Plan, Congress should fund NMFS Columbia Basin salmon programs at \$69.8 million.

2) Pacific Coastal Salmon Recovery Fund

Pacific salmon are a national treasure with enormous economic, cultural, and environmental significance in the states of Washington, Oregon, California, Idaho, and Alaska. A century ago, salmon were an anchor of the region's economy. Unfortunately, past and present mismanagement of our rivers, lands, and salmon fisheries have caused populations of salmon to decline dramatically over the past century, and 26 runs of Pacific salmon and steelhead are now listed under the Endangered Species Act.

One important program aimed at restoring imperiled runs of chinook, coho, sockeye, and chum salmon, as well as steelhead trout, is the Pacific Coastal Salmon Recovery Fund, funded through the National Oceanic and Atmospheric Administration. For the past three years, this program has provided much-needed assistance to state, local, and tribal governments in Washington, Oregon, California, and Alaska for salmon recovery projects. This year we urge Congress to make the State of Idaho and Snake River salmon and steelhead eligible to benefit from this program as well.

By increasing funding for the Pacific Coastal Salmon Recovery Fund in FY04, Congress can help restore this economically, culturally, and ecologically valuable resource and help the Northwest states and local communities to adopt and embrace the measures needed to restore Pacific salmon and steelhead. Restoring salmon will also allow the U.S. to satisfy treaty obligations with Northwest Indian tribes and Canada.

We urge Congress to increase funding for the Pacific Coastal Salmon Recovery Fund to no less than \$200 million in FY04.

3) Fisheries Habitat Restoration

The fisheries habitat provided by estuaries and coastal wetlands serves many essential functions for communities across the nation. Eighty to 90 percent of all recreational fish catch and 75 percent of all commercial harvest depends upon healthy coastal and estuarine habitats. More than half the coastal wetlands in the lower 48 states have been

lost, and almost 40 percent of estuarine habitat has been impaired by damming and diverting countless rivers and streams.

The Fisheries Habitat Restoration program, funded through the National Oceanic and Atmospheric Administration (NOAA) Restoration Center, reaches out to local constituencies to accomplish on-the-ground, community-based projects to restore estuaries and coastal habitats. Partnerships and local involvement are fundamental to the success of this program. Partners typically match federal dollars 1:1 and leverage those dollars up to 10 times more through state and local participation. To date, the program has funded 600 projects in 25 states, promoting fishery habitat restoration in coastal areas with a grassroots, bottom-up approach.

We urge Congress to provide the NOAA Fisheries Habitat Restoration Program with \$18,500,000 to help more communities restore and protect and restore the health of their estuaries and coastal habitats.

4) Hydropower Relicensing

The National Marine Fisheries Service (NMFS) would greatly benefit from additional funding to address the growing number of hydropower dams that need renewal of their operating licenses from the Federal Energy Regulatory Commission (FERC). Under the Federal Power Act, NMFS plays a role in setting license conditions to protect and conserve anadromous (sea-run) fisheries such as Pacific and Atlantic salmon, steelhead and sea-run cutthroat trout, and shad. Licenses are nearing expiration at hundreds of dams around the country, and workloads are increasing for NMFS and other resource agencies. Increasing NMFS's limited hydropower relicensing budget would help ensure a more efficient licensing process, benefit the hydropower industry, and further efforts to protect and restore our nation's anadromous fisheries.

Congress should provide NMFS with a \$2 million increase to its Habitat Conservation line item specifically for hydropower relicensing.

S. Elizabeth Birnbaum
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(202) 347-7550

- 2001-present **Director of Government Affairs**
AMERICAN RIVERS, Washington, D.C.
- 2000-2001 **Associate Solicitor, Mineral Resources.**
U.S. DEPARTMENT OF THE INTERIOR, Washington, D.C.
- 1999-2000 **Special Assistant to the Solicitor.**
U.S. DEPARTMENT OF THE INTERIOR, Washington, D.C.
- 1991-1999 **Counsel.**
COMMITTEE ON RESOURCES (formerly Committee on Natural Resources and
Committee on Interior and Insular Affairs), U.S. House of Representatives, Washington,
D.C.
- 1987-1991 **Counsel, Water Resources Program.**
NATIONAL WILDLIFE FEDERATION, Washington, D.C.
- 1985-1987 **Associate.**
DICKSTEIN, SHAPIRO & MORIN, Washington, D.C.
- 1984-1985 **Law Clerk.**
SUPREME COURT OF COLORADO, Denver, Colorado.

EDUCATION

HARVARD LAW SCHOOL, Cambridge, Massachusetts, J.D. 1984.

BROWN UNIVERSITY, Providence, Rhode Island, A.B. 1979.
 magna cum laude
 honors in linguistics

Government Grants

Sorted by Date

Government Dept	Dept of Interior
Government Agency	National Park Service
Grant Amount	\$5,000.00
Start Date	5/1/1997
End Date	5/1/2002
Grant Purpose	Develop Educational Program for Urban Rivers Symposium

Government Dept	Dept of Interior
Government Agency	National Park Service
Grant Amount	\$20,000.00
Start Date	9/1/1999
End Date	9/1/2004
Grant Purpose	Identify & prioritize river issues for projects in north AL, north GA, western NC, and TN areas

Government Dept	Dept of Interior
Government Agency	National Park Service
Grant Amount	\$45,000.00
Start Date	9/1/2000
End Date	5/1/2002
Grant Purpose	Use & Economic Impact Study of Farmington & Chattooga Rivers

Government Grants

Sorted by Date

Government Dept	Dept of Interior
Government Agency	US Fish & Wildlife Service
Grant Amount	\$15,000.00
Start Date	7/1/2001
End Date	6/30/2002
Grant Purpose	

Government Dept	Dept of Commerce
Government Agency	NOAA
Grant Amount	\$1,000,000.00
Start Date	5/1/2001
End Date	4/30/2004
Grant Purpose	Restoration of Migratory Fish Habitat

Government Dept	Dept of Interior
Government Agency	National Park Service
Grant Amount	\$5,000.00
Start Date	9/30/2002
End Date	9/30/2007
Grant Purpose	Brochure about dams of Historic Interest

Government Grants*Sorted by Date*

Government Dept	Dept of Interior
Government Agency	US Fish & Wildlife Service
Grant Amount	\$500.00
Start Date	9/3/2002
End Date	10/6/2002
Grant Purpose	Support for Presentation of the Traveling Exhibit of the rivers along the Lewis & Clark Trail

April 11, 2003

The Honorable Frank R. Wolf
Chairman, Commerce, Justice, State, and the Judiciary Subcommittee
Committee on Appropriations
241 Cannon House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

The American Sportfishing Association recommends the following as the Subcommittee considers appropriations for the National Marine Fisheries Service (NMFS) for fiscal year 2004. The American Sportfishing Association (ASA) is a non-profit trade association whose 555 members include fishing tackle manufacturers, sport fishing retailers, boat builders, state fish and wildlife agencies, and the outdoor media.

The ASA makes these recommendations on the basis of briefings with agency staff and from years of experience with fisheries management in this Nation. It is important to note that sportfishing provides \$116 billion in economic output to the economy of the United States each year. Sportfishing in marine waters alone provides a \$31 billion impact each year to coastal states.

Saltwater fishing is the fastest growing sector of recreational fishing. Because of this the ASA urges NMFS to continue the pursuit of sound management of marine fish stocks by supporting the Regional Fishery Management Councils, the States, and the Interstate Marine Fisheries Commissions. Collectively, these programs conduct research and collect data that is essential for managers to appropriately maintain marine stocks and assure that areas are open to anglers. For the Regional Fishery Management Councils to carry out the regulations of the Magnuson-Stevens Fisheries Conservation and Management Act they must be properly funded. The Association recommends funding the Regional Councils activities at the \$16.032 million level.

The Association supports the FY 04 President's request for a \$3.0 million increase in funds for fisheries stock assessment and improvement of data collection, but also recommends an additional \$21.2 million with the goal of

funding stock assessment at the \$100 million level by FY 08.

The ASA requests a total of \$12.8 million for Fish Statistics - Economics and Social Science Research. These would include:

1. An increase in base funding for NOAA Fisheries could create a premiere Center for Excellence in Recreational Fisheries Economics. The Center could be housed in NOAA Fisheries and could provide the umbrella for recreational fisheries data collection and economic analysis conducted within NOAA Fisheries and by academia under contract. The Center will serve three primary functions: (1) strategic planning for data collection and analysis; (2) development and application of analytical techniques for measuring the costs, benefits, and impacts of recreational fisheries management; and (3) improved outreach and information sharing to ensure that both fisheries managers and the public receive and understand the data products. The Center will work in concert with and complement the existing NOAA Fisheries recreational fisheries economics program and the Marine Recreational Fisheries Statistics Survey (MRPSS) program. The ASA recommends a \$500,000 increase in base funding in fisheries statistics for the Center.

2. The Association urges Congress to appropriate an additional \$9.5 million in new base funding for fisheries statistics to significantly improve catch and effort data through the NOAA Fisheries' Marine Recreational Fisheries Statistics Survey (MRPSS). Base funding has not increased substantially since the survey's inception in 1979. Improved data collection is central to achieving the rebuilding and management standards called for in the Sustainable Fisheries Act.

3. The ASA recommends Congress increase base funding by \$2.8 million for the NOAA Fisheries recreational economics program. This program within NOAA Fisheries is severely understaffed and under-funded. The most basic recreational fishery data is unavailable making NOAA Fisheries unable to fulfill their congressionally mandated requirements to provide the basic data for recreational fisheries management. This additional funding should go directly towards outfitting new Centers with PhD level recreational fisheries economists, improving data collection and conducting expenditure surveys, and conducting critical research.

The Association urges congress to appropriate \$10 million for the Atlantic Coastal Fisheries Cooperative Management Act which allows government, state agencies, and interstate marine fishery commissions to work together in support of fisheries resources. These efforts have showed success in stripped bass and weakfish management, and it's continued success relies on this level of funding.

Fish habitat restoration programs would be more cost-effective and successful if partnered under a State-Federal cooperative program undertaking research and management of fish habitat. ASA is pleased with the Administration's budget of \$13.22 million for fish habitat restoration. Furthermore, we support the continuation of the Charleston Bump Billfish Tagging program that serves as an important fish nursery for Atlantic Highly Migratory Fish species (AHMF).

Providing a complete database of information on high priority species aids in identification, protection and restoration efforts of exploited fish along the Atlantic, Gulf and Pacific coasts. The SEAMAP program builds this database and partners with another program, the MARFIN program, and together they work to support fishery independent research on high priority species. ASA is concerned about the erosion of these partnerships and recommends funding for the SEAMAP program at \$6 million and the MARFIN program also at \$6 million (\$4 million for the Southeast and \$2 million for the Northeast).

The American Sportfishing Association is very concerned with the low level of funding for the Anadromous Fisheries Act. Continual declines in funding means the needs of most anadromous fish stocks will not be met because funding cannot be supported through other federal and state funds or the

fisheries management community. Therefore, the Association urges Congress to fund the Anadromous Fisheries Act grants to States at \$8 million.

The ASA is again disappointed in the level of funding for the Saltonstall-Kennedy grant program. This program promotes and develops fisheries by funding high priority research and development needs. ASA urges the Administration to restore this program to the FY 1999 level of \$11.171 million.

The ASA agrees with the Administration's request to ensure NMFS' vessels are in good condition for proper management and research needs. These vessels are chartered privately by universities and states, and thus their condition is important to the safety of their users.

Concluding with our NMFS recommendations we would also like to comment on some of the other line items in NOAA's budget.

ASA urges Congress to recognize critical marine resources issues and how funding efforts can play a large role in developing new technologies. These efforts are stronger with the ability of a coalition of federal and state scientists for these critical issues. Two important efforts taking place at the Hollings Marine Laboratory (HML) and the Fish Cooperative Institute, does important work on marine environmental health, biotechnology, and ecotoxicology. The Association is pleased with the Administration's request to fund the HML at \$2.5 million and the Fish Cooperative Institute at \$750,000.

The past few years have encountered a large breakout of algal blooms resulting in bad pfiesteria seasons. In response to this, effort to research and control the problem was largely taken on by the South Carolina Harmful Algal Bloom Task Force and was funded by the government. The Administration has proposed to terminate this program and the ASA urges Congress to continue funding this program at \$600,000 to continue the work on the outbreak of algal blooms.

Two of the most successful state-federal cooperative efforts to improve the quality of our natural resources are the National Estuarine Research Reserve (NERR) and Coastal Zone Management (CZM) programs. The American Sportfishing Association is pleased with the proposed \$16.4 million for NERR and the \$10.012 million for research facilities at NERR sites. In addition, we are very pleased with the many efforts of these programs ranging from public access to non-point source pollution. The ASA also supports the Administration's request for \$85 million for the CZM grants to help states and local communities work to improve coastal areas.

The Coastal Services Center makes valuable contributions toward stewardship and provides support to the coastal states in regards to advanced coastal decision support systems. This program has yielded innovative work in conjunction with state participation and the ASA urges funding at the \$18 million level.

One important task of NOAA is to be able to access and treat damaged marine resources caused by releases of hazardous substances. The Damage Assessment and Restoration Program (DARP) directs these efforts and takes on the responsibility of restoring these damaged areas as quickly as possible to reduce the amount of loss of fisheries and marine habitats. The Association strongly supports the President's request for \$17.199 million for damage assessment activities and restoration efforts of DARP.

The Sea Grant College Program provides critical research and educational opportunities for maintenance and improvement of marine resources. The Association recommends funding at the authorized level of \$73 million and we also disagree with the proposed moving of the program to the National Science Foundation. NOAA is more efficient at connecting the researchers and their findings to the marine community.

Finally, Mr. Chairman, the ASA is concerned about NMFS' promotion and use of

marine reserves to the exclusion of other proven management options. This has penalized recreational anglers and is far from a proven management tool for marine resources. Public closures should be the last management option, not the first. Furthermore, NMFS has prepared no standardized implementation guidelines, no conservation goals, or long term monitoring plans for the use of marine reserves. The ASA requests that funding for the planning and implementation of any future marine reserves be halted until management guidelines, such as those outlined in the Freedom To Fish legislation, are put in place.

Mr. Chairman, please make these recommendations part of the record for the subcommittee's 2004 appropriations process.

Sincerely,

<<...OLE_Obj...>>
Gordon C. Robertson
Vice President

cc: Bill Hogarth, National Marine Fisheries Service

THE ASIA FOUNDATION
Statement of William P. Fuller
President, The Asia Foundation

Submitted to the House Appropriations Subcommittee on
Commerce, Justice, State, the Judiciary and Related Agencies
April 2003

Mr. Chairman:

Thank you for the opportunity to submit testimony supporting The Asia Foundation's Fiscal Year 2004 budget request.

Mr. Chairman, I would like to present The Asia Foundation's programs and our future plans to address the challenges and opportunities facing Asia. The events of September 11 and the war on terrorism have underscored the importance and continuing relevance of the Asia Foundation's mission and mandate: to develop institutions of governance, including constitutional frameworks, legislative branch and judiciary; support civil discourse and conflict resolution; expand economic opportunity to improve the quality of life and give more people a stake in stability; and promote better understanding between the U.S. and the countries of Asia.

We are gratified by the confidence of the Congress in The Asia Foundation, as demonstrated by an increased appropriation of \$10.44 million for Fiscal Year 2003, \$1 million above the Administration's request. While the Administration has endorsed the work of The Asia Foundation by requesting an appropriation of \$9.25 million for Fiscal Year 2004, we respectfully hope that the Congress will once again add to our funding, given the unparalleled new challenges facing Asia and the Asia Foundation's distinctive capacity to address them. As you know, the Asia Foundation implements concrete programs in Asia that improve governance and legal reform, protect human rights, promote economic reform and encourage peaceful, cooperative international relations.

In the face of growing anti-Americanism and the threats of rising extremism in countries with predominantly Muslim populations in Asia, where over 70% of the world's Muslims live, it is more important than ever to address the root causes of persistent poverty, lack of opportunity, and loss of faith in local leaders and institutions. These new circumstances in Asia highlight the importance and value of The Asia Foundation's programs. The Foundation is the only American organization with a distinctive history of fifty years of presence and engagement in Asia, especially in Afghanistan, Pakistan, and Indonesia, the front line states in the war on terrorism.

OVERVIEW

The United States and Asia both face new challenges, complicated by the war on terrorism, the war in Iraq and the instability likely to occur in its aftermath. More than ever, we must support political stability, and economic reform, and give attention to countries where recent events have exacerbated U.S. bilateral relations, in countries that have been traditional allies of the United States, as well as in the countries with predominantly Muslim populations in Asia. Afghanistan continues to demand donor attention on every level: humanitarian, security and new governance challenges, and the critical tasks of drafting a new constitution and forming a representative government. Indonesia, Pakistan and other

predominantly Muslim countries face significant challenges to democratic development, peace, and stability. Political instability in Indonesia, rising violence in the southern Philippines, and potential ties to regional terrorist networks threaten regional stability. Human rights abuses and questions of impunity continue throughout the region, and even though women in Asia have made gains, in many places such as Cambodia, Thailand and Nepal, they are still subject to economic and political inequities and in the worst cases, are victims of trafficking and abuse. Asia also continues to face increasingly complex regional security challenges: on the Korean peninsula, the India-Pakistan border, and China-Taiwan cross-straits relations. Economic uncertainty is pervasive in South and Southeast Asia.

Working together with Asian organizations as a trusted partner through a network of 17 offices in Asia, The Asia Foundation is the only longstanding American nongovernmental, nonpartisan organization with local credibility, a nuanced understanding of the issues facing each country, and unparalleled access and relationships with government, nongovernmental groups, and the private sector. The Foundation has a long-term view of policy reform and development in Asia, and a rapid response capacity through grant making and expert staff to deliver short-term, high impact programs. In addition to the importance of these programs in the lives of people of these countries, the Foundation's efforts also make an important and tangible contribution to public diplomacy for the United States.

THE ASIA FOUNDATION'S MISSION

The Asia Foundation's core objectives are central to U.S. interests in the Asia-Pacific region.

- *Democracy, human rights and the rule of law:* developing and strengthening democratic institutions and encouraging an active, informed and responsible non-governmental sector; advancing the rule of law; and building institutions to uphold and protect human rights, including women's rights and opportunity;
- *Open Trade and Investment:* supporting open trade, investment and economic reform at the regional and national levels;
- *Peaceful and Stable Regional Relations:* promoting U.S.-Asian dialogue on security, regional economic cooperation, law and human rights.

In the past, this Committee has encouraged the Foundation's grant making role, and we remain faithful to that mission. The Foundation's hallmark is to make sequential grants to steadily build and strengthen institutions, develop leadership, and advance policy reforms in Asia. Foundation assistance supports training, technical assistance, and seed funding for new, local organizations, all aimed at promoting reform, building Asian capacity, and strengthening U.S. Asia relations. Foundation grantees can be found in every sector in Asia, leaders of government and industry and at the grass roots level, in the increasingly diverse civil society of Asia. The Foundation is distinctive in this role, not only providing the technical assistance necessary, as in the case of the drafting of the Afghan constitution, but also in providing grants that cover nuts and bolts necessities to support that effort, such as reference materials, equipment and administrative support costs for the Constitutional Commission.

The urgency of the political and security needs in Asia have increased the need for experienced and credible American actors in the region. The Asia Foundation is a well recognized American

organization, but its programs are grounded in Asia, helping to solve local problems in cooperation with Asian partners.

PROGRAMS

The Asia Foundation's goals are to: strengthen formal institutions of governance, including constitutional frameworks, the legislative branch and the judiciary, supports more effective civil society organizations, protect human rights, and develop law and legal systems. Foundation programs increase economic reform and open trade. Its international relations programs reflect a unique capacity to promote increased understanding of different foreign policy perspectives to complement more formal diplomatic efforts that advance American economic and security interests in the region. Examples of programs include:

- **LEGISLATIVE DEVELOPMENT:** The Foundation has contributed to the development of legislatures in 17 countries in Asia through technical assistance, training members and staff and facilitating interaction with the nongovernmental sector. The Foundation is the only American organization providing legislative training on responsible legislative practice, and orientation for all four newly elected provincial assemblies in Pakistan. The Foundation is also the only American organization providing technical assistance to the Constitutional Commission in Afghanistan for the drafting of the new constitution, the public consultation and Constitutional Loya Jirga process.
- **CIVIL SOCIETY:** The Foundation is the single largest supporter of the nongovernmental sector in the Asian countries in which we operate. The Foundation builds the capacity of organizations, encourages public participation and works to improve the regulatory environment for NGOs. In Cambodia, the Foundation continues to be the largest supporter of human rights, environment and research and policy NGOs in Cambodia. The Foundation's Pakistan programs support community based organizations that provide educational services in areas where none exist, particularly in the economically distressed border areas of the Northwest Frontier Province (NWFP). The Foundation also supports new NGO activities in Afghanistan, such as ASCHIANA which provides education for girls and young women denied schooling under the Taliban through a cooperative project with the National Geographic Society.
- **HUMAN RIGHTS, CONFLICT AND ISLAM:** The Foundation's human rights programs promote the protection and advancement of human rights through support of nongovernmental and governmental human rights efforts at the local, regional and national levels. The Foundation's programs focus on human rights education, the development of monitoring groups, forensic training to investigate past abuses, media training, guides on international human rights standards, conflict reporting for journalists, programs to prevent trafficking and violence against women and alternative dispute resolution programs in conflict areas. The Foundation supports mainstream Muslim organizations in Indonesia, Pakistan and Mindanao in the Philippines to encourage programs that promote moderate views, religious tolerance, peace, conflict management and the rights of women under Islam, including the use of Islamic scriptures to communicate messages of tolerance and non-violence. The Foundation's twenty year history of working with Muslim groups makes it uniquely positioned, as these innovative and sensitive programs can only be accomplished through an on the ground knowledge of the context facing

mainstream Muslims, and through partnerships built on trust. The Foundation gives special attention to the troubled areas of Indonesia through support for local human rights efforts in Aceh, Papua and most recently, in the Maluku Islands. Programs include media campaigns through radio and television by moderate groups to promote pluralism and tolerance in conflict prone areas and the utilization of mosque youth networks to educate and strengthen networks for democracy and pluralistic Islam.

- **LEGAL REFORM:** In East Timor, the Foundation provided technical assistance for the drafting of the constitution and new legislation, and for increased access to justice for citizens, by involving civil society and public consultation in the law making process. In China, the Foundation supports legal aid services and popular legal education in some of China's poorest provinces, including those with minority populations such as Yunnan and Xinjiang, and for millions of migrant women workers in Guandong. In Nepal, the Foundation piloted mediation projects in western Nepal, areas under the heavy influence of the Maoist rebels, and continues to expand community mediation programs, legal reform within the courts, establishment of legal information systems, and the development of watchdog citizens' groups to raise awareness of corruption and misconduct. The Foundation supports reform of the Supreme Court in Indonesia, which has included civil society input in an unprecedented step to reform case assignment, audit its procedures and processes, and improve the quality of the judicial appointment process.
- **ECONOMIC GROWTH AND OPPORTUNITY:** Small and medium enterprises are a vital engine for economic growth, providing employment and opportunity for millions throughout the region. The Foundation's programs help to reform the environment for small business growth in Indonesia, Bangladesh, Thailand, and Sri Lanka by removing policy barriers and regulatory red tape, reducing corruption, and providing a voice for small entrepreneurs through support for business associations and business-government dialogue. The Foundation funds efforts to improve corporate governance in Korea, China, Japan, and the Philippines.
- **INTERNATIONAL RELATIONS:** The Foundation continues to invest in young leaders through diplomatic training programs in U.S. universities for Chinese foreign affairs staff, fellowships for Vietnamese and Indian diplomats, and study programs for Southeast Asian young leaders. Programs also include support for the Council for Security Cooperation in the Asia Pacific (CSCAP), training programs for compliance with trade agreements and the WTO for Chinese and Vietnamese officials, and track II programs on cross-straits relations and Northeast Asian security.

CONCLUSION

As the preceding examples of our work emphasize, The Asia Foundation is a field-based organization that supports projects in Asia that build the capacity of Asian institutions and support reform efforts, while at the same time maintaining close links with the U.S. foreign policy community. The Foundation is first and foremost a grant making organization. The Foundation has consistently received national recognition for its efficient grant-to-operating ratio, reflecting its commitment to maximizing the impact of its programs in Asia, while keeping expenses low. We are not a research organization or an academic institution, nor are we Washington based. We operate on the ground in Asia as an accepted, trusted partner and supporter of Asian reform efforts that simultaneously support and reinforce American

political, economic, and security interests. We also partner in our programs with American and international public and private organizations to leverage our resources and make investments pay off. Our partnership with the Microsoft Corporation on the Cambodian Information Centers, the first project of its kind of expand Internet and media resources to all 22 provinces of the country, is but one example.

Public funding is essential to our mission. While the Foundation has made gains in expanding private funding, the flexibility and reliability that public funding lends to the Foundation's efforts are critical. As an organization committed to U.S. interests in Asia, we can only be successful if potential private donors understand that the U.S. government continues to support our efforts in the region. Furthermore, private funds are almost always tied to specific projects (as are USAID funds for which the Foundation competes) and do not replace public funding, either in scale or flexibility. Moreover, the flexibility afforded by U.S. government appropriated funds enables the Foundation to respond quickly to fast-breaking developments and program opportunities, as demonstrated by our programs related to the needs of the Ministry of Women's Affairs in Afghanistan in 2001 and the National Human Rights Commission office in Aceh, during the height of the violence in the conflict-prone province in 2002.

As you and your colleagues know, budget constraints resulted in significant reductions in the Foundation's annual appropriation in 1996. The current requested level for FY04 is still well below the Foundation's \$15 million annual appropriation during the decade prior to 1996. The \$15 million level has been authorized consistently by the Congressional authorizers in recent years. We have worked hard to manage our budget, reduce staff and expenditures, increase our efficiency, and diversify our funding sources. We have struggled to maintain our country office presence in Asia, although budget cuts did force closure of the Malaysia office in 1996.

But commitment to a field operation is not without risk, as seen in the situation facing U.S. embassies abroad. Now more than ever, the Foundation and its supporters believe that its critical and most important asset is its field office network in Asia, enabling the Foundation to address critical development and reform on the ground, especially in critical front line states such as Pakistan, Afghanistan, and Indonesia. Increased security measures to protect Foundation staff have been necessary, and Foundation offices all have contingency evacuation measures in place. Maintaining overseas offices costs more than maintaining operations within the U.S. and the new demands to ensure adequate security have added to this cost. Today, we face serious budgetary constraints. We cannot forsake the safety of our staff, but at the same time, we are, as always, committed to ensuring that the maximum possible amount of appropriated funds are dedicated to programs on the ground.

In closing, Mr. Chairman, I believe that we have an opportunity and the obligation to demonstrate America's strong commitment to working with Asian leaders to assure the security and well being of the people of Asia. The Asia Foundation's programs represent a distinctive and positive American response to the challenges facing Asia today, contributing to the development of stable societies and advancing the interests of the United States in the region. At a time of rapid change and uncertainty, additional funding would enable the Foundation to expand its role and its programs to help meet these challenges.

Thank you.

WILLIAM P. FULLER

William P. Fuller is President of The Asia Foundation, a private, nongovernmental organization that supports through grants and other programs Asian development efforts in the fields of governance and law, economic reform and development, women's participation, and regional relations. He has served as President of the Foundation since 1989.

Prior to joining The Asia Foundation, Mr. Fuller served as Deputy Assistant Administrator of the U.S. Agency for International Development (USAID) from 1987 to 1989, with responsibility for U.S. foreign assistance in the Near East and Europe. He previously served as Director of the USAID mission in Indonesia from 1981 to 1987.

From 1971 to 1981, Mr. Fuller served with the Ford Foundation in Asia, first as an advisor to the National Education Commission and Ministry of Education in Thailand, and subsequently as Representative for Bangladesh. Mr. Fuller has also worked with the World Bank in Paris, with UNICEF in Beirut, Cairo, and New York, and as a visiting lecturer at the University of Chicago.

Mr. Fuller was Vice Chairman of the Board of Directors of Winrock International from 1995 to 1999 and Chairman from 1999 to 2001. He is a member of the Council on Foreign Relations, the National Committee on U.S.-China Relations, and USAID's Advisory Committee on Voluntary Foreign Aid. He is also a board member of the World Affairs Council of Northern California, the Institute for the Future, the Bank of the Orient, and the Japan Society of Northern California, and a member of the Advisory Council of the Asian Development Bank Institute.

Mr. Fuller's contribution to international development efforts has been recognized by several awards and honors. He is a two-time recipient of the President's Meritorious Service Award, in addition to USAID's Distinguished Honor Prize and Korea's Hueng-in Jang Medal for Diplomatic Service. He received an honorary Doctor of Laws degree from Dominican University and the Asia Pacific Leadership Award from the Center for the Pacific Rim, University of San Francisco in 2002.

Mr. Fuller holds B.A., M.A., and Ph.D. degrees from Stanford University and an M.B.A. from Harvard University.

DISCLOSURE ^c
 AMOUNT AND SOURCE OF FISCAL YEAR 2003
 FEDERAL GRANTS AWARDED TO ^m

THE ASIA FOUNDATION .

*(Submission with the Fiscal Year 2004 written testimony of
 Dr. William P. Fuller, President, The Asia Foundation)*

Awarded:

\$ 99,500	U.S. Agency for International Development (USAID) East Timor Commercial Code Development
\$ 148,664	U.S. Agency for International Development (USAID) Nepal Local Governance and Anti-Trafficking
\$ 600,000	U.S. Agency for International Development (USAID) Nepal Mediation
\$1,521,045	U.S. Agency for International Development (USAID) Pakistan Education Sector Reform
\$ 350,635	U.S. Department of State Office of Public Diplomacy Women and Islam

ATT1719902.txt

Nancy Yuan
Vice President
Director, Washington
The Asia Foundation
1779 Massachusetts Ave., N.W. Suite 815
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**Written Testimony for the House
Commerce-Justice-State Appropriations Subcommittee
Bill Edwards, Executive Director
The Association for Enterprise Opportunity**

April 10, 2003

Thank you for the opportunity to provide your committee with written testimony in support of several programs within the Commerce-Justice-State Appropriations bill. My name is Bill Edwards. I serve as Executive Director of the Association for Enterprise Opportunity, which represents more than 450 microenterprise development organizations around the country.

AEO has three policy priorities within the SBA Budget. AEO would like to see the SBA Microloan program funded at \$25 million for both lending capital and technical assistance, PRIME funded at \$15 million and the Office of Women's Business Ownership's Women's Business Centers Program funded at \$14.5 million. I will expand on these requests later in my testimony, but would like to talk about microenterprise development briefly.

Microenterprises are small businesses with five or fewer employees with initial capital needs of \$35,000 or less. Many microentrepreneurs are low income, women, minorities, or disabled individuals who may face other challenges to business success. Both the Microloan program and Women's Business Centers predominately serve minorities, while PRIME predominately serves very-low-income clients.

Microenterprise development organizations (MDOs) run community-based programs that provide assistance to microentrepreneurs in three core areas: credit, training, and technical assistance. MDOs can be small, large, urban, rural or faith-based. Credit is supplied by MDOs to microentrepreneurs with solid business plans and the potential to succeed. Training often takes place over the course of several weeks and requires a significant time investment on behalf of both the MDO and the microentrepreneur. Microenterprise technical assistance involves intensive and continuous business support

that meets the particular needs of our target market. As an industry, we define a client not as someone who receives a service, but as someone who receives more than 10 hours of service.

Conventional sources of business credit, such as bank financing, are often beyond the reach of microentrepreneurs. The SBA Microloan Program continues to solve this problem by funding community-based intermediaries to help microentrepreneurs gain access to credit. To date, Microloan Intermediaries have made nearly \$190 million in loans - averaging less than \$15,000 per loan. These loans have resulted in the creation and retention of more than 47,000 jobs since program inception.

As with many entrepreneurs, Microloan borrowers require specialized technical assistance to grow their businesses. The Microloan program meets this need by providing limited assistance to borrowers in becoming credit-ready and more extensive business assistance once they have received Microloans.

The \$15 million that Microloan received in Fiscal Year 2003 represents a \$2.5 million cut in funding, or 14.3%. That, however, does not reflect the true impact this decrease will have on the provision of technical assistance services. Technical assistance grants are calculated as a percentage of outstanding loans for Intermediaries, which are growing as the program experiences more and more success. Microloan Intermediaries are being forced to lay off staff and reduce assistance to businesses already – only by increasing funding for technical assistance will microentrepreneurs be able to effectively access this important source of capital. Technical assistance programs are the key reason that the Microloan program has experienced a low loss rate despite the many high-risk loans that it is able to make.

But technical assistance is also important for those entrepreneurs that do not need or want loans – debt is not always a precursor to business success. PRIME provides grants to microenterprise development organizations to offer training and technical assistance to entrepreneurs, regardless of whether they seek access to capital. Governing legislation

stipulates that 50% of PRIME funds be used to support training and technical assistance for very low-income entrepreneurs. A five-year longitudinal study by the Aspen Institute found that these entrepreneurs had highly favorable outcomes in household income and assets, business income and assets and reduced reliance on federal benefits.

The PRIME program is authorized to receive \$15 million per year. Last year's \$5 million funding level will continue to underfund a program that has experienced incredible demand from both non-profit applicants and low-income entrepreneurs seeking services. AEO strongly encourages Congress to increase funding to \$15 million in the coming year.

The SBA's Office of Women's Business Ownership (OWBO) is the only federal office that specifically targets women business owners. Its Women's Business Centers provide training and technical assistance to women starting or expanding businesses. The Centers are required to target services to economically and socially disadvantaged women, some of whom are microentrepreneurs. Last year alone, Women's Business Centers provided consulting, training and technical assistance to more than 80,000 women. AEO is requesting \$14.5 million for this important program.

It is worth noting that, according to the Institute for Social and Economic Development, for every federal dollar spent on microenterprise development the return on investment ranges from \$2.06 to \$2.72. In addition, a five-year longitudinal survey carried out by the Self Employment Learning Project (SELP) revealed that 53% of low-income clients moved over the poverty line, and reliance on public assistance decreased by 61%. In these turbulent times of increased strains on state budgets and uncertain national economic landscapes, microentrepreneurs seek to capitalize on opportunities they perceive in the marketplace to raise themselves out of poverty and away from government assistance. According to the SELP study, 72% of microentrepreneurs increased their household income over five years by an average of \$8,484, or from \$13,889 to \$22,374. As microenterprises grow, so do their impact: they help to generate jobs, contribute to economic development at the community level and, in the end,

increase the federal tax base. Microentrepreneurs also often inspire those around them to take control of their personal credit to become the true owners of their financial futures.

Before I conclude, I would like to put a human face on the facts and statistics I have shared with you today.

In 1997, Deborah Pierce, who lives in Columet Park, IL, was facing a divorce and working two days a week at \$10 per hour. Confronted with the need to support herself without the aid of her husband, Ms. Pierce approached the Women's Self-Employment Project in Chicago. She enrolled in their Entrepreneurial Training Program and started a full-service child development center that now serves 75 children, with a growing waiting list and glowing reputation in the community. The Children's Depot Play Station employs 6 additional individuals and has annual revenue of \$245,000. As a recipient and benefactor of the federal government's Microloan program, Deborah can now say that she has achieved financial independence and actively contributes to the economic health of her community.

Association for Enterprise Opportunity
 Funding Sources for Fiscal Year 2003
 Submitted by Bill Edwards

Federal

Small Business Administration

Program for Investment in Microentrepreneurs (PRIME)

PRIME Training

46,321.00

PRIME Research

9,963.00

US Department of Housing and Urban Development

Appalachian Regional Commission*

40,000.00

Corporation for National Service

Americorp Volunteers in Service to America (VISTA)**

50,000.00

146,284.00

*Entrepreneurship Initiative

**Entrepreneur Corp Initiative

Resume

Bill Edwards

Basic Information

Name: William D. (Bill) Edwards

Address: 1301 N. Courthouse Rd., #807, Arlington, VA 22201

Telephone: [REDACTED] (residence); 703-841-7760 (office); [REDACTED] (wireless)

e-mail: <bedwards@assoceo.org>

Education

Master's Degree in Social Work (MSW)

Concentration in Administration and Planning

University of Alabama (1978)

Bachelor's Degree in History (BA)

Minor in Political Science

California State University at Fullerton (1968)

Employment History

Executive Director

Association for Enterprise Opportunity (AEO)

Arlington, Virginia

(May 1999 – present)

Chief Executive Officer of a national trade association representing microenterprise organizations in the United States (and some international members). My responsibilities include supervision of staff, fund-raising, directing public policy efforts, membership development and overall management of the association. I report to a national Board of Directors. AEO is a non-profit, 501(c) (3) organization.

Director of Training and Development

National Association of Community Action Agencies (NACAA)

Washington, D.C.

(October 1998 – April, 1999)

Responsibility for developing and coordinating all national training events for an 800 member national trade association of community action agencies. Also responsible for managing the national professional certification program for NACAA (the Certified Community Action Professional [CCAP] program). Other responsibilities include the development of a recruiting program for Community Action professionals for a Master's Degree program at Princeton University. Also responsible for development and

management of a international visitors program for NACAA and Community Action Agencies. I managed two grants programs to state and regional associations for which NACAA served as the intermediary.

Business Development Specialist
Center for Field Assistance and Applied Research
US Peace Corps, Washington, D.C.
(October 1996 - September 1998)

Responsibility for management of external funding for economic development for Eastern Europe, Russia and world-wide Peace Corps business projects (approximately \$750,000 annually). I also provided technical assistance to overseas Peace Corps staff on Economic Development and Non-Governmental Organization project development.

Associate Peace Corps Director for Economic Development (APCD/SED)
US Peace Corps, Estonia, Latvia and Lithuania
Riga, Latvia
(September 1994 - April 1996)

Responsibility for supervision of three host country program staff; direct responsibility for Peace Corps Business Volunteers (from 45 - 55). I was responsible for development of Economic Development project plans and relationships between Peace Corps and the appropriate national ministries of the three countries I worked in.

Executive Director
Community Service Programs of West Alabama, Inc. (CSP)
Tuscaloosa, Alabama
(1983 - 1994)

I had overall responsibility for management of a non-profit, community-based organization serving thirteen Alabama counties in central and south-west Alabama. The agency was active in providing social services, affordable housing, and micro-lending, and pre-school services to a low and moderate income population. During my tenure as Executive Director, the agency grew from a staff of 38 and a budget of \$1.2 million in 1983 to 250 employees and a budget in excess of \$9 million in 1994.

CSP was active in the development of affordable housing with more than 400 new/rehab units completed from 1988-1994. In 1992 the agency was the winner of the national "Maxwell Award" from the Fannie Mae Foundation.

Program Administrator
Alabama Council on Human Relations
Auburn, Alabama
(1982 - 1983)

Executive Director
Alabama Coalition Against Hunger
Auburn, Alabama
(1978 - 1982)

Regional Director
Alabama Migrant and Seasonal Farm Workers Council, Inc.
(1975 - 1977)

Registrar
Miles College- Eutaw, Alabama
(1973 - 1975)

Executive Director
National Democratic Party of Alabama
Huntsville, Alabama
(1970 - 1973)

VISTA (Volunteers in Service to America) Volunteer
Miles College
Birmingham, Alabama
(1969 - 1970)

Articles Published

"A comparison of Social Welfare Policy in Sweden and the United States," Social Perspectives, December, 1977.

"Third Party Politics in Alabama," The New Democrat, August, 1972.

"Community Action Agencies and Economic Development," NACAA Network, April, 1989.

"CAA Director looks at role of subsidiary corporations, NACAA Network, August, 1990.

Author of script and study guide for four cassette training program, "Community Economic Development," developed for the National Association of Community Action Agencies, 1992.

Other relevant data

Instructor, part-time, School of Social Work, University of Alabama graduate school. I taught a course in "Community Social Work" in nine semesters, 1989 - 1994.

Candidate for public office, Alabama Public Service Commission (statewide), Democratic Primary, 1982; received 252,000 votes (41% of total).

Consultant, Office of Consumer Education, Department of Health and Human Services, 1980 - 1982.

Appraiser, National Council of Churches, Domestic Hunger and Poverty, 1983-1989.

Field Instructor, University of Alabama, Graduate School of Social Work, 1983 - 1994; 1996- present (involves supervision of graduate school interns).

Trainer and Consultant, "Community Economic Development," National Association of Community Action Agencies, 1991 - 1994.

Certified Community Action Professional (CCAP), National Association of Community Action Agencies, 1993 (first class) - present.

Instructor and guest lecturer, "Attistiba (Riga School of Social Work), Riga, Latvia, 1995 - 1996.

Foreign Language proficiency, Spanish (intermediate)

Organizational Affiliations

Board member, National Congress for Community Economic Development (NCCED), Washington, D.C. (1991-1993)

President, Northport (Alabama) Creative Housing Partnership (1990 - 1994)

Founding member, Board of Directors, Alabama New South Coalition (1984 - 1991)

Member, Leadership Tuscaloosa, Class of 1988 - 89.

Founding member and President, Alabama Transit Association (1983 - 1986)

Board member, SouthTrust Reinvestment Corporation, Birmingham, Alabama (1993 - 1994)

**TESTIMONY FOR THE RECORD OF THE FY 2004 BUDGET HEARINGS
IN THE SUBCOMMITTEE ON COMMERCE, JUSTICE, STATE, THE JUDICIARY
AND RELATED AGENCIES
U.S. HOUSE OF REPRESENTATIVES**

**PRESENTED BY DONALD WILSON
PRESIDENT, ASSOCIATION OF SMALL BUSINESS DEVELOPMENT CENTERS
(ASBDC)**

APRIL 11, 2003

Mr. Chairman, Mr. Ranking Member and members of the Subcommittee, I am Donald Wilson, President of the Association of Small Business Development Centers (ASBDC). The Association is grateful for the opportunity to submit this testimony for the record of the Subcommittee's FY 2004 budget hearings.

ASBDC's members are the 58 State, Regional and Territorial Small Business Development Center programs comprising America's Small Business Development Center Network. All Small Business Development Center (SBDC) grantees, located throughout the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam and American Samoa, are members of the ASBDC.

Since its establishment by Congress in 1980, America's Small Business Development Center Network has provided in-depth counseling of an hour or more, and training of two hours or more, to roughly 10 million small business owners and aspiring entrepreneurs. In addition, millions more entrepreneurs have used the network as an informational resource for answers to questions as simple as how to get a business license or where to get an employer identification number.

ASBDC urges the Subcommittee to fund our nation's SBDC network at its currently authorized level of \$125 million in the FY 2004 Commerce-Justice-State Appropriations bill. The Association recognizes the difficult funding choices that the Subcommittee must make in these difficult times, and that ASBDC's recommendation represents a significant increase in the current funding level for the SBDC program. However, America's SBDC network can help our country recover from its current economic stagnation, create desperately needed new jobs, and generate the additional Federal revenues needed to reduce the budget deficit.

First, it is important to note that Federal funding for the SBDC network generates more revenue for the Federal treasury than it costs the taxpayer. The President's FY 2004 Budget points out that an independent evaluation of the SBDC program indicated that each \$1 spent on SBDC counseling resulted in \$2.78 in tax revenues. The SBDC program generated an estimated \$182.9 million in Federal revenue in 2001 -- an excellent return for a Federal investment of \$88 million for the nationwide SBDC program.

In addition, America's SBDC network has a proven record of creating jobs and generating growth for America's small businesses. At the beginning of the most recent recession in 2001, as large corporation after large corporation announced layoffs, long-term counseling clients of the SBDCs added 46,688 new jobs, saved 34,215 existing jobs, started 12,872 new businesses, increased sales by \$3.9 billion, and saved an additional \$4.3 billion in sales. In addition, SBDC long-term counseling helped small businesses obtain an estimated \$2.7 billion in financing in 2001. That means every dollar spent on the operation of the SBDC network leveraged approximately \$15.89 in new capital raised by long-term SBDC clients in 2001.

Based on its record over the past 10 years, with funding of \$125 million our nation's SBDC network could help SBDC long-term counseling clients to:

- create an estimated 111,744 new full time jobs;
- increase sales by an estimated nine billion dollars;
- produce an estimated \$266 million in additional revenue for the Federal government; and
- produce an estimated \$397 million in additional tax revenue for State governments.

Federal funding for the national SBDC network is an investment in the job creation potential of America's small business sector -- the engine of our nation's economy. Today, job creation by small businesses has declined as America's entrepreneurs struggle in a sluggish economy. **In fact, 2001 and 2002 were the worst two consecutive years of job creation in the American economy since the 1950's.** The economy has lost 465,000 jobs in the past two months and 2.1 million jobs in the past two years.

America's SBDC Network can help the small business sector of our economy generate jobs again, but we need the resources to do the job. Federal funding available for distribution to the SBDC program decreased between FY 1994 and FY 2004 (after accounting for inflation, earmarks and the establishment of the SBDC program in Guam and American Samoa) -- while Federal government receipts increased by 26% in constant dollars. In addition, as a result of the 2000 Census, **24 States -- including Alabama, Illinois, Kentucky, Louisiana, Minnesota, New York, Ohio and West Virginia -- are subject to receiving less Federal funding for their SBDC programs than they received in 2001** -- simply because their populations did not grow as fast as other State populations.

There is room in the Federal budget for increased resources for our nation's SBDC network. For example, the Small Business Administration (SBA) Budget proposal for FY 2004 calls for increasing the SBA's Salaries and Expenses account to \$219 million. That is an increase of \$57 million (35%) compared to FY 2002, and an increase of \$10 million (5%) compared to the SBA's FY 2003 Budget proposal. However, the SBA's Budget proposal calls for cutting the SBA Non-Credit Business Assistance account to \$141 million in FY 2004. This is the account that funds SBDCs and other programs that provide direct assistance to small businesses. For those programs, the SBA's Budget proposes to cut \$26 million (20%) compared to FY 2002, and \$3 million (2%) compared to the SBA's FY 2003 Budget proposal. Funding for SBA can be more wisely spent on direct assistance for small businesses rather than on administrative overhead.

I urge you to consider that Federal funding for the SBDC network is now more important than ever, as State governments across the country -- **including Kentucky, North Carolina, Ohio, New York, Virginia and others** -- are cutting back on their contributions to the SBDCs. This is not because of lack of support for the SBDC program, but rather because of the revenue crises faced by State governments across the country. Unless Federal support for the national SBDC network is able to make up for cuts in State funding, SBDC program capacity across the United States will have to be severely cut back. Counselors will have to be laid off and service centers will have to be closed. The job creation and economic development activities of the SBDC network will be curtailed proportionately -- at the very time that the economy is in need of a stimulus.

On February 11th of this year, the President of the National Conference of State Legislatures testified before the Senate Finance Committee regarding the budget crisis in the states. States are facing the most serious budget problems since the Great Depression. State legislatures face a minimum \$68.5 billion budget shortfall for FY 2004. State budget cuts, compounded by proposed federal budget cuts for small business management and technical assistance programs could gravely jeopardize effective delivery of badly needed management and technical assistance to the economy's small business sector. As counselors are laid off and service centers are closed, we will unquestionably see business failures increase, thereby reducing the potential for job growth.

Just as many small businesses fall on hard times by projecting overly optimistic revenue growth, the same appears to be true at both the state and federal governmental levels. However, many contend that the financial problems faced by state governments appear to be due in part to unfunded mandates imposed by the federal government. We would submit that a major cause of the budget crisis at the state and federal levels is lower than expected revenues resulting in large part from a slow growth economy and a jobless recovery. Forty-five states rely heavily on sales tax receipts. Those receipts are well below projected levels and reflect our nation's slow economic growth and high unemployment. State income tax receipts are off as well, due in part to high unemployment. Members of this committee can well identify with these problems as federal revenues for FY 2003 are projected to be roughly \$200 billion below FY 2001 levels.

Mr. Chairman, policy makers at all levels of government are being forced to make difficult budgetary choices. Small business owners make those types of choices every day. Most small business owners understand the need to reinvest in their business if it is to grow and prosper. They spend resources on marketing because they understand those expenditures can increase sales and profitability. Unfortunately, many states are cutting funding for economic development programs when economic development and business assistance programs should be budget priorities in order to begin to grow the economy again. States are also cutting funding for institutions of higher education, institutions that often host and partially fund SBDC programs. If government fails to reinvest in the entrepreneurial economy, it will do so at its own financial peril. Failure to assist the nation's struggling entrepreneurial sector will only result in a continuing downward spiral for government revenues, threatening education, health and safety net programs for years to come. Indeed, to use a metaphor that a resident of America's heartland would understand Mr. Chairman, our failure to invest in small business is like eating our seed corn.

Recent and pending state budget cuts in SBDC funding will assure that America's Small Business Development Center network will contract even further this year without a significantly increased federal appropriation. Rural areas which have unique economic development needs have already been adversely impacted by the closing of centers and the laying off of counselors.

Unlike other federal management and technical assistance programs, federal dollars appropriated to the SBDC program leverage roughly three additional non-federal dollars. The decline in state resources as result of the crisis in state budgets cannot possibly be made up from private sector sources in the current economic climate. The federal government needs to recognize the growing financial plight of the SBDC network in these trying economic times. If the Federal government does not allocate resources to the SBDC program at a level approximating \$125 million for FY 2004, the management and technical assistance needs of tens of thousands of small firms will go unmet and thousands of private sector jobs will likely be lost. The resulting decline in economic activity will surely have a significantly negative impact on state and federal budgets. The remarkable infrastructure of over 900 SBDC service centers developed over the past twenty-three years will deteriorate even further as more service centers are closed and dedicated counselors are laid off.

I look back at recent natural or man-made disasters; the 1997 Red River flood in North Dakota, Hurricane Floyd and its devastating floods in North Carolina in 1999, and terrorists' attacks in New York and Virginia in 2001. In all of those instances government officials and small business owners in those states turned to the SBDC network in a time of crisis and the men and women of the network performed heroically. And there will be future disasters. The question is whether the SBDC network will have sufficient capacity to respond adequately to those future disasters. The SBDC network is somewhat like a law enforcement officer. We often don't value it, until we need it. This remarkable educational infrastructure is no different than roads, bridges, and water systems. If we allow America's Small Business Development Center network to continue to deteriorate, we will all suffer the consequences.

The work of America's Small Business Development Center Network is constantly being recognized by others. NAMTAC, the National Association of Manufacturing and Technical Assistance Center's, presented its 2002 Outstanding Project of the Year Award to the New York State SBDC for its efforts to help small businesses recover from the September 11, 2001 terrorists attack in that state. The Maine SBDC program late last year was awarded the Margaret Chase Smith Maine State Quality Award. This award recognizes organizations for performance excellence based on criteria corresponding to the Malcolm Baldrige National Quality Award. The Bill J. Priest Institute for Economic Development, a Division of the Dallas County Community College District, was the only recipient of the Texas Award for Performance Excellence in 2002. The award is patterned after the Malcolm Baldrige National Quality award and recognizes Texas organizations that excel in world-class management, achievement, and performance excellence in applying quality and customer satisfaction principles. A critical component of the Institute is the Dallas Regional SBDC.

In June of last year Secretary of Commerce Evans presented the Black Hawk College Export Trade Center, a special component of the Black Hawk College SBDC, with the President's "E" Award for Exporting Excellence. This prestigious award was created by President John F.

Kennedy to recognize U.S. Businesses or organizations that have demonstrated outstanding growth and innovation in exports or export service. ASBDC is proud of the accomplishments of its members and their capable and committed personnel.

The Subcommittee's consideration of FY 2004 funding for the SBDC program comes at a critical time for our nation's economy. Small businesses generate 52% of Gross Domestic Product, represent 99% of all employers and employ 51% of all private sector employees. During the past decade small businesses created roughly 70% of net new jobs in our economy. But all is not well with the small business sector. The most recent data available from SBA's Office of Advocacy finds that in 2001 small business bankruptcies nationwide increased nearly 13% over the previous year. No doubt, newer national figures will show those numbers further increasing. The majority of small business owners have never received any formal entrepreneurial training. The majority has never managed a business during an economic downturn. The need for management and technical assistance within the small business sector is greater today than ever before. The Department of Labor confirms that when unemployment rises, self-employment rises.

There are 23 million small business owners in the United States, and the Kauffman Foundation estimates that one in 10 adult Americans is seeking to start his or her own business. Forty percent of SBDC clients are women (SBDC's served over a quarter million female clients last year) and 22% are minorities. Demand for entrepreneurial services among these constituencies is exploding.

SBA figures for FY 2002 show that SBDC counseling cases and training attendees combined increased from 610,000 in FY 2001 to 650,000 in FY 2002 despite an increase in federal funding of less than \$100,000. These client numbers represent real people, your constituents, individuals, many with families, and mortgages, tuition payments and dreams. They are real people like Dr. Harris Goldberg, a chemist from Hillsborough, New Jersey who was featured in a December 16, 2002 article in the *Wall Street Journal*. Dr. Goldberg had been laid off, decided to seek assistance at his local SBDC and now has his own successful firm providing employment to others.

If we are to have any chance of growing this economy at the level needed to provide jobs and enhance federal revenues, there must be a clear determination by Congress to provide the resources to increase the service capacity of the SBDC program. ASBDC appreciates the Subcommittee's support for the SBDC network in past years. I urge you to support an appropriation of \$125 million for our nation's SBDC network in the FY 2004 Commerce-Justice-State Appropriations bill. Thank you.

CURRICULUM VITAE

**Don Wilson
President/CEO
Association of Small Business Development Centers**

Donald Wilson is the President/CEO for the Association of Small Business Development Centers (ASBDC). He assumed his current position with ASBDC in May of 2001, after having served as the association's Director of Government Affairs for two years.

Prior to coming to ASBDC, Don was for fifteen years Director of Government Relations for the National Tire Dealers and Retreaders Association (NTDRA). NTDRA, with over 5,500 members, was a well-respected small business retail association. During his last few years with the NTDRA, Don also served as the association's General Manager in addition to his responsibilities as Director of Government Relations.

Mr. Wilson joined the Tire Dealers Association after serving ten years as Chief of Staff to three different Members of the U.S. House of Representatives. Prior to going to work on Capitol Hill, Don taught United States History and Public Speaking for a number of years at the secondary school level.

Mr. Wilson is a graduate of the University of North Carolina at Chapel Hill with a major in United States History and a Minor in Political Science. He also studied law for two years at the University of North Carolina School of Law and attended the University of Miami's Institute for the Study of Law and Economics.

Mr. Wilson and his wife, Ann, have two children and reside in Falls Church, Virginia.

WITNESS DISCLOSURE STATEMENT

(Required by House Rule XI, Clause 2(g))

Association of Small Business Development
Centers (ASBDC)
8990 Burke Lake Road, 2nd Floor
Burke, VA 22015
April 11, 2003

The Honorable Frank R. Wolf
Chairman
Subcommittee on Commerce, Justice, State
The Judiciary and Related Agencies
U.S. House of Representatives
Washington, DC 20515-6017
VIA E-MAIL: approp.CommerceJustice@mail.house.gov

Dear Mr. Chairman:

I am presenting the above testimony for the record of the Subcommittee's FY 2004 budget hearings as a witness representing the Association of Small Business Development Centers and appearing in a nongovernmental capacity. I am making the following disclosure of Federal contracts received by the Association of Small Business Development Centers (ASBDC) as required by House Rule XI, Clause 2(g).

1. ASBDC annual contract with the U.S. Small Business Administration to perform Small Business Development Center (SBDC) certification: \$129,150.00.
2. ASBDC contract in 1999 with the U.S. Small Business Administration for Y2K information and remediation: \$1.3 million.

If you require any additional information, I can be reached at the above address or by phone at 703-764-9850. Thank you.

Sincerely,



Donald Wilson
President and CEO



Audubon

Statement of the National Audubon Society

Bob Perciasepe

Vice President, Public Policy

**To the U.S. House of Representative's Appropriations Committee
Subcommittee on the Departments of Commerce, Justice, State and Judiciary
April 11, 2003**

On behalf of the National Audubon Society and our one million members and supporters, we appreciate the opportunity to submit testimony regarding marine conservation funding priorities for the fiscal year 2004 budget of the National Oceanic and Atmospheric Administration (NOAA). The National Audubon Society's mission is to conserve and restore natural ecosystems, focusing on birds and other wildlife and their habitat for the benefit of humanity and the earth's biological diversity. This includes protecting and restoring the living communities and special places of the seas for fish, seabirds, and other marine life and for the benefit of humankind.

To adequately execute its mandates, NOAA, and its National Marine Fisheries Service (NMFS) and National Ocean Service (NOS), in particular, needs additional monies over those provided in FY 2003. While Audubon recognizes the subcommittee has many difficult choices to make this year, we urge you to continue to make ocean conservation a top priority. Below is a detailed list of those programs Audubon sees as critical funding priorities within NOAA, accompanied by what Audubon views as the minimum necessary appropriation levels at the current time.

National Oceanic and Atmospheric Administration

\$520 million for Conservation Spending Category:

In October of 2000, Congress established the Land Conservation, Preservation, and Infrastructure Improvement Fund (LCPPIF) to provide increased support for conservation activities. The fund dedicates an additional \$520 million in the FY04 budget for critical coastal conservation activities within NOAA. Audubon strongly encourages the subcommittee to make full use of this funding to provide additional support for high priority coastal conservation initiatives, as outlined below.

\$30.25 million for Coral Reef Conservation:

Audubon recommends that the Congress supplement the Administration's request of \$28.25 million for coral reef conservation by an additional \$2.0 million for a total of \$30.25 million. This additional funding is urgently needed to reduce land-based pollution, overfishing, diseases, and other threats to coral reefs. It is especially critical since the program's budget was cut for FY03. Audubon suggests that a portion of the new monies be directed to the Coral Reef Conservation Fund, which leverages additional money through public-private partnerships for on-the-ground coral reef conservation activities.

National Marine Fisheries Service

\$26 million for Expanding Annual Stock Assessments:

The Administration has requested \$14.9 million for expanding annual stock assessments. This was intended to represent an increase of \$3 million over FY03 levels. However, noting the dire status of most of the nation's living marine resources, Congress recently allocated \$17 million for FY03. Therefore, \$14.9 million would actually result in a reduction of funding, representing a step in the wrong direction. Accurate stock assessments are the foundation of proper management of fishery resources. Without them, rational management of fish populations is not possible. In light of this, it is unacceptable that the status of roughly two-thirds of fish stocks in U.S. waters remains unknown largely because of inadequate funding to undertake assessments. Therefore, Audubon urges the Congress to allocate \$26 million toward improving stock assessments. Such an allocation would demonstrate a commitment toward more informed science-based management of our nation's fish populations.

\$25 million for Fishery Observers:

The administration's request of \$19.95 million for fisheries observer programs represents a modest but inadequate increase for fishery observer programs, especially considering the small decrease in funding for FY03 over FY02. Because of fiscal constraints, observer coverage levels in some fisheries, such as the Atlantic pelagic longline fishery, have been below levels mandated by international agreements that the United States are a party to, as well as below levels dictated by biological opinions issued under the authority of the Endangered Species Act. To ensure that observer coverage occurs at a statistically reliable level within all areas fished, Congress must provide additional money to NMFS for fishery observers. Audubon recommends an increase to \$25 million dollars to ensure that adequate observer programs are implemented without further delay. We ask that a portion of the funds be earmarked to increase observer coverage in the Gulf of Mexico Pelagic Longline Fishery, a fishery in which little reliable information is available on catch and effort. High mortality of incidentally caught spawning bluefin tuna, one of the most economically important yet threatened ocean fishes, is believed to be limiting the ability of this species to recover.

\$2.8 million for Reducing Bycatch:

Audubon is encouraged by the Administration's request for an additional \$2.8 million to confront the problem of wasteful bycatch. It is estimated that 2.7 billion pounds of non-targeted marine species, including endangered and/or federally protected marine mammals, sea turtles, and seabirds, are caught and discarded in U.S. fisheries each year. We urge the Congress to fully fund NMFS' efforts to reduce bycatch, as required by law.

\$35.9 million for Enforcement, including \$12.4 million for Vessel Monitoring Systems (VMS):

The Administration's request of \$35.9 million for enforcement appropriations represents an important commitment toward reigning in illegal fishing activities that undermine conservation and management measures established by the NMFS. Given the reallocation of traditional fisheries enforcement to homeland security needs (e.g., the Coast Guard is working fisheries at a level of 5-6% of pre-September 11th levels), this is not the time to reduce support for NOAA enforcement still further. One of the most disappointing outcomes of the FY03 appropriations was a major decrease in fisheries enforcement dollars to just 54% of the budget available in FY02. Audubon strongly urges the Congress to fund enforcement and surveillance at the full amount requested by the President—\$35.9 million.

VMS is an indispensable satellite-based fishery monitoring and enforcement tool: Given the increased use of large-scale fishery area closures it is the only viable mechanism to monitor compliance with time-area closures. Enforcement/monitoring alternatives to VMS would be immensely more costly and would require 100 percent observer coverage in some fisheries and the procurement of significant numbers of additional enforcement personnel, aircraft, and ships. VMS also provides the added benefits of improving safety at sea and enhancing fisheries effort data collection. Within the Enforcement and

Surveillance account, we recommend that \$12.4 million be allocated to vessel monitoring systems, an increase of \$5 million over the Administration's request. These new dollars will ensure VMS coverage for a noticeable portion of the U.S. commercial fishing vessels.

\$500,000 for International Fisheries Commissions:

The Administration's request of \$400,000 for international fisheries commission work is insufficient. The importance of international cooperation in managing highly migratory and transboundary species has never been more important and the difficulty never greater. Budgetary constraints limit the ability of U.S. scientists to work on international fisheries issues of critical importance to the U.S. and the various commissions to which the U.S. is a party. Furthermore, U.S. delegations are often understaffed because of travel budget constraints. Audubon urges the Congress to allocate an additional \$100,000, which will allow a more appropriate level of commitment of U.S. resources to international negotiations.

\$1.15 million for Bluefin Tuna Tagging:

The Administration's request of \$850,000 for bluefin tuna research is below the level needed to conduct appropriate and necessary scientific research. Audubon strongly urges the Congress to appropriate \$1.15 million and ensure that these research dollars be evenly distributed between Stanford University's Hopkins Marine Station and the New England Aquarium. The Stanford University research team leads the field in Atlantic bluefin tuna research, and their scientific expertise and reputation should not be undermined. In the past, all federal bluefin tuna research dollars have been allocated to the New England Aquarium without explanation or warning, jeopardizing the continuation of Stanford University's invaluable Atlantic bluefin tuna research program.

\$1 million for Pacific Highly Migratory Species Research:

The Administration's request of \$750,000 for Pacific highly migratory species is inadequate. Funding for stock assessments and biological studies, as well as improving bycatch mitigation techniques for these fisheries, are critical for the long-term health of the fishery. The Pacific Fishery Management Council's Highly Migratory Species Fishery Management Plan was adopted last fall based on cursory estimates of maximum sustainable yield and stock status. Audubon proposes that appropriations for Pacific highly migratory species research be raised to \$1 million to be used, in part, to fund the work necessary to improve maximum sustainable yield estimates for Pacific bluefin tuna, swordfish, and all shark species included in the plan.

\$110 million for Pacific Coastal Salmon Recovery:

Sixteen populations of salmon in the Pacific Northwest are listed as threatened or endangered under the Endangered Species Act. The Administration's request of \$90 million for the Pacific Coastal Salmon Recovery is insufficient to adequately execute the wide range of activities needed including habitat restoration and protection, research, monitoring and evaluation, and salmon recovery planning. Audubon recommends that the Committee restore funding to FY 2002 enacted levels (\$110 million) and that these restored funds be dedicated toward establishing a comprehensive regional monitoring program. Without a comprehensive region-wide system in place it will be impossible to fully evaluate the effects of recovery efforts.

\$1.95 million for Highly Migratory Shark Fishery Research Program

This effective multi-regional collaborative effort conducts research on shark and ray populations in the Gulf of Mexico, the Atlantic, and the Pacific. Information developed from this program has provided critical information for assessing the status of shark populations and informing better management. Audubon greatly appreciates the Subcommittee's rejection of the Administration's proposed cut in FY03 and requests a small increase in funding to \$1.95 million in FY04.

\$20.5 million for Regional Fishery Management Councils:

The Administration has requested \$15.5 million for the Regional Fishery Management Council system, \$1 million more than the FY03 enacted level. This level of appropriations is a step in the right direction but still falls short of what is needed to support the workload, and the vital reform, of the eight regional councils. Needed changes include a more balanced distribution of seats between representatives of the commercial, recreational, and public interest in marine conservation—currently there are no representatives of the conservation community serving on the eight councils in aggregate—and more stringent regulations regarding recusal of council members from votes where they have a financial interest. Nevertheless, Audubon recognizes that despite the present Council system's serious flaws, it is under-funded and recommends that the Congress increase appropriations to \$20.5 million for FY04. This level of funding compensates for the shortfalls stemming from the last couple years of enacted monies being less than the Administration's request.

\$11 million for Essential Fish Habitat:

NMFS' base for designation and protection of essential fish habitat (EFH)—those waters and substrate on which fish depend—is inadequate. The Sustainable Fisheries Act of 1996 gave NMFS a clear mandate to identify and conserve essential fish habitat. While progress has been made in identification of EFH, too little has been done to protect these habitats. Audubon recommends that the Congress allocate \$11.0 million to further refine EFH designations and to take action to conserve EFH.

\$5.9 million for Sea Turtle Research:

Audubon supports the Administration's request of \$5.9 million for Endangered Species Act Sea Turtle Research. With sea turtles threatened or endangered on both coasts, it is critical to develop information to better recover these animals and to implement identified management strategies to reverse declining population trends.

\$700,000 for Horseshoe Crab Research:

Horseshoe crabs have been heavily overfished in the past decade jeopardizing both the horseshoe crab and the migratory shorebirds that depend on the horseshoe crab. Horseshoe crab eggs are a staple in the diet of migratory shorebirds (supporting a thriving tourist industry in the Mid-Atlantic), and their blood is a federally mandated testing agent for impurities in injectable drugs. Audubon requests \$700,000 for FY 2004, \$100,000 above the FY03 enacted level, be directed to the Horseshoe Crab Research Center at Virginia Tech to improve the understanding of the horseshoe crab population.

\$2 million for Fisheries Oceanography:

The Administration requested \$1.0 million for fisheries oceanography for FY04. This sum is equal to the Administration FY03 request but \$1.0 million less than its FY02 request of \$2.0 million. Audubon supports dedicating \$2.0 million for fisheries oceanography as per the Administration's FY02 request. Oceanography is critical to further our understanding of how long-term environmental factors affect fish stocks through continuing research and development new tools and techniques as increasing pressure is brought to bear on fish stocks.

\$3 million for the Atlantic Coast Cooperative Statistics Program

The Atlantic Coast Cooperative Statistics Program is a unique data collection program that encompasses all marine fisheries sectors and has allowed state and federal fisheries managers from 15 states to develop a plan to cooperatively collect, manage and disseminate fishery statistics for the Atlantic coast. We request \$3 million in FY04 so that this program can be expanded and better implemented along the East Coast, thereby helping to ensure that data collection methods are more consistent and reliable.

\$8 million for NMFS-NEPA:

Audubon supports the Administration's request for \$8 million for NMFS to enhance its work in satisfying mandates of the National Environmental Policy Act (NEPA), a cornerstone environmental law of our country.

National Ocean Service**\$5 million for the Marine Protected Areas Program:**

The Administration has requested \$3 million for the Marine Protected Areas (MPA) Program, which represents a \$1 million decrease from the FY03 enacted level. This amount is insufficient, and Audubon proposes an additional \$2 million in funding for FY04, resulting in an aggregate of \$5 million for the NOS MPA program. This increase will allow NOS to work more effectively with federal and state agencies and other partners to acquire data for the ongoing MPA inventory. The additional monies will also allow NOS to take advantage of the expertise of the newly formed Marine Protected Areas Advisory Committee. In addition, this increase will allow NOS to better assist stakeholders, including regional fishery management councils, states, and others, by providing technical assistance and research to determine how best to design and implement MPAs.

\$37.8 million for National Marine Sanctuaries and \$10 million for Construction:

The National Marine Sanctuary Program protects our nation's most unique and nationally significant marine ecosystems and resources for the benefit of future generations. The Administration's request of \$35.8 million for sanctuary operations is below what is needed to inventory natural and cultural resources, maintain facilities and equipment, and effectively implement and enforce management plans. Audubon recommends that the subcommittee provide an additional \$2.0 million over the Administration's request (\$37.8 million) for sanctuary operations. Audubon also supports the Administration's request of \$10 million for construction of facilities and vessel procurement to educate the public about the ocean and the importance of special places in the sea as well to reduce the operations and maintenance backlog. The Administration has been denied this funding in previous years, making the need even greater.

Mr. Chairman and Members of the Committee, thank you for providing Audubon the opportunity to comment on funding priorities for the National Oceanic and Atmospheric Administration. We understand that it is a large agenda, but the future conservation of our natural resources remains a strong American value. We look forward to working with you to secure a legacy of living oceans for future generations.

**STATEMENT OF THE CALIFORNIA INDUSTRY AND GOVERNMENT
CENTRAL CALIFORNIA OZONE STUDY (CCOS) COALITION**

SUBMITTED TO THE

**APPROPRIATIONS SUBCOMMITTEE ON
COMMERCE, JUSTICE, STATE AND THE JUDICIARY**

UNITED STATES HOUSE OF REPRESENTATIVES

BY

ALAN C. LLOYD, Ph.D.
CHAIRMAN
CALIFORNIA AIR RESOURCES BOARD

BARBARA PATRICK
CHAIR, CCOS POLICY COMMITTEE
MEMBER, CALIFORNIA AIR RESOURCES BOARD
MEMBER, SAN JOAQUIN VALLEY APCD AND KERN COUNTY SUPERVISOR

LYNN TERRY
DEPUTY EXECUTIVE OFFICER
CALIFORNIA AIR RESOURCES BOARD

JOHN DAMASSA
CCOS PROGRAM MANAGER
CALIFORNIA AIR RESOURCES BOARD

MARK BOESE
DEPUTY AIR POLLUTION CONTROL OFFICER
SAN JOAQUIN VALLEY APCD

MANUEL CUNHA, JR.
PRESIDENT
NISEI FARMERS LEAGUE

CATHERINE H. REHEIS-BOYD
VICE PRESIDENT
WESTERN STATES PETROLEUM ASSOCIATION

LES CLARK
VICE PRESIDENT
INDEPENDENT OIL PRODUCERS AGENCY

APRIL 11, 2003

Mr. Chairman and Members of the Subcommittee:

On behalf of the California Industry and Government Central California Ozone Study (CCOS) Coalition, we are pleased to submit this statement for the record in support of our fiscal year 2004 funding request of \$500,000 from the National Oceanic and Atmospheric Administration (NOAA) for CCOS as part of a Federal match for the \$9.1 million already contributed by California State and local agencies and the private sector. NOAA was under contract for approximately \$700,000 to measure winds and temperatures during the CCOS field study. Currently, NOAA is under contract for \$250,000 to participate in the CCOS data analysis and modeling. This request will partially replace funding already spent for NOAA's participation in CCOS.

Most of central California does not attain federal health-based standards for ozone and particulate matter. The San Joaquin Valley is developing new State Implementation Plans (SIPs) for the federal ozone and particulate matter standards in the 2002 to 2004 timeframe. The San Francisco Bay Area has committed to update their ozone SIP in 2004 based on new technical data. In addition, none of these areas attain the new federal 8-hour ozone standard. SIPs for the 8-hour standard will be due in the 2007 timeframe – and must include an evaluation of the impact of transported air pollution on downwind areas such as the Mountain Counties. Photochemical air quality modeling will be necessary to prepare SIPs that are approvable by the U.S. Environmental Protection Agency.

The Central California Ozone Study is designed to enable central California to meet Clean Air Act requirements for ozone State Implementation Plans (SIPs) as well as advance fundamental science for use nationwide. The CCOS field measurement program was conducted during the summer of 2000 in conjunction with the California Regional PM₁₀/PM_{2.5} Air Quality Study (CRPAQS), a major study of the origin, nature, and extent of excessive levels of fine particles in central California. CCOS includes an ozone field study, a deposition study, data analysis, modeling performance evaluations, and a retrospective look at previous SIP modeling. The CCOS study area extends over central and most of northern California. The goal of the CCOS is to better understand the nature of the ozone problem across the region, providing a strong scientific foundation for preparing the next round of State and Federal attainment plans. The study includes six main components:

- Developed the design of the field study
- Conducted an intensive field monitoring study from June 1 to September 30, 2000
- Developing an emission inventory to support modeling
- Developing and evaluating a photochemical model for the region
- Designing and conducting a deposition field study
- Evaluating emission control strategies for upcoming ozone attainment plans

The CCOS is directed by Policy and Technical Committees consisting of representatives from Federal, State and local governments, as well as private industry.

These committees, which managed the San Joaquin Valley Ozone Study and are currently managing the California Regional Particulate Air Quality Study, are landmark examples of collaborative environmental management. The proven methods and established teamwork provide a solid foundation for CCOS. The sponsors of CCOS, representing state, local government and industry, have contributed approximately \$9.1 million for the field study. The federal government has contributed \$3,730,000 to support some data analysis and modeling. In addition, CCOS sponsors are providing \$2 million of in-kind support. The Policy Committee is seeking federal co-funding of \$6.25 million to complete the data analysis and modeling portions of the study and for a future deposition study. California is an ideal natural laboratory for studies that address these issues, given the scale and diversity of the various ground surfaces in the region (crops, woodlands, forests, urban and suburban areas).

There is a national need to address national data gaps and California should not bear the entire cost of addressing these gaps. National data gaps include issues relating to the integration of particulate matter and ozone control strategies. The CCOS field study took place concurrently with the California Regional Particulate Matter Study – previously jointly funded through Federal, State, local and private sector funds. CCOS was timed to enable leveraging the efforts of the particulate matter study. Some equipment and personnel served dual functions to reduce the net cost of the CCOS field study. From a technical standpoint, carrying out both studies concurrently was a unique opportunity to address the integration of particulate matter and ozone control efforts. To effectively address these issues requires federal assistance.

For fiscal year 2004, our Coalition is seeking funding of \$500,000 from the National Oceanic and Atmospheric Administration (NOAA). Meteorological data were continuously collected during the CCOS field program. Extensive meteorological data collected as part of the field study can be used by NOAA to strengthen its ongoing research activities such as improving meteorological forecasting and providing information on weather conditions along the Pacific coast for use in U.S. weather models. In addition, CCOS provides data for research on air flows in complex terrain. The improved results obtained from this research have national applicability.

Thank you very much for your consideration of our request.

Current CCOS Study Sponsors:

PRIVATE SECTOR:

WESTERN STATES PETROLEUM ASSOCIATION
PACIFIC GAS AND ELECTRIC COMPANY
ELECTRIC POWER RESEARCH INSTITUTE
NISEI FARMERS LEAGUE AND AGRICULTURE
INDEPENDENT OIL PRODUCERS' AGENCY
CALIFORNIA COTTON GINNERS AND GROWERS ASSOCIATIONS

LOCAL GOVERNMENT:

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT
(ON BEHALF OF LOCAL CITIES AND COUNTIES)
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
SACRAMENTO METRO AIR QUALITY MANAGEMENT DISTRICT
SAN LUIS OBISPO COUNTY AIR POLLUTION CONTROL DISTRICT
MENDOCINO COUNTY AIR POLLUTION CONTROL DISTRICT

STATE GOVERNMENT:

CALIFORNIA AIR RESOURCES BOARD
CALIFORNIA ENERGY COMMISSION

FEDERAL GOVERNMENT

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF AGRICULTURE



COASTAL STATES ORGANIZATION

FOUNDED IN 1970 TO REPRESENT THE GOVERNORS OF THE THIRTY-FIVE COASTAL STATES, TERRITORIES, AND COMMONWEALTHS ON COASTAL, GREAT LAKES, AND OCEAN AFFAIRS.

HALL OF THE STATES, SUITE 322, 444 NORTH CAPITOL STREET, NW, WASHINGTON, D.C. 20001 (202) 508-3860 FAX (202) 508-3849
April 10, 2003



The Honorable Judd Gregg
Commerce, Justice, State
and the Judiciary Subcommittee
Appropriations Committee
United States Senate
Washington, D.C. 20510

The Honorable Fritz Hollings
Chair, Commerce, Justice, State
and the Judiciary Subcommittee
Appropriations Committee
United States Senate
Washington, D.C. 20510

The Honorable Frank Wolf
Chair, Commerce, Justice, State
and the Judiciary Subcommittee
Appropriations Committee
United States House of Representatives
Washington, D.C. 20515

The Honorable Jose Serrano
Commerce, Justice, State
and the Judiciary Subcommittee
Appropriations Committee
United States House of Representatives
Washington, D.C. 20515

Dear Sirs:

On behalf of the Coastal States Organization (CSO), I am writing to request your support for FY'04 funding for the ocean, coastal and Great Lakes programs administered by the National Oceanic and Atmospheric Administration (NOAA). Since 1970, CSO has represented the Governors of the nation's 35 coastal states and island territories on matters relating to the ocean, coastal and Great Lakes. Funding these state-based programs has significant national benefits, as well as benefits to states and communities who rely on them and the million of Americans that visit the coast.

- ▶ 50 percent of the U.S. population currently lives in coastal areas, and that is expected to increase to 60 percent by 2010;
- ▶ 40 percent of commercial and 46 percent of residential development is in coastal areas;
- ▶ 85 percent of travel and tourism, the Nation's largest industry, is focused on the coast; and
- ▶ 70 percent of the commercial and recreational fishing harvests are in coastal waters.

The states greatly appreciate the past support that you have provided for these federal-state partnership programs. While we recognize that you are faced with difficult choices, funding for these programs is very **cost-effective**. Grants are matched by the states and used to leverage significantly more private and local investment in our Nation's coastal areas. Investing wisely now will help to protect irreplaceable coastal resources and support vibrant coastal economies for the benefit of this and future generations. Increasing population and development, maritime commerce and boating, tourism and recreation result in increasing conflicts and demands on limited coastal resources and on coastal communities. Threats of harmful algal blooms, hypoxia, beach and shellfish bed closures, as well as fragmentation and loss of habitats in coastal areas pose significant ongoing challenges.

The midterm report of the U.S. Commission on Ocean Policy *Developing A National Ocean Policy* (September 2002), recognized the *"dramatic increases in population and pollution along our shorelines..."* and the need to enhance the Nation's capability to address these challenges. Funding for the programs listed below provides the backbone of support for current federal-state coastal management efforts, including supporting well planned coastal communities; reducing the impacts of development; protecting wetlands and other sensitive habitats; increasing public access and improving beach management and water quality; and, encouraging compatible waterfront revitalization. CSO looks forward to working with Congress and



the Administration to support U.S. Commission on Ocean Policy's recommendations that will further enhance our ability to address the Nation's coastal and ocean challenges.

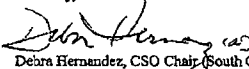
Our priorities for FY'04 include increased funding for states grants that can be shared by all eligible states to support Coastal Zone Management (CZM), funding for the National Estuarine Research Reserves, and funding for competitive grants to states for coastal and estuarine land conservation. Last year, the Subcommittee and Congress recognized the need to provide increased CZM funds to all states providing that if funds "...exceed funds provided in the previous year, then no state will receive more than 5 percent or less than 1 percent of the additional funds." CSO strongly urges that you retain this provision in FY'04 and that CZM grants be increased to \$80 million as provided below so grants can be shared with all eligible states.

Please support FY'04 funding for the following key state grant programs administered by NOAA. For your information, more detailed recommendations regarding funding related NOAA coastal services and programs are outlined in the attached fact sheet—*State Recommendations FY'04 NOAA Coastal Funding*.

- **\$80.0 million for state grants under CZMA (§§306/306A/309.)** These matching grants support state efforts to administer, implement and enhance their federally approved coastal zone management programs. These funds will enable states to address critical coastal community needs, including reducing the impacts of coastal development; expanding public access; reducing the damages from coastal hazards; restoration and protection of critical habitats; as well as waterfront revitalization and coastal dependent economic growth. It is important that language be retained from the FY'03 appropriations bill that permits all eligible states to share in increased funding requested.
- **\$10 million for state coastal nonpoint pollution grants.** This funding is only a fraction of what is needed to address polluted runoff, the most significant source of pollution of coastal waters. It will enable states to continue progress to implement priority actions in coastal areas.
- **\$17 million for the National Estuarine Research Reserve System (NERRS) grants (CZMA §315), and \$10 million base funding for acquisition and construction.** This funding will enable NERRS to support important operations, coastal stewardship, research, and monitoring programs, as well as to address immediate system-wide needs for site acquisition and construction. The \$10 million for construction grants should be for system needs, in addition to any specific Committee priorities.
- **\$60 million of Coastal and Estuarine Land Conservation (CELIC)** Nowhere in the nation is the threat of sprawl, habitat loss and ecosystem fragmentation more significant than in our Nation's coastal areas. In recognition of this fact, the *CELIC* program was authorized in FY02. The \$60 million requested for *CELIC*, is a small down-payment on the identified need to protect these invaluable coastal resources for future generations before they are lost forever. It is important that a significant portion of these funds be set aside for competitive grants so all states have an opportunity to address their most critical needs.

We greatly appreciate your consideration and support of our requests. If you have any questions or need any assistance, please contact Tony MacDonald, CSO Executive Director at 202-508-3860.

Sincerely,


Debra Hernandez, CSO Chair (South Carolina)

cc: Commerce, Justice, State and the Judiciary Subcommittee Members

(attachment)

State Recommendations FY '04 NOAA Coastal Funding

Coastal Conservation and Stewardship

Coastal Conservation and Reinvestment - CSO continues to support establishing a dedicated, long term funding source that reinvests a portion of OCS revenues or other funds generated from the use of coastal and ocean resources back into state coastal conservation, restoration and impact assistance. Although Congress has not yet established a dedicated coastal conservation fund, Public Law 106-291, Title VIII did set aside \$520 million in FY04 for NOAA "coastal conservation activities." CSO recommends full funding for the coastal conservation activity account, including increased support for (I) State Grants for Coastal and Research Reserve programs under the *Coastal Zone Management Act* (CZMA) and Coastal and Estuarine Land Conservation; (II) Coastal Services; and (III) Coastal Activities as described below.

Coastal Stewardship Programs - Investment in stewardship now will repay substantial dividends for future generations. Increasing pressures on the nation's coastal zone resulting from population growth, development, recreation and tourism threatens fragile coastal resources and the quality of life in coastal communities. Increased support for state and local action, through the CZMA and Coastal and Estuarine Land Conservation, will protect coastal resources while promoting vibrant coastal communities and responsible coastal development.

State Grant Funding

Program	FY2003	Budget Request	CSO Request
CZM Grants (§§306/306A/309)	68.963 million	68.963 million	80 million
Coastal Nonpoint	10 million	10 million	10 million
NERRS (Sec. 315)	16.4 million	16.4 million	17 million
NERRS Base Construction	4 million	10 million	10 million
Coastal and Estuarine Land Conservation	\$37.7million	-	60 million

Coastal Zone Management Grants: \$80 million

National coastal management needs are addressed best at the state and local level. Thirty-four of 35 eligible states voluntarily participate in the federal-state partnership under the CZMA. CSO requests \$80 million for CZM grants to improve protection of coastal resources, manage growth, and enhance coordination and government efficiency. These funds are matched by the states and leverage additional local and private investment. They will be used to reduce the risks from coastal hazards, restore habitats, implement management plans for critical areas, increase public access, and to support community-based efforts to manage coastal resources and revitalize urban waterfronts. This increased funding will also allow for the distribution of grants to all participating states to address critical needs (See below.)

Our Coasts — Business isn't the only place that needs quality management.

Increased CZM grants are important so that all States share equitably in funding

For the past eleven years, a \$2 million "cap" was been imposed on CZMA section 306/306A grants limiting the distribution of funds to some of the larger states with the most complex coastal challenges. 23 of the 34 eligible states have now reached the cap seriously constraining funding. However, last year in the FY03 CJS Appropriations bill Congress recognized the need to provide increased CZ grant funds to all states providing that if funds "...exceed funds provided in the previous year, then no state will receive more the 5 percent or less then 1 percent of the additional funds." CSO strongly recommends that this language be retained in FY04 and that the \$80 million requested for CZ state grants be provided so that grants can be distributed to all states to address critical coastal resource priorities.

State Nonpoint Pollution: \$10 million

Nonpoint runoff pollution is the most significant source of pollution to the nation's coastal waters. This funding will enable states to work with coastal communities to reduce nonpoint pollution and compliments other state environmental, agricultural and urban runoff pollution control efforts. A minimum of \$10 million is needed to continue support for the implementation of state coastal nonpoint source control programs and provide incentives for states to secure full approval of programs which states are required to develop under CZARA section 6217.

NERRS: \$17 million (CZMA, Sec. 315), and \$10 million for Base Construction

This funding will support the efforts of 25 sites of the National Estuarine Research Reserve System (NERRS) to understand, manage and protect estuarine habitats. This funding will enable the NERRS to significantly enhance the research, monitoring, and coastal training programs and will lead to healthier estuaries through better management of coastal water quality and natural resources. \$10 million also should be provided in base funding for system-wide priorities for acquisition and construction that have been identified by NERRS. The base program construction funding is needed in addition to any project specific construction and acquisition funds. In FY03, a total of \$28.51 million was appropriated of which \$4 million was available as base construction funding.

Coastal Conservation: \$60 million

In FY02, Congress authorized funding for *Coastal and Estuarine Land Conservation Program (CELCL)*. Nowhere in the nation is the threat of suburban sprawl, habitat loss and ecosystem fragmentation more significant than in our nation's coastal areas. The \$60 million requested for CELC, which will be implemented cooperatively with private landowners and matched and leveraged with state and local funds, is a small down-payment on the demand to protect these invaluable coastal resources for future generations before they are lost forever. States request that CELC funding be set aside for competitive grants so that all states have an opportunity to secure funding for priority projects. In FY03, all funds appropriated for CELC were 'earmarked' for specific projects.

NOAA - Coastal Services

Program	FY2003	Budget Request	CSO Request
CZMA Administration	6.6 million	7.2 million	7.2 million
CICEET	5.8 million	5.8 million	7 million
Coastal Services Center	18.9 million	18.9 million	18.9 million
Pacific Services Center	1.75 million	2 million	2 million

CZMA Administration: \$7.2 million for OCRM

The recommended funding level for the administration of the Coastal Zone Management Act programs will enable the Office of Ocean and Coastal Resource Management (OCRM) to provide the necessary administrative and technical support to sustain an effective federal-state coastal management partnership with state Coastal Zone Management Programs and National Estuarine Research Reserves.

CICEET, Coastal Services Center (CSC) and Pacific Services Center (PSC)

CSO supports \$18.9 million for funding CSC, restoring \$1.75 million for PSC, and recommends \$7 million for CICEET. These important programs are administered by the National Ocean Service. CSC supports more than 100 projects in states that address specific management issues, and result in products and services that have nationwide relevance. The Pacific Coastal Services Center was established to support Pacific Island states, territories and commonwealths with coastal management issues. CICEET directly supports science-to-management partnerships and technology development to meet state coastal management and NERES research priorities.

Other Coastal Activities

Program	FY2003	Budget Request	CSO Request
Coral Reef Conservation	14 million	14 million	16 million
Sanctuaries	35.6 million	35.8 million	35.8 million
Marine Protected Areas	4 million	3 million	4 million
Sea Grant	60.41 million	62.4 million	68.41 million

Coral Reef, Marine Sanctuaries, Marine Protected Areas, Sea Grant

CSO supports the Administration's recommendations for funding the National Marine Sanctuaries Program, and increasing the Marine Protected Areas (MPA) initiative to \$4 million and the Coral Reef Conservation initiative to \$16 million.

CSO also supports retaining the National Sea Grant program. The training, research, and extension services provided by Sea Grant is an important component in meeting the future challenges of coastal management. Funding at \$68.41 million will enable Sea Grant to address critical base program and fisheries extension needs.



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

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TESTIMONY OF
Don Sampson, Executive Director
Before the
SUBCOMMITTEE ON COMMERCE, JUSTICE, STATE,
THE JUDICIARY, AND RELATED AGENCIES
(NOAA Fisheries and Department of State)
HOUSE COMMITTEE ON APPROPRIATIONS

April 11, 2003

Mr. Chairman, Honorable Members of the Committee, on behalf of the Columbia River Inter-Tribal Fish Commission (Commission), I want to thank you for the opportunity to present our views on the FY 2004 budget for NOAA Fisheries and for the International Fisheries Commissions program of the Department of State. The tribes support funding the following programs as part of a coordinated, comprehensive effort to restore the shared salmon resource of the Columbia and Snake River basins to healthy sustainable populations and in order to implement the aggressive "non-breach" strategy of the Federal Caucus' Biological Opinion (BiOp) on the Federal Columbia River Power System (FCRPS):

- \$57.450 million for the Endangered Species Act – Pacific Salmon Recovery line item, for the implementation of measures identified in the BiOp;
- \$36 million for the Columbia River (Mitchell Act) hatchery program in order to implement reforms called for in the "Conservation of Columbia Basin Fish" (Federal Caucus "All H" Paper) and the BiOp,
 - Of that amount, \$9 million (or 25% of the actual enacted amount) should be contracted to the tribes for new or expanded supplementation programs geared to putting fish back in the river;
- No additional funding for the implementation of mass-marking programs of hatchery fish at federally funded hatcheries for the purpose of implementing a selective fisheries program;
- \$20.6 million for Columbia River facilities (screening and passage program);
- \$160 million for the Pacific (Coastal) Salmon Recovery Fund to fund for coastwide salmon restoration activities
 - Of that amount, \$10 million should be provided to intertribal commissions of the Columbia River, western Washington, and Klamath and Trinity River treaty tribes in the form of a direct grant, \$5 million should be provided for other qualifying tribes, and \$25 million should be provided to each of the states of Alaska, California, Idaho, Oregon, and Washington;
- \$9,456,000 for the Pacific Salmon Treaty Program, of which
 - \$1,844,000 is for the Chinook Salmon Agreement and,

- o \$2,000,000 is for the implementation of the 1999 Agreement; and
- \$21 million for International Fisheries Commission (State Department), of which
 - o \$2,460 is for the Pacific Salmon Commission

Mission Statement Formed by resolution of the Nez Perce, Umatilla, Warm Springs and Yakama Tribes, CRITFC provides coordination and technical assistance to the member tribes to ensure that outstanding treaty fishing rights issues are resolved in a way that guarantees the continuation and restoration of our tribal fisheries into perpetuity. Since 1979, CRITFC has contracted with the BIA under the Indian Self-Determination Act (Public Law 93-638) to provide this technical support. The tribes' and CRITFC's technical experts have identified key areas that must be addressed to conserve and restore the habitat and natural production and productivity of all salmon populations and stocks. Our goal is to restore a sustainable resource for the benefit of all peoples in the Pacific Northwest. *Wy-Kan-Ush-Mi Wa-Kish-Wit*, the tribes' restoration plan, identifies hypotheses based upon adaptive management principles to address those threats, and provides specific recommendations and practices that must be adopted by natural resource managers. See www.critfc.org for a copy of the plan.

Endangered Species Act – Pacific Salmon Recovery The tribes note that while NOAA Fisheries has received tens of millions of dollars in funding directly from the Bonneville Power Administration (BPA) or from BPA under the Northwest Power Planning Council's (NWPPC) Fish and Wildlife Program in the past, BPA's recent financial choices require additional direct federal funding in order for NOAA Fisheries to meet its statutory and trust obligations to the resource and the tribes. For example, in coordination with federal, state and tribal managers, NOAA Fisheries has developed needed and necessary monitoring and evaluation programs to measure salmon recovery efforts, but funding for these critical efforts are in doubt due to financial choices made by the BPA. The tribes encourage you review the relationship between current Congressional and BPA funding for NOAA's salmon recovery activities.

Columbia River (Mitchell Act) hatchery program Restoring Pacific salmon and providing for sustainable fisheries requires using the Columbia River (Mitchell Act) hatchery program to *supplement* naturally spawning stocks and populations. To accomplish this goal, provide \$36 million for the tribes and states, as co-managers, to jointly reform the Mitchell Act hatchery program. Of this amount, \$9 million, or 25% of enacted funding, will be contracted to the tribes for new or expanded supplementation projects. In addition, to carry out activities identified as necessary in the Federal Caucus All-H Paper and the BiOp, provide \$20.6 million for the Columbia River facilities program area for screens and fish passage programs.

Our attention continues to be focused on the need for hatchery reform. The tribes have, for over two decades, identified state and federal hatchery practices at the ninety-eight production facilities within the Columbia River basin as a significant factor in the loss of

naturally spawning salmon stocks. NOAA Fisheries agrees, citing these practices for the loss of naturally spawning coho. The past operation of these hatcheries has contributed to the decline of naturally spawning stocks throughout the basin.

Mitchell Act hatchery production should be used to assist the rebuilding and restoration of naturally spawning salmon, the stocks which have been constraining both Indian and non-Indian fisheries on the West Coast. Prior to the transition from hatchery-based fisheries to weak-stock management, mixed-stock fisheries were regulated on the basis of hatchery abundance. This practice had a devastating effect on naturally spawning runs of the Columbia Basin. With the adoption of abundance based management for all ocean fisheries under the U.S.-Canada Pacific Salmon Treaty in 1999, an aggressive effort needs to be undertaken to reform hatchery production to be consistent with that new management approach and to aid in the de-listing of several salmon populations listed under the Endangered Species Act. The tribes can provide leadership for this necessary reform, while still mitigating for the damage caused to the salmon resource by the Federal Columbia River Power System dams operated for power generation by the BPA and the Corps of Engineers.

Hatcheries should play a role in salmon recovery. The tribes have proposed a biologically credible integrated plan to modify hatchery management practices throughout the basin in order to supplement rather than supplant natural spawning salmon populations. Using this approach, the Confederated Tribes of the Umatilla Indian Reservation successfully restored chinook and coho stocks to the Umatilla River Basin after an absence of 70 years. The Commission believes similar reforms and practices need to be implemented throughout the basin immediately as an alternative to current hatchery production practices.

Mass-marking and Selective Fisheries No additional federal funding should be provided for the mass-marking of hatchery-reared fish and the implementation of selective fisheries unless and until the tribes and states have agreed upon such programs. In addition, its proponents have never identified the true total financial, management, and technical costs of pursuing an aggressive mass marking and selective fisheries program. The tribes have estimated these costs to exceed several million dollars on an annual basis - above and beyond the current level of federal funding being provided by Congress for these programs. In addition, there is no technical basis yet in place to ensure that this program does not undermine the ability of the U.S. and Canada to monitor and evaluate harvest management actions recently adopted under the Pacific Salmon Treaty.

Pacific Coastal Salmon Recovery Program/ Watershed Restoration: Beginning in 1996, with the Sitka Salmon Summit hosted by Governor Knowles of Alaska, additional funding has been sought by the State of Alaska, the Pacific Northwest states, and the treaty tribes to serve critical unmet needs for the conservation and restoration of salmon

stocks shared in these tribal, state, and international fisheries (See Record of Discussion, May 20, 1996). The funds provided by Congress under the Program mark an important beginning in accomplishing the goals of this shared effort. For FY 2004, we recommend increasing the funding level to \$160 million and expanding the program to include the state of Idaho: ESA-listed Snake River fall chinook originating in Idaho are caught in ocean fisheries in Southeast Alaska and off the coast of British Columbia. Of that increased funding level, we recommend that you provide each of the three intertribal fish commissions with funding of \$10 million via a direct grant.

Congress has raised questions regarding the lack of accountability and performance standards by which outside parties could evaluate and monitor the success of this coastwide program. To address these concerns, the tribes and states, in an effort coordinated and facilitated by NOAA Fisheries, have developed an extensive matrix of performance standards which we are sure will address this Committee's concerns. These program funds will continue to ensure that tribally sponsored watershed projects are based on the best science, are competently implemented and adequately monitored, and address the limiting factors affecting salmon restoration. This will include the use of monitoring protocols to systematically track current and future projects basin-wide. Projects undertaken by the tribes last year are consistent with the Wy-Kan-Ush-Mi Wa-Kish-Wit and the programmatic areas identified by Congress.

Pacific Salmon Treaty Program The tribes support the U.S. Section recommendation at the funding level of \$9,456,000, with \$5,612,000 for the Pacific Salmon Treaty base program, with Alaska, Oregon, Idaho, Washington, and the NOAA to share those funds as described in the U.S. Section of the Pacific Salmon Commission's Budget Justification for FY 2004. We continue to support base funding of \$1,884,000 first provided in 1997 to implement the abundance based management approach adopted in 1996 by the U.S. Section for chinook to carry out necessary research and management activities. We are also recommending an increase of \$2 million for the Pacific salmon Treaty program for the states for the implementation of the provisions and management and technical changes adopted by the U.S. and Canada in 1999, particularly to implement the abundance based approach for coho management. These funds are subjected annually to a strict technical review process.

International Fisheries Commissions Provide \$21 million for the International Fisheries Program under the Department of State budget, of which \$2,460,000 is for the Pacific Salmon Commission. This funding provides for the United States' contribution to the operation and staffing of the bilateral Pacific Salmon Commission office in Vancouver, British Columbia. It also covers the travel costs for U.S. Commissioners, Panel Members, and Technical Committee Members, as well as stipends for authorized Commissioners and Panel Members.

In summary, Mr. Chairman, the Commission is an excellent working model of leaders from four tribes working together to protect their treaty fishing rights. This Commission has demonstrated that, with a staff of scientists, biologists, hydrologists, law enforcement personnel, and other experts advising tribal policy-makers, tribes can take the lead on natural resource issues, provided that adequate resources are available. This is a time when increased effort and participation are demanded of the Commission and the tribes, we ask for your continued support of our efforts, and we will be pleased to provide any additional information that this committee may require.

Statement
of the
Consortium of Social Science Associations
(COSSA)

Howard J. Silver, Executive Director

submitted for the record on the

Fiscal Year 2004 Appropriations

for the

National Institute of Justice

Bureau of Justice Statistics

prepared for the

**Subcommittee on the Departments of Commerce, Justice,
and State, the Judiciary, and Related Agencies**

Committee on Appropriations

U.S. House of Representatives

The Honorable Frank Wolf, Chairman

April 11, 2003

Mr. Chairman and Members of the Subcommittee:

The Consortium of Social Science Associations (COSSA) greatly appreciates the opportunity to comment on the Fiscal Year 2004 appropriations for programs under the Subcommittee's jurisdiction, including the National Institute of Justice (NIJ) and the Bureau of Justice Statistics (BJS) of the Department of Justice's Office of Justice Programs (OJP).

We urge an NIJ appropriation of \$60 million in FY 2004. We strongly support the \$35.8 million requested by the President for BJS in FY 2004.

COSSA is an advocacy organization supported by more than 100 professional associations, scientific societies, universities, and research institutes that promotes attention to and federal funding for the social, behavioral, and economic sciences. It serves as a bridge between the research community and the policy-making community. COSSA's justice initiatives include disseminating the results of research on criminals - both adult and juvenile - and criminal careers to help law enforcement select successful intervention strategies using behavioral and social science research. Our member organizations include the American Psychological Association, American Society of Criminology, American Sociological Association, and the Association of American Law Schools. A complete list is attached to the testimony.

Mr. Chairman, with the war in Iraq, heightened security throughout the United States, and Federal agencies facing competitive sourcing, these are adverse times. Prior to 2002, both the FBI's Uniform Crime Report (UCR) and the Bureau of Justice Statistics' National Crime Victimization Survey (NCVS), two major sources of crime data, reported significant decreases in crime. Homicide rates had been on a decline since 1993 and juvenile homicide arrests fell nearly 20 percent between 1994 and 1998. In 1999, violent crime rates reached the lowest level ever recorded.

Unfortunately, crime could not continue to drop indefinitely - crime rates cannot go negative. The crime drop of the 1990's has ended and upturn has started in a slow way. There are indications that it will persist and progressively worsen. The recurrence of crime is occurring because there are fewer jobs opportunities for young people, a diversion of police to terror and related alarms, a reduction in social-service spending by state and local governments because of budget shortfalls, a reduction in the net flow into prison and so less incapacitation, and a potential resurgence of violent drug markets.

Despite this, we are at an auspicious point in time because we have the opportunity to prevent the recurrence of high crime rates. The challenge before us is to **keep the crime rate low**.

This requires that we first identify and analyze what led to the decline in crime that began in the early 1990s. While a police commissioner may attribute a local crime drop to his police force and an advocate for prisons may attribute falling crime rates to increased incarceration, only scientific, evidence-based approaches can indicate the true causes of the decline in crime.

They are numerous, and are not easy to separate, as Alfred Blumstein (former President of COSSA) and Joel Wallman assert in *The Crime Drop in America*,¹ a scholarly and highly praised examination of the 1990's decline in crime.

Second, keeping the crime rate low requires evaluating crime prevention and reduction programs, continuing effective initiatives, terminating ineffective and inefficient ones, and developing new ideas to keep up with a changing nation. As the Congressionally-mandated University of Maryland crime study, *Preventing Crime: What Works, What Doesn't, What's Promising*² demonstrates, we simply do not yet know enough about the active ingredients of successful crime programs.

Even with successful prevention programs, we need to know how crime infiltrates and manifests within society. This calls for research that will specify the early warning measures of crime resurgence. NIJ recognizes the need for research to develop and test improved approaches for prevention, apprehension, and rehabilitation.

COSSA is extremely concerned about any attempts to remove supervision, management, oversight, and control of the nation's crime and justice statistics and research programs in BJS and NIJ from the scientific staff of these agencies. The scientific integrity, quality, and long-term continuity of crime and justice statistics and research are essential for sound and effective criminal justice policy. These functions are inherently governmental and should not be subject to competitive outsourcing to the private sector.

We applaud the following language from the FY 2003 Omnibus Appropriations bill: "The Department has reported to the Committees on Appropriations on a competitive sourcing effort. To support this effort, the conferees must be assured that effectiveness is improved and savings are attained. The conferees direct that OJP provide the Committees on Appropriations with detailed plans on this effort before proceeding with changes." We urge you to insert similar language into the FY 2004 report.

National Institute of Justice (NIJ)

The **National Institute of Justice** engages the Nation's brightest criminal justice researchers in understanding the causes and correlates of crime, and determining the most effective methods of preventing crime. Created by the Omnibus Crime Control and Safe Streets Act of 1968, the NIJ is the Nation's primary source of research and development in the field of criminal justice. The 1968 crime bill specifically calls on NIJ to sponsor special projects and research and development programs to improve and strengthen the criminal justice system and reduce and prevent crime. NIJ supports both extramural (universities and other research institutes) and intramural (within the NIJ) research, which is lauded by the criminal justice community as well as the research community at large for its highly rigorous scientific standards.

¹ Alfred Blumstein and Joel Wallman, eds. *The Crime Drop in America*. Cambridge: Cambridge University Press, 2000.

² Lawrence W. Sherman et al., *Preventing Crime: What Works, What Doesn't, What's Promising: A Report to the United States Congress*

Recognition of the value of the scientific approach to addressing social problems appears to be growing. **Science-based research and evaluation exposes costly, ineffective programs and forms the basis of efficient, effective programs.** Indeed, President Bush has repeatedly stressed the need for *research-based* and *evidence-based* approaches to issues like improving education and combating crime and drug abuse.³ Consequently, modest funds spent on crime and criminal justice research at NIJ work to ensure that more sizeable amounts directed to crime-fighting programs are spent wisely and will serve to keep the Nation's crime rate at the low level we enjoy today.

One example of such a program is NIJ's **ADAM (Arrestee Drug Abuse Monitoring)** program. As the only national drug research program built upon data collection at the local level, ADAM collects information about drug use from arrestees in urban areas. Using both interview data and drug testing, the program reveals patterns of drug abuse and its relationship with crime, and allows policymakers and law enforcement to develop effective enforcement, treatment, and prevention strategies.

Another significant program within NIJ is **Breaking the Cycle (BTC)**, a joint project with the Office of National Drug Control Policy, which tests the idea that early identification and assessment of drug-using defendants, followed by individualized treatment, intensive supervision, and strong judicial oversight, can reduce drug use and crime. According to Adele Harrell of the Urban Institute, the availability of supervision, drug testing, and penalties for continued drug use increased the willingness of the courts to release arrestees while their cases were pending, and offered the justice system strategies for addressing factors that contribute to the risk of reoffending. BTC findings indicate that efforts to reduce drug use directed at all felony defendants under supervision in the community can also produce gains in public safety.

Although drugs, crime, and technology may be at the forefront of NIJ's research, the Agency is also concerned with the youth of America. NIJ-funded research, conducted by the National Survey on Adolescents (NSA), indicate the rates of interpersonal violence and victimization of youths are extremely high in the United States. However, the emotional consequences that youths experience because of victimization, such as psychological disorders, substance abuse and dependence, and delinquency problems, are often overlooked in research. NSA results signify a clear relationship between the experience of youth victimization and mental health problems and delinquent behavior. NSA research will be essential in examining the temporal sequence of problem development as well as risk and protective factors that are related to victimization.

NIJ has also supported research on the effects of arrest on intimate partner violence. Christopher Maxwell and his colleagues found that arrest is associated with less repeat offending and that this does not vary by jurisdiction. They also found that a small minority of suspects continued to abuse their partners regardless of intervention. Future research should focus on this group. Other NIJ supported studies include Jeff Fagan's recent research on crime and place extends findings from the late 1960's that crime persisted in certain places over generations despite demographic changes.

³ *A Blueprint for New Beginnings: A Responsible Budget for America's Priorities; and No Child Left Behind*

With the life expectancy of Americans constantly rising, the elderly population seems to be rapidly increasing. However, as the elderly get older they are more susceptible to elder abuse and victimization. NIJ has supported research on elder abuse. Conducted by Robert Davis and Juanjo Medina, the Elder Abuse Prevention Experiment indicates that violence from the perpetrator gets worse if police intervene. The lack of a good understanding of elder abuse and its consequences is troublesome especially to an aging population.

NIJ research is also contributing to our nation's ability to combat terrorism. A grant from NIJ was given to Gary LaFree and Laura Dugan of the University of Maryland to analyze and code the Pinkerton Global Intelligence Service, an Interpol database of 74,000 terrorist incidents from 1970 to 1997. NIJ needs further support to expand this project to keep the data current.

Disseminating research findings so that society as a whole can realize the benefits of progress in criminal justice research is a crucial aspect of any research agency. NIJ has established a robust and healthy relationship with both researchers and law enforcement officials in the criminal justice community. Through its Research in Progress lecture series, NIJ ensures that the community is informed about important criminal justice research and practices. This lecture series also allows NIJ to actively solicit the views of the criminal justice community. In addition, NIJ sponsors a major research conference each July that attracts hundreds of practitioners to hear about the latest results of NIJ-supported studies.

Unfortunately, the full value of these programs is difficult to realize under the current discretionary funding level. That is why *COSSA strongly advocates for a base appropriation of \$60 million for NIJ in FY 2004*. This will strengthen NIJ's ability to continue developing such initiatives, help us to understand the factors that led to the 1990s decline in crime, and allow the dividends from previous years' investments in criminal justice research to continue to be paid out. Ultimately, all Americans receive these dividends in the form of low crime rates. With the help of researchers at the National Institute of Justice and America's research universities and institutes, we will seize the opportunity and play an active role to help our crime rates *remain* at historic lows.

Bureau of Justice Statistics (BJS)

The **Bureau of Justice Statistics (BJS)**, the Nation's primary source for criminal justice statistics, collects, analyzes, publishes, and disseminates information on crime and the criminal justice system. The National Crime Victimization Survey (NCVS), BJS' largest single data collection, offers insights into the nature of crime, its consequences, the relationship between victims and offenders, and the willingness of victims to report crimes to law enforcement officials. Increased funding in FY 2004 will allow this survey to become a fully automated data collection.

BJS also maintains a wide array of statistical programs in the areas of law enforcement, adjudication, and corrections. Examples include: the Cybercrime Statistical Program; data on correctional populations and facilities from the Federal, state, and local governments; nationally representative prosecution data on resources, policies, and practices of local prosecutors; law enforcement data from over 3,000 agencies on the organization and administration of police and sheriff's departments; court and sentencing statistics, including Federal and state case processing data. **These data are essential to ensure that justice is both efficient and evenhanded.**

COSSA strongly supports the FY 2004 budget request for BJS. In its data collection, analysis of crime and justice statistics, and dissemination of research findings, BJS is a fundamental component of the Nation's criminal justice efforts. With adequate backing, BJS can provide the hard data and objective analysis to underlie effective criminal justice operations.

Additionally, BJS fosters the states' ability to develop, collect, analyze, and disseminate criminal justice statistics through its support of state Statistical Analysis Centers (SACs). Because the dynamics of crime, policy, and population vary from place to place, it is essential to possess the capability to address criminal justice issues at the state level. SACs conduct objective analyses to meet critical planning needs and address state-wide and system-wide criminal justice policy issues.

Like NIJ, BJS does an outstanding job disseminating research results to government officials and policy makers in a timely manner to keep them informed of important criminal justice research findings. BJS publishes numerous research reports that are valuable to local, state, and Federal law enforcement communities.

COSSA greatly appreciates the support the Subcommittee has provided the National Institute of Justice and the Bureau of Justice Statistics over the last several years. Thank you for the opportunity to present our views.

BIOGRAPHICAL STATEMENT FOR DR. HOWARD J. SILVER

Dr. Silver serves as the Executive Director of the Consortium of Social Science Associations (COSSA) in Washington, DC, a position he has held since 1988. The Consortium, supported by over 100 professional associations, scientific societies, universities and research institutes, promotes attention to and federal funding for the social, behavioral, and economic sciences and serves as a bridge between the research community and the Washington policy making community. Dr. Silver previously served COSSA as its Associate Director for Government Relations from 1983-88.

Prior to joining COSSA, Dr. Silver was a consultant for legislative and political research, a political campaign manager, and a legislative analyst in the U.S. Department of Education. He has taught political science and public policy at a number of colleges and universities. Dr. Silver came to Washington in 1980 as an Institute for Educational Leadership Policy Fellow.

Dr. Silver has testified before Congress, spoken at many professional meetings on federal funding of science, and written extensively on executive-legislative relations, the federal budget process, and science policy as it affects the social and behavioral sciences. In 2001, to celebrate the Consortium's 20th Anniversary, he co-wrote and edited, *Fostering Human Progress: Social and Behavioral Research Contributions to Public Policy*.

Elected by his science policy advocate colleagues, Dr. Silver served from 1994-2000 as the Chairman of the Coalition for National Science Funding (CNSF), an ad-hoc advocacy group with membership from scientific and engineering societies, higher education associations, and industrial groups. A tribute to his leadership of CNSF appeared in the November 1, 2000 issue of the *Congressional Record*. In 1998, he was elected a Fellow of the American Association for the Advancement of Science.

He is a co-founder of the Association for the Accreditation of Human Research Protection Systems. He is also currently a member of the Board of Advisory Editors for *SOCIETY*. From 1998-2000 he served on the Council of the American Political Science Association (APSA). Prior service includes: President, Treasurer and Program Chair of the Section on Applied Political Science of the American Political Science Association, the Council of the National Capital Area Political Science Association, the Executive Committee of the Council of Professional Associations on Federal Statistics, and the steering committees of the National Commission on Social Studies in the Schools and the Coalition for the Advancement of Foreign Languages and International Studies.

Dr. Silver received his Ph.D. in Political Science from The Ohio State University in 1975. A native of New York City, he obtained his B.A. from the City College of the City University of New York in 1969. He and his wife, Marilyn, a consultant to the U.S. Department of Labor, live in Fairfax, VA. His son, Mark, is a recent graduate of Stanford University.

March 2003

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TESTIMONY OF THE DORIS DAY ANIMAL LEAGUE

Submitted by Nancy Blaney

FOR THE

HOUSE APPROPRIATIONS SUBCOMMITTEE ON COMMERCE, JUSTICE,
STATE AND JUDICIARY

April 11, 2003

Mr. Chairman and members of the Subcommittee on Commerce, Justice, State and Judiciary Appropriations, thank you for the opportunity to submit testimony on behalf of the 300,000 members and supporters of the Doris Day Animal League requesting that the Federal Bureau of Investigation assign the crime of animal cruelty its own classification in the Uniform Crime Reporting Program.

The Significance of Animal Cruelty as a Crime: "The Violence Connection"

Animal cruelty, especially egregious acts, was once viewed as an offensive behavior unrelated to other crimes. Now it is recognized as a serious crime with important implications for human society. A growing body of research, produced over the last thirty years, establishes a clear link between animal abuse and human violence. One comprehensive study of data from a twenty-year period found that adults convicted of animal were more likely than their peers to engage in other forms of criminal activities, including violent crimes against humans, property crimes, and drug and disorderly offenses. Other studies conducted in a number of counties in the U.S. confirm the overlap between committing acts of animal cruelty and engaging in other types of criminal behavior. In addition to the association between animal cruelty and criminal behavior, there is also evidence that the severity of violence against animals can indicate the degree of aggressiveness toward human individuals. Research on incarcerated adult males demonstrated that the most aggressive inmates had the most violent histories of animal cruelty. It is worth noting that in dangerous situations such as a hostage taking, the FBI has included a history of animal cruelty among the factors used to determine an individual's threat level.

Another important link between animal abuse and human violence, with important policy implications, is the co-occurrence of family violence and animal abuse. In interview studies with domestic violence victims, between 54 -- 71 percent of the women report that their partners also harmed or killed the family pet. Child abuse and animal abuse also are linked: animal abuse was confirmed in 88 percent of families under the supervision of a child welfare agency for physically abusing their children.

In addition to being linked to other types of criminal activity and family violence, animal abuse by children signals an important warning. The Federal Bureau of Investigation was one of the first to recognize the significance of juvenile animal cruelty when it reported that many serial killers had abused animals as children. It also has been reported that many of the school shooters had engaged in various forms of animal cruelty. The National Crime Prevention Council, the Department of Education, and the American

Doris Day Animal League
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Psychological Association all list animal cruelty as one of the indicators or warning signs of future violence. Furthermore, researchers agree that persistent aggressive behavior in childhood, termed "conduct disorder," tends to be fairly stable trait throughout life and is the single best predictor of later criminal behavior. Animal cruelty is one of the symptoms for a diagnosis of conduct disorder and therefore can be one of the earliest indicators that a child is at risk.

Not all children who abuse animals will become serial killers, school shooters, or criminals as adults. However, research clearly suggests that engaging in childhood animal cruelty conditions an individual to accept, or engage in, interpersonal violence as an adult.

Responses to "The Violence Connection"

Government bodies, professional organizations, and communities have responded to information about the animal abuse-human violence connection. For example, before 1990, only seven states had felony provisions in their animal anti-cruelty statutes; now 41 states and the District of Columbia have felony-level laws. As of this date, 24 states have provisions in their animal anti-cruelty statutes that permit or mandate psychological counseling for offenders.

In addition to changes in state animal cruelty statutes, awareness of the significance of animal abuse as a crime has resulted in the development of a number of programs. "Safe Pet" programs, in which the pets of domestic violence victims are provided safekeeping so that women feel free to leave dangerous situations, are being instituted in communities throughout the U. S. Animal control officers are being trained to "cross report," that is, to look for signs of child and spousal abuse when investigating an animal abuse or neglect complaint. Intervention programs for children and adults who abuse animals have been developed and mental health professionals are being trained in this area of treatment.

Modifying the Reporting Categories of the Uniform Crime Reporting Program

The Uniform Crime Reporting (UCR) Program is a nationwide effort in which crime statistics are collected from nearly 17,000 city, county, and state law enforcement agencies. During 2000, the participating agencies represented 94 percent of the total U.S. population. The current UCR Program classifies offenses in two groups, Part I and Part II. Crimes vary from criminal homicide in Part I to vagrancy and curfew and loitering laws in Part II. Not only law enforcement, but also criminologists, sociologists, legislators, municipal planners, the media, and others interested in criminal justice use the statistics for research and planning purposes. However, under the current UCR Program,

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there is no category to report crimes of animal cruelty, even though animal abuse often is an indicator of other types of criminal behavior, including family violence.

Assigning the crime of animal cruelty to its own classification would have a number of advantages. Law enforcement agencies, researchers, policy planners, and others would be better able to understand the factors associated with animal abuse, track trends at the state and national level, and determine demographic characteristics associated with animal abuse—all of which would assist in promoting more effective intervention and prevention strategies to interrupt the cycle of violence. Finally, assigning animal cruelty its own category would assist law enforcement agencies by helping them identify and track individuals with histories of violence.

Proposed Report Language for the House Subcommittee on Commerce, Justice, State and Judiciary Appropriations

We respectfully request that the Subcommittee consider the following report language for the Commerce, Justice, State and Judiciary Appropriations bill:

“The Committee commends the Federal Bureau of Investigation (FBI) for its successful Uniform Crime Reporting (UCR) Program. Currently, there is no individual category for animal cruelty in the UCR Program even though animal cruelty is a crime in all states, certain acts of animal cruelty are felonies in 41 and the District of Columbia, and it is linked to other types of crime, including family violence. Therefore, there is no way to systematically track such cases. The current practice is to rely on the limited ability of local animal control agencies to monitor animal cruelty cases or literally check local court records. Given the current arrangement, state and national trends are impossible to identify.

The Committee directs the FBI to provide the necessary resources to assign the crime of animal cruelty its own classification in the UCR Program by adding this category to its software and other reporting mechanisms. This will enable law enforcement agencies and researchers to track trends and better understand factors associated with committing animal abuse, allowing more effective interventions. Additionally, individuals who are more likely to commit other serious crimes could be identified.

The Committee further directs the FBI to provide a report to the Committee by December 2003 on the integration of this category into its UCR Program.

Doris Day Animal League

Page 4

The Doris Day Animal League, located at 227 Massachusetts Avenue, NE, Suite 100, Washington, D.C., 20002 (202-546-1761; www.ddal.org) does not receive any federal funding.

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- Luke, C., Arluke, A., Levin, (1997) *Cruelty to animals and other crimes: A study by the MSPCA and Northeastern University*. Boston: Massachusetts. Society for the Prevention of Cruelty to Animals.
- Randour, M.L., Krinsk, S., & Wolf, J. (2002). *AniCare Child: An Approach for the Assessment and Treatment of Childhood Animal Abuse*. Printed and distributed by the Doris Day Animal Foundation and Psychologists for the Ethical Treatment of Animals.

NANCY BLANEY
3347 South Fifth Street
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PROFESSIONAL EXPERIENCE

- 2001 – Present:** **Coordinator, Working Group to Preserve the Animal Welfare Act**
Responsible for planning and implementing the activities of an eight-group coalition working to protect animals used in research, including developing grassroots outreach, preparing educational materials, and lobbying Members of Congress.
Federal Policy Consultant on Animal Welfare, Doris Day Animal League
- 1996 – 2001:** **Director, National Legislative Office, American Society for the Prevention of Cruelty to Animals**
Responsible for developing and implementing the ASPCA's goals and strategies for achieving better protection of animals through federal legislation and regulations. This involved, among other things, working with Members of Congress and their staffs on the introduction, cosponsorship, and passage of bills and amendments promoting animal welfare; analyzing legislation, regulations, and other actions affecting animals; working with federal departments and agencies on enforcement of current laws and on regulatory changes favorable to animals; and building and directing grassroots programs and coalitions in support of these efforts.
- 1994 – 1996:** **Administrative/Personal Assistant to Dr. Deborah Tannen, Department of Linguistics, Georgetown University**
Responsibilities included but were not limited to handling a large volume of calls and communicating effectively with members of the media, academia, and business; keeping Dr. Tannen's daily schedule; scheduling academic appointments; arranging speaking engagements and interviews; reviewing incoming mail; handling fan mail and other correspondence; making travel arrangements; maintaining publications file; working with Dr. Tannen's publisher and agent; some research; special events; supporting academic duties and work as an author and public speaker.
- 1991 – 1993:** **Independent Legislative Consultant on Animal Protection**
Served as an advocate on a variety of animal protection issues on behalf of non-profit organizations. Presented concerns to federal agencies and Members of Congress, congressional committees, and their staffs; analyzed legislative and administrative proposals and actions, and developed strategies in response; worked to form coalitions around issues.
- April-November 1990** **Campaign Manager, Canter for Congress**
As the only full-time staff member, handled all aspects of campaign against a five-term incumbent, including developing all campaign materials; identifying issues and formulating position papers; coordinating activities with seven jurisdictions and two joint campaigns; working with volunteers; arranging campaign appearances and media coverage; fund raising, etc.
- 1986 – 1990:** **Grant Coordinator/Assistant to the Dean, School of Dentistry, Georgetown University**
Managed all aspects of the dean's front office and administrative operations; supervised other employees; coordinated activities associated with a major Pew Foundation planning grant; wrote article published in major dental school journal. (University administration closed the school in 1990.)

1981 – 1986: **Assistant to the Director, Captive Wildlife Protection, Humane Society of the United States**

Investigated zoos, circuses, exotic pets, performing animals, and other cases of captive wildlife; prepared and presented testimony and legislation; wrote articles and correspondence; worked with federal, state, and local officials.

1977 – 1980: **Legislative Assistant, Congressman Allen Ertel**

Served as chief staff advisor for Judiciary, and Science and Technology Committees; handled other issues, including health and welfare; prepared legislation, testimony, "Dear Colleague" letters, *Congressional Record* statements, and correspondence; planned and implemented constituent meetings. (Promoted from scheduler.)

EDUCATION

1997: **Advanced Legislative Institute, *Congressional Quarterly***

1976: **B.A., cum laude, Government and Politics, University of Maryland, College Park, MD**

OTHER EXPERIENCE

2002–Present **Member, Board of Directors, Dominion Square Townhouse Homeowners Association**

2001–Present **Treasurer, Wedgwood Collectors Society of Washington, D.C.**

1996 – 2000: **Member, Board of Directors, Horizons Theatre**

Helped the theater focusing on plays by, for, and about women to rebuild after financial difficulties by developing a new strategic plan and recruiting new board members.

1988 – 1993: **Member, Board of Advisors, Adult Health and Development Program, University of Maryland**

The Board provides policy and program guidance to the AHDP director (faculty member); raises funds; develops, revises, and implements the strategic plan; and serves as liaison to the university, funders, and the general community.

1988 – 1992: **Chairman, Board of Advisors, AHDP**

As chairman, inaugurated the five-year strategic plan and Friends of the AHDP.

1976 – 1977: **Associate Director, AHDP**

1973 – 1976: **Staff Member, AHDP (as an undergraduate, including 3 years as a group leader)**

HONORS AND AWARDS

1990: **Distinguished Service Award, AHDP**

1976: **Phi Beta Kappa**

1975: **Phi Kappa Phi (national political science honor society)**

1972: **Full University Scholarship, University of Maryland (out of state)**

References and writing samples available upon request.

NOAA Budget Testimony

Submitted by:
 Ann M. Bartuska
 President
 The Ecological Society of America

The Ecological Society of America (ESA), the nation's premier scientific society of ecologists with over 8,000 members, is pleased to provide written testimony on the proposed Fiscal Year (FY) 04 budget for the National Oceanic and Atmospheric Administration (NOAA). The ESA will be commenting on the proposed National Ocean Service (NOS) budget of \$391 million, the proposed funding of \$245 million for National Marine Fisheries Service (NMFS) Science and Technology programs, and the proposed budget of \$112.2 million for Oceans and Atmospheric Research (OAR). These programs contribute substantially to ecological knowledge and sponsor critical research.

NOAA provides cutting edge research in numerous areas. Its climate research is critically important, supplying data and analysis on El Niño, La Niña, global warming, drought, and climate prediction. These environmental phenomena have a large impact on human health and economic well being. NOAA's research in these areas helps us better understand them and therefore better mitigate their consequences.

NOAA also performs important ecological research on our nation's oceans. This includes basic research and monitoring as well as large scale modeling efforts. NOAA is the only institution capable of collecting and utilizing nationwide atmospheric and oceanic data. NOAA also serves the public interest with its research on fisheries and coastal processes. These issues have become increasingly important as pressures on coastal areas and on fish populations increase. NOAA research provides stock assessments, basic research on fish species and marine mammals, information of habitat for marine species and harmful algal blooms. Without this research NOAA could not meet its obligations under the Marine Mammal Protection Act, the Endangered Species Act or the Magnuson-Stevens Fisheries Conservation and Management Act and our scientific understanding of these topics would be greatly diminished. We are also pleased to see the commitment NOAA is making to address the threat of non-native, invasive species, especially in developing early warning systems for marine and coastal areas.

These are only a few of the areas that NOAA research benefits ecological knowledge. NOAA satellites provide invaluable data, NOAA maps and sea floor charts are used in understanding ocean processes, and NOAA extreme weather research increases our knowledge of the impacts of climate change. In-house NOAA research is an important element of ecological research.

In addition to its in-house science, NOAA provides funding for numerous important external research endeavors that support its missions. Topics funded by NOAA include toxic algal blooms, eutrophication, toxic contamination of estuaries, habitat loss, invasive species, non-point source pollution, and fishing gear impacts, to name just a few. These research efforts are of critical importance to the scientific community, providing funding

for important applied and basic research that would not otherwise have an obvious source of support.

Within the NOS, three programs fund coastal ecological assessment or research. **The Administration requests \$74.6 million for the Ocean Assessment Program (OAP). This is nearly identical to the FY 03 budget request, but represents a dramatic drop from the \$94.7 million appropriated in FY 02.** The ESA appreciated Congressional support of OAP research in the past and urges future support by going beyond the Administration's proposal. The Oceanic and Coastal Research program performs research on marine toxins and their impacts on human and animal health. **The ESA supports the proposed budget for Oceanic and Coastal Research of \$10.4 million to maintain the high level of science this unit produces.** The Coastal Ocean Science program supports research on pfiesteria, hypoxia and coastal nutrient loading. The administration has requested \$18.7 million for this program, essentially the same request as FY 03 and below the \$21.6 million appropriated by Congress in FY 02. **The ESA thanks Congress for its commitment to coastal research and asks that funding for Coastal Ocean Science be commensurate with FY 02 funding levels.**

NMFS provides the science necessary for management of our nation's fisheries resources. **The Administration is requesting \$245 million for NMFS Science and Technology programs for FY 04, a 3.2 percent increase from the amount appropriated in FY 03. The ESA supports this increase in NMFS funding.** We note that the NMFS is facing several lawsuits with direct implications for their science program. It is likely that NMFS will be required to put more resources into the fisheries observer program on the West Coast as well as into bycatch reduction research. We urge adequate funding for meeting these obligations.

The OAR budget proposal for Ocean, Coastal, and Great Lakes Research would flat fund this program. ESA is pleased to see that the Administration is supportive of the National Sea Grant College Program's place in NOAA. Sea Grant's goals of promoting research, education and extension projects for coastal research and management are an important part of meeting NOAA's overall mission. **However, the Administration is proposing to reduce Sea Grant's funding to \$57.4 million from FY 02 levels of \$62.4 million. We urge Congress to continue to demonstrate strong support for this program by restoring Sea Grant's funding levels.** Other important OAR programs such as funding for laboratories and joint institutes and the National Undersea Research Program have budget requests essentially identical to FY 03. We support the funding of these programs. **Finally, we ask that Congress reinstate the Ocean Health Initiative that is cut from the Administration's FY 04 budget.**

NOAA's research programs provide the nation with valuable understanding of the workings of our oceans and atmosphere. NOAA has greatly advanced the field of ecological science through both its in house science programs and its commitment to funding external research. The ESA thanks Congress for its strong support of these programs in the past and asks once more for its support in ensuring that NOAA remains an internationally elite research entity.

CURRICULUM VITAE

ANN M. BARTUSKA

Executive Director, Invasive Species Initiative
The Nature Conservancy
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Arlington, Virginia 22208
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EDUCATION

B.S. in Biology, 1975 – Wilkes College, Pennsylvania
M.S. in Botany, 1977 – Ohio University
Ph.D. in Biology, 1981 – West Virginia University

PROFESSIONAL EXPERIENCE

1999-2001
Director
Forests and Rangeland, Forest Service, Washington, DC

1994-1998
Director
Forest Health Protection, Forest Service, Washington, DC

1993-1994
Special Assistant to Chief
Liaison, National Biological Survey, Department of Interior, Washington, DC

1992-1993
Acting Director
Ecosystem Management, Forest Service, Washington, DC

1991-1992
Wetlands Staff Specialist
Forest Environment Research, USDA Forest Service, Washington, DC

1989-1991

Assistant Station Director

Southeastern Forest Experiment Station, Asheville, North Carolina

1987-1989

Program Manager, Southern Commercial Forest Research Cooperative (air pollution),

Southeastern Forest Experiment Station, Raleigh, North Carolina

1983-1987

Program Coordinator, Acid Deposition Program and Visiting Assistant Professor, School of Forest Resources, North Carolina State University, Raleigh, North Carolina

1981-1982

Research and Development, Toxicology Department, Biomedical Reference Laboratories, Inc. (now Roche Biomedical), Burlington, North Carolina

1979-1981

Research Fellow, Department of Biology, West Virginia University, Morgantown, West Virginia

HONORS AND AWARDS

USDA Certificate of Merit, 1988, for special efforts in the development of the Macon Center for Forest Environmental Studies

USDA Certificate of Appreciation, 1990 in support of the Southeastern Experiment Station's Women's Program

USDA Certificate of Merit, 1991, for leadership in developing the Southeastern Station's Strategic Plan

Senior Executive Service Candidate Development Program

Outstanding Performance and Award, 1997

Vice-President, Public Affairs, Ecological Society of America, 1996-1999

Alumni Award for Excellence in Environmental Protection, Wilkes University, 2000

Outstanding Performance and Award, 2000

Outstanding Performance, 2001

President-Elect, Ecological Society of America, 2002-2003.

UBLICATIONS

Bartuska, A. M. and I. A. Ungar. 1980. Elemental concentrations in plant tissues as influenced by low pH soils. *Plant and Soil* 55: 157-161

Bartuska, A. M. and G. E. Lang. 1980. Factors controlling leaf litter decomposition in two West Virginia forests. *Bulletin Ecol. Soc. Amer.* 61(2): 57.

Bartuska, A. M. and G. E. Lang. 1981. Detrital processes controlling the accumulation of forest floor litter on black locust revegetated surface mines in nor central West Virginia. IN D. H. Graves, ed. *Proceedings - Symposium on Surface Mining Hydrology, Sedimentology and Reclamation*, pp. 359-365.

Linthurst, R. A., J. Baker, and A. M. Bartuska. 1983. The effects of acidic deposition: A brief review. IN E.R. Frederick, ed. (*Proceedings - First International Specialty Conference on Atmospheric Deposition. Air Pollution. Control Assoc.*) pp. 82-113

Bartuska, A. M. and K. C. Joyner. 1985. Impact of atmospheric Deposition on Forest Ecosystems IN (*Proceedings - Hazardous Wastes and Environmental Emergencies*) May 14-16, Cincinnati, Ohio, pp. 354-357.

Bartuska, A. M. and S. A. Medlarz. 1986. Spruce fir decline - Air pollution related? IN (*Proceedings - Appalachian Society of American Foresters Annual Meeting*) January 30-31, Raleigh, NC, pp. 55-73

Bartuska, A. M. 1990. Air Pollution impacts on forests in North America. IN Grodzinski, W., E.B. Cowling and A.I. Breymeyer (eds.) (*Ecological Risks: Perspectives from Poland and the United States. National Academy Press, Washington, DC*, pp. 141-154.

Christensen, N. L., A. M. Bartuska, et. Al. 1996. The Report of the Ecological Society of America Committee on the Scientific Basis for Ecosystem Management. *Ecological Applications* 6(3): 665-691.

Harwell, M. A., J. F. Long, A. M. Bartuska, et. al. 1996. Ecosystem Management to Archive Ecological Sustainability: The Case of South Florida. *Environmental Management* 20(4): 497-521.

Harwell, M. A., V. Myers, T. Young, A. M. Bartuska, et. al. 1999. A Framework for an Ecosystem Integrity Report Card. *Bioscience* 49(7): 543-556.

SPECIAL ASSIGNMENTS/TRAINING

Research Management Training, USDA-Forest Service, 1986

Management Policy Seminar, USDA-Forest Service, 1987

Panel Chairperson, National Acid Precipitation Assessment Program (NAPAP) Aquatic Effects Review, 1987.

Invited participant, National Academy of Sciences/Polish Academy of Sciences workshop on "Assessing Environmental Risk", Poland, 1987 and Washington, DC, 1988.

Chairperson, US/Poland Workshop on "Long-term monitoring to Assess Environmental Change", Jaszowiec, Poland, 1988.

Federal Executive Institute, OPM, 1990.

National Academy of Science-NRC Committee on "Science and Research Program for the National Parks", 1990-91.

Working group chairperson, EPA Risk Assessment Forum, Miami, FL 1991.

Forest Service Liaison, SAB Wetlands Research Committee, Corvallis, OR 1991.

Co-leader, U.S. delegation – CSCE Seminar of Experts on *Sustainable Development of Boreal and Temperate Forests*, Montreal, Quebec, Canada 1993.

Invited speaker, Graduate Student Forum, Colorado State University, 1999, 2000, 2001

Member, External Review Panel, Sustainable Forestry Initiative, 2001-2003.

Science Panel member, National Commission for Science of Sustainable Forestry.

MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS

Ecological Society of America

Society of American Foresters

Editorial Board, *Ecological Applications*, 1993-1996

Steering Committee, Aldo Leopold Leadership Program, 1998-2001

Member, National Advisory Committee, Long-term Ecological Research Program, National Science Foundation, 1999-2001

Federal Grants Received by the Ecological Society of America in FY 02

Funding Agency	Amount
National Science Foundation - NEON	\$77,241
USGS – Vegetation classification	\$94,440
US Forest Service	\$86,000
USGS – FGDC	\$40,000
US Forest Service – Grasslands	\$86,000
Nitrogen Meeting Grants	
EPA	\$119,941
National Science Foundation	\$70,000
USGS	\$45,000
NOAA – NRL	\$15,000
DOE	\$50,000



**Committee on Appropriations
Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies**

**Testimony provided by
Gary M. Green, Ed.D., President, Forsyth Technical Community College**

Community colleges, a uniquely American educational institution committed to open access and opportunity for educational achievement for all Americans, are positioned throughout the nation to provide a network of educational and business development services. This network can provide a vehicle for the implementation of a federal policy on small business development that brings together state and federal resources to address the problems faced by Americans facing hardships due to changing economic times. Individual and small business entrepreneurship can provide the hope of the future for those whose livelihood has been based on the economics of the past. Forsyth Technical Community College is proposing a model for federal/state collaboration in a program designed to serve such individuals.

Forsyth Technical Community College

Located in Winston-Salem, North Carolina, Forsyth Technical Community College (Forsyth Tech) is a comprehensive community college providing technical, transfer, adult basic education, corporate and continuing education programs; and support services that are innovative, flexible and responsive to student and community needs.

The college offers lifelong learning opportunities and support for diverse learners through both traditional and alternative delivery systems. The college also supports economic growth and opportunity through workforce development and community development through partnerships with public and private sectors. Graduates of Forsyth Tech are technically skilled, regionally and globally oriented, and prepared for lifelong learning and full civic participation.

The College's service area includes Forsyth and Stokes Counties in northwest North Carolina. According to the U.S. Census Bureau in 2000, Forsyth County has a land area of 410 square miles and 747.2 persons per square mile. In contrast, Stokes County is largely rural with a land area of 452 square miles and 99.0 persons per square mile.

Economic Data for Forsyth Tech's Service Area

Small businesses are truly the backbone of the North Carolina economy. Recent studies show that more than 98 percent of the state's employers are classified as small businesses and that they employ close to half of the private work force.

According to Dun & Bradstreet (2002), Forsyth County has 14,694 businesses employing 179,216 people with sales of \$41,930,077,723. Of this total, the number of small businesses (employing 100 or fewer people) in Forsyth County is 14,457.

The latest data available from the 1997 Economic Census indicates that:

- 24.9% of firms in Forsyth County were women owned and 9.9% were minority owned.
- 20.9% of firm in Stokes County were women owned and less than 1% were minority owned.

Although no census data reflect current numbers of Hispanic-owned businesses, local data indicate over 200 officially registered Hispanic businesses, with the possibility of an additional 200 that are not registered. This number will continue to increase as the Hispanic population in Winston-Salem continues to grow. Based on the 2000 Census, 6.4% of Forsyth County's population is Hispanic up from 0.8% in 1990.

The Greensboro/Winston-Salem/High Point MSA unemployment figures provided by the North Carolina Employment Security Commission reflected an annual average unemployment rate of 6.2% for 2002, up from a nine-year low of 2.4% in 1999. As a result of this increase in displaced workers, the Forsyth Tech Small Business Center (SBC) has seen an increased need for counseling and classes related to small business development. In 2002, a class was developed in partnership with the Kauffman Foundation for Entrepreneurial Leadership specifically for displaced workers.

Forsyth Technical Community College Small Business Center

The Forsyth Tech SBC supports the development of new businesses and the growth of existing businesses by being a community-based provider of training, counseling, and resource information. The SBC is working collaboratively with community organizations to meet the growing needs of individuals in both an urban and rural service area. The rapid growth of the Hispanic/Latino population in the city and the decline of tobacco as a cash crop in the outlying areas, presents the SBC with a unique challenge. As noted below, the Center provides a variety of services to the general population and to underserved populations during a stressful economic time.

Current General Services to Small Businesses (2001-2002)

- Offered 154 seminars/workshops with 3,471 participants and provided one-on-one confidential business counseling to 462 clients.
- Assisted several clients in seeking and obtaining equity and debt financing during the year through business counseling services:
 - SBA guaranteed loans
 - SBA 9/11 disaster assistance loans
 - Bank financing.
- Worked with Innovative Bank and the Small Business Administration (SBA) to provide technical assistance to clients who are seeking SBA loans through the Community Express Loan Program.
- Partnered with the Kauffman Foundation for Entrepreneurship to develop and offer the 9/11 New Venture program that is specifically designed for displaced workers who are interested in starting a business.
- Assisted referral clients from local financial institutions such as BB&T, Wachovia, Bank of America and Southern Community Bank & Trust through counseling and business planning.

Current Services to Underserved Populations (2001-2002)

- Partnered with the Winston-Salem Chamber of Commerce to develop the Women's Business Owners Program to provide need-specific seminars/workshops and technical assistance.
- Provided a non-threatening environment to allow Hispanic business owners to seek needed assistance and developed a program to provide technical assistance and business training to the Hispanic community. The resources, one-on-one counseling and workshops are provided in Spanish. Since July 1, 2002, the SBC has provided one-on-one and telephone business assistance to 273 potential and existing Hispanic business owners.
- Provided Historically Underutilized Business (HUB) seminars/services.

Needed Services

- The SBC is developing a unique program to meet the needs of small companies who have made it through the start-up phase and now need help with growth. In general, these businesses have limited resources and are unable to retain the services of consulting professionals to guide them to further growth and development. This program fills the gap and takes companies to a level where they contribute to the economic growth of the community.
- The SBC is working to form a community Business Services Committee that will provide input regarding how to better serve the minority business community. The committee will identify the barriers to minority-owned businesses such as financial, social and educational capital. A survey will be conducted of all area service providers of educational and business programs targeting businesses—small business in particular. The committee will then identify the gaps and the opportunities to strengthen the available offerings.
- The SBC, in partnership with the Northwest Piedmont Council of Governments, is planning Small Business Development Seminars to be held at the Employment & Career Fair to be held in April 2003.

Small Business Center Network

The Forsyth Tech SBC is a part of the North Carolina Community College System's Small Business Center Network (SBCN) consists of a Small Business Center (SBC) at each of the State's 58 community colleges. Each SBC provides a wide variety of seminars and workshops, one-on-one counseling, a library of resources and referrals to other sources of business owners and operators. The Forsyth Tech SBC received the Outstanding Service Award for 2000-2001 from the North Carolina Community College System office for providing business services to the Hispanic community. The SBCN was utilized to disseminate information about Forsyth Tech's model Hispanic program and will be an important link to sharing the results of Forsyth Tech's Tobacco Entrepreneurial Transition Project.

The mission of each SBC is to help the many small businesses within its service area survive, prosper and contribute to the economic well being of the community and the state.

SBCN Minority Outreach

- Seminars targeting the Historically Underutilized Business (HUB) population are offered across the state. HUB includes the minority, women and disabled small business vendor populations. The programs, instructed by NC Department of Administration HUB Division personnel, teach participants how to do business with state government.
- In partnership with NC REAL (North Carolina Rural Entrepreneurship through Action Learning), Hispanic/Latino instructors are trained to deliver the REAL Business Start-up Series throughout the SBCN involving approximately fifteen SBC's to-date.
- Several SBC's are offering the basic three-hour seminar entitled "How to Start a Business" in Spanish.
- The SBCN provided 4,530 seminars and workshops for 62,532 individuals, and 11,415 hours of counseling were provided to 9,390 individuals in 2001-2002.

Demonstration Project

Forsyth Tech is proposing that the Congress support, through the Small Business Administration (SBA), a demonstration project to address small business development among those affected by structural economic change. Through the results of such a project and their dissemination, the SBA will have a

working model replicable in other areas suffering from such economic change, whether it be with tobacco farmers in the southeast, cotton farmers in the deep south, or any other agricultural product challenged by changes in international markets.

The **Tobacco Entrepreneurial Transition Project** will provide one-to-one entrepreneurial counseling, education/training and follow-up support to tobacco-dependent farm families in northwest North Carolina who are experiencing economic distress. North Carolina is experiencing dramatic growth in population and business opportunity; it is a state well known for being business-friendly and is ranked 11th in the nation in exports. Opportunities for new business startups are increasing and this project will enable farmers to transition to new products/services and markets. It will demonstrate how farmers can take advantage of the state's position in the world economy.

The project will support one outreach business coordinator, possessing education and experience in business analysis and management and be knowledgeable in the resources and opportunities available through local, state and federal channels. The coordinator will be housed at the Forsyth Tech SBC in Winston-Salem and at the Stokes county campus in Danbury. The coordinator will have access to related college support programs such as Job Link, Human Resource Development (HRD), Continuing Education and Curriculum courses; as well as linkage with the services provided through the North Carolina University System, Employment Security Commission, Stokes County Economic Development, Stokes County Tobacco Growers Association and other community service organizations.

The primary function of the project is to identify and assist farmers and family members who want to change their circumstances, utilizing their resources and skills to become successful entrepreneurs. This requires travel to the farmers in Forsyth and Stokes counties for the purpose of business consulting and education. Primary services provided by the project include:

1. Assessing the farmers competencies in basic business principles, such as:
 - Understanding the attributes of the entrepreneur and evaluating their potential as an entrepreneur
 - Determining the advantages and disadvantages of becoming an entrepreneur
 - Understanding the enterprise system
 - Understanding taxes and record keeping
 - Understanding the basics of business law
 - Communicating effectively
 - Determining market feasibility
 - Exporting potential of the product/service
 - Understanding E-commerce
 - Understanding financials – break-even analysis, cash flow, etc.
 - Finding and obtaining financial support
 - Marketing a product or service
 - Conducting business with the government
 - Managing employees
 - Understanding the value of networks
2. Identifying appropriate methods for achieving the desired competencies such as course/workshops or seminars either at the college, on-line or through one-to-one counseling. The premise is to provide entrepreneurial assistance to farm families in a user-friendly manner, which could be at the kitchen table, in front of the computer, by television or in a classroom.

The primary goals of the project are to help displaced and underserved farm families with their economic recovery and to serve as a model program that could be replicated at community colleges, Chambers of Commerce, and other economic development agencies in the region and across the country. Through this model these efforts can have a profound, positive impact on federal policy regarding small business development. The funding requested for the project is \$500,000.

Forsyth Tech has a strong relationship with the SBA and has been recognized for its excellence in serving underserved populations. The College is committed to serve the farm families affected by the decline in tobacco. The College asks the Congress to support the proposed demonstration project.

Gary M. Green
President
Forsyth Technical Community College
2100 Silas Creek Parkway
Winston-Salem, NC 27103
Phone (336) 734-7201
Fax (336) 734-7161
E-mail ggreen@forsyth.cc.nc.us

EDUCATION THAT WORKS
ForsythTech
 COMMUNITY COLLEGE

April 10, 2003

The Honorable Frank R. Wolf, Chairman
 Subcommittee on Commerce, Justice, State,
 The Judiciary and Related Activities
 Committee on Appropriations
 H 309, The Capitol
 U. S. House of Representatives
 Washington, D.C. 20515-6017
 Attention: CJS Detailee

Dear Mr. Wolf:

I appreciate the opportunity to provide the attached written testimony to the Subcommittee on Commerce, Justice, and State regarding a proposed demonstration project by the Small Business Administration. Forsyth Technical Community College has a long-standing relationship with the SBA in its business development efforts through the College's Small Business Center in Winston-Salem, North Carolina. The College is addressing the national issues of entrepreneurial business development and the displacement of workers due to structural changes in the economy. These changes have resulted in the elimination of the thousands of jobs throughout the southeast. The decline of the tobacco and textile industries and the threats to the furniture industry has been felt throughout the southeast, but nowhere more acutely than in the northwest Piedmont area of North Carolina.

Forsyth Tech is proposing a demonstration project that would look to individual and small business entrepreneurship as a vehicle of economic recovery for families in the region. The success of the Tobacco Entrepreneurial Transition Project will provide a model replicable by community colleges and other economic development entities through the region and country and will inform federal policy on small business development and support for displaced workers.

I hope the Subcommittee, Committee, and Congress will support this project.

Sincerely,



Gary M. Green
 President

cc: The Honorable Richard Burr

An Equal Opportunity Educational Institution

2100 Silas Creek Parkway ■ Winston-Salem, NC 27103-5197 ■ (336) 734-7201 ■ FAX (336) 734-7161

**Testimony submitted to the
House Commerce, Justice, State and Judiciary
Appropriations Subcommittee
On behalf of the City of Gainesville, Florida
By the Honorable Thomas Bussing, Mayor**

Re: Department of Justice FY 2004 Funding

April 11, 2003

Mr. Chairman:

On behalf of the City of Gainesville, Florida, I appreciate the opportunity to present this written testimony to you today. The City of Gainesville is seeking federal funds in the FY 2004 Commerce, Justice, State and Judiciary Appropriations bill to assist with the following innovative projects the City is undertaking:

- The Joint Communications Project, to facilitate communication and data sharing between our urban area public safety and court system agencies. The project is an innovative crime data gathering, reporting and training system that will include a Geographic Information System (GIS), interactive Internet/Intranet applications, Crime Mapping and automated reporting through the use of laptop computers. The goal is to obtain accurate, timely information that will be shared with the appropriate criminal justice system entities and/or individuals and to focus efforts on training others in this highly technical area of law enforcement.

Joint Communications Project

The City of Gainesville seeks a federal funding strategy to implement an innovative crime data gathering, reporting and training system that will include a Geographic Information System, (GIS), interactive Internet/Intranet applications, Crime Mapping and automated reporting through the use of laptop computers. Though portions of this project have been attempted by other agencies, the Gainesville Police Department will become one of the first law enforcement agencies in the state to gather, analyze and provide information regarding crime and quality of life type incidents in such an efficient, comprehensive and automated manner.

The goal is to obtain accurate, timely information that will be shared with the appropriate criminal justice system entities and/or individuals and to focus efforts on training others in this highly technical area of law enforcement. At least one outcome of this effort will be the facilitation of communication and data sharing between our urban area public safety and court system agencies through the use of system-wide technology upgrades. The impact for the entire region is considerable, since this county serves as the regional center for much of rural north Florida's medical care, disaster management, and criminal justice services. The estimated funds needed to continue these efforts are \$4.77 million.

The City of Gainesville, located in the north central portion of the State of Florida, is a diverse community of 110,000 and serves as the county seat for Alachua County and its additional 130,000 residents. Gainesville is the home of the University of Florida and serves as the regional business center for the surrounding, predominately rural counties. The community is served primarily by three law enforcement agencies, the Gainesville Police Department, the University Police Department and the Alachua County Sheriff's Office representing approximately 625 sworn men and women. The City of Gainesville has been a proven leader for many years in the field of law enforcement with innovative programs developed here being adopted by agencies from around the nation. Over the past 15 years the City has been dedicated to the principles of Community Oriented Policing and is one of the few agencies in the nation to apply its concepts department wide. The City and County serve as the regional center for much of rural north Florida's medical care, disaster management, and criminal justice services.

The need for this system is driven by the lack of availability of resources provided to tier 1 (population over 250,000) and tier 2 (seat of government) cities that have been funded by prior Federal initiatives. Although the region has a total population over 450,000 and geographic area of 8,500 square miles, it is not within the primary grant recipient categories in previous efforts. However, considerable efforts have been made to provide resources through other means and utilizing existing resources. The estimated funds needed to continue these efforts are \$4.77 million.

This community faces problems endemic to communities nationwide. In a time where the individual on the street can obtain any amount of immediate and up to date information, the law enforcement officer must often make decisions based on information that is incomplete or out of date. The City of Gainesville has taken steps to attempt to partially remedy this situation by combining communications systems with area law enforcement in an effort allowing neighboring agencies to at least communicate by voice transmission. What we are seeking is the funding to take these initial steps to the next level providing the officer on the street with clear, complete, and accurate information about the situations they encounter. Included in this project is the benefit of data sharing between agencies working in this community allowing better informed decision making and improved distribution of resources. The various portions of this program are designed to work together to provide improved, more effective service to the residents of this community.

The project consists of:

- Equipping law enforcement, fire personnel and emergency medical responders with interoperable mobile data communications system. (\$3.54 million), and
- System wide upgrades to improve data collection, incident assignment and dissemination of data to allow combined operations. (\$1.23 million).

Communications interoperability and accurate, timely data collection are crucial to law enforcement and disaster response. Recent events such as acts of domestic terrorism, natural disasters, anti-war protests and mass casualty tragedies have highlighted the importance of coordinated interactions among public safety agencies from all levels of government. This ability to interoperate among public safety responders can be measured in lives saved. Interoperability consists of the ability of public safety personnel from one agency to communicate by radio and data transmission with personnel from other agencies on demand and in real time. To achieve interoperability requires improving public safety wireless communications by addressing each of the five areas of interoperability – coordination and partnerships, funding, spectrum, standards and technology, and security.

The Alachua County Sheriff, with funding from the City and County, operates a combined communication center constructed in FY2000 with \$4.2 million in local funding. The center serves five law enforcement agencies, eleven fire rescue agencies, the county correctional facility, multiple government agencies of the city and county, a regional airport, and an industrial fire brigade. The local city owned utility, Gainesville Regional Utilities, provides an owned and operated 800 Mhz. Trunked Radio System (voice-only) to all of these agencies, along with another, the University of Florida's Police Department. This project has demonstrated the nadir of the interoperability standard promulgated by the FCC and other Federal agencies. The infrastructure for digital interoperability has also been built into the system, but thus far only one agency, because of its small numbers of units, has been able to make that next step into wireless data communications. The funds being sought for data interoperability will take the system to the next step by enhancing joint response capability, information sharing, data acquisition, intelligence gathering and dissemination, data security, and agency efficiency. While each entity alone and in joint projects such as the communications center has attempted to address these shortcomings, the high capital cost of these acquisitions is the major stumbling block to providing the final step to what is truly the pinnacle of interoperability achievement in a medium-sized community (225,000 total county population).

The utilization of a mobile data system has numerous advantages for the law enforcement officer as well as for the public. Removing the reliance on strictly verbal communication by way of radio and widening the information flow through direct data communications results in an enhancement of the ability to successfully resolve problems in the field. Laptop computers as in-car computer aided dispatch terminals significantly increase the ability for public safety officers to communicate.

Computers used in this manner can perform many important tasks. The mobile data computers can send and receive information between the officer and the dispatcher, including calls for service. Non-emergency calls are forwarded from the dispatcher to the appropriate unit without the need to transmit the information verbally over the radio, thus saving "air-time" for use in emergency situations and reducing the possibility of misunderstanding or receiving incorrect information. This also allows an increase in the amount of information the officer in the field has available in responding to situations. Additionally there is the potential for a decrease in the need for additional dispatchers even if the number of calls for service increases.

Through the use of mobile data computers officers and supervisors can find the location of other officers and check on their current status. Eliminating the need for officers to request this information from a dispatcher gives all members of the agency a complete picture of the availability of officers for calls for service. Officers can also refer to information about calls awaiting dispatch and information regarding previous calls for service. Officers would be able to view past and current activity within his/her assigned area. Obtaining pertinent information in a timely manner permits the officer(s) to make more informed strategic and investigative decisions. This accessibility to information would permit officers to better inform citizens and business owners regarding activities. In addition officers would be able to communicate vehicle-to-vehicle by sending messages from one officer to another. This eliminates the need for officers to use "air-time" with less important transmissions. Law enforcement officers can conduct computer checks on wanted persons and stolen vehicles without having to tie up a dispatcher. This allows officers to check a large number of persons and vehicles, which can significantly increase the number of people who are arrested for warrants and the number of recovered stolen vehicles. A single dispatcher can only handle one (1) request at a time, while the computer system can handle numerous requests at the same time.

In a time where crime knows no geographical boundaries, the ability to easily share timely information between differing agencies is of great importance. The ability for field officers to share information is a growing concern. Incidents spill across jurisdictional boundaries and there is an increasing need to share resources between agencies. The widening of the data pipeline to the field officer allows more flexibility and increases the amount of information readily available. The use of mobile data computers would allow increased and easier information sharing which should improve the ability of officers to respond to most situations.

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION

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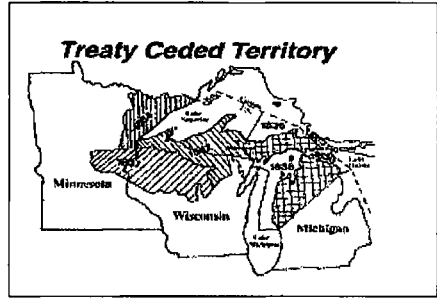
MEMBER TRIBES**MICHIGAN**Bay Mills Community
Keweenaw Bay Community
Lac Vieux Desert Band**WISCONSIN**Bad River Band
Red Cliff Band
Sokaogon Chippewa
Lac Courte Oreilles Band
Lac du Flambeau Band
St. Croix Chippewa**MINNESOTA**Fond du Lac Band
Mille Lacs Band**FY 2004 TESTIMONY****HOUSE COMMITTEE ON APPROPRIATIONS****SUBCOMMITTEE ON COMMERCE, JUSTICE, STATE, THE JUDICIARY AND RELATED
BY****JAMES H. SCHLENDER, EXECUTIVE ADMINISTRATOR****GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION (GLIFWC)****Agency Involved:** Department of Justice**Program Involved:** COPS Tribal Resources Grant Program

Summary of GLIFWC's FY 2004 Testimony: The Commission requests that Congress maintain funding for the COPS Tribal Resources Grant Program at \$35 million for FY 2004. The Administration is proposing to reduce funding for this program by an additional \$5 million in FY 2004 to \$30 million.

DISCLOSURE OF DOJ GRANTS CONTRACTED: The Commission is an intertribal organization which, under the direction of its member tribes, implements federal court orders governing tribal harvests of off-reservation natural resources and the formation of conservation partnerships to protect and enhance natural resources within the 1836, 1837, and 1842 ceded territories. Under the FY 2000 COPS Tribal Resources Grant Program, the Commission contracted **\$172,924** for the purpose of replacing obsolete radio equipment and to improve the capacity of GLIFWC's officers to provide emergency services throughout the Chippewa ceded territories. Under the FY 2001 COPS Tribal Resources Grant Program, the Commission contracted **\$292,190** for the purpose of replacing obsolete patrol vehicles (boats, ATV's, and snowmobiles), purchasing portable defibrillators, and training GLIFWC officers. Under the FY 2002, COPS Tribal Resources Grant Program, the Commission contracted **\$302,488** for the purpose of replacing obsolete patrol vehicles (ATV's, and snowmobiles), improving officer safety (in-car video cameras), and training GLIFWC officers for interagency emergency response.

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:

- X securing and implementing treaty guaranteed rights to hunt, fish, and gather in Chippewa treaty ceded territories; and
- X cooperatively managing and protecting ceded territory natural resources and their habitats.



For the past 19 years, Congress and Administrations have funded GLIFWC through the BIA, EPA 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. Its activities include: natural resource population assessments and studies; harvest monitoring and reporting; enforcement of tribal conservation codes into tribal courts; funding for tribal courts and tribal registration/permit stations; development of natural resource management plans and tribal regulations; negotiation and implementation of agreements with state, federal and local agencies; invasive species eradication and control projects; biological and scientific research; and development and dissemination of public information materials.

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 live and work within tribal communities that they primarily serve. The officers are based in 10 satellite offices located on the reservations 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.

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. They also are certified medical emergency first responders, including CPR, and in the use of defibrillators, and are trained 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. This network includes the Wisconsin Department of Natural Resources, Minnesota Department of Natural Resources, Michigan Department of Natural Resources, U.S. Coast Guard, USDA-Forest Service, State Patrol and Police, county sheriffs departments, municipal police forces, fire departments and emergency medical services.

GLIFWC PROGRAMS CURRENTLY 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 for the past three years have provided a critical foundation for achieving these goals. Significant accomplishments with Tribal Resources Grant Program funds include:

Improved Radio Communications and Increased Officer Safety: GLIFWC replaced obsolete radio equipment to improve the capacity of officers to provide emergency services throughout the Chippewa ceded territories. GLIFWC also used COPS funding to provide each officer a bullet-proof vest, night vision equipment, and in-car videos to increase officer safety.

Emergency Response Equipment and Training: Each GLIFWC officer has completed certification as a First Responder and in the use of life saving portable defibrillators. In 2002, GLIFWC officers carried First Responder kits and portable defibrillators during their patrol of 312,510 miles 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 was certified in ice rescue techniques and provided a Coast Guard approved ice rescue suit. In addition, each of GLIFWC's 10 reservation satellite offices 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 many vehicles that were purchased over a decade ago including 10 ATV's and 16 patrol boats and replace the GPS navigation system on its Lakes Superior Patrol Boat. These vehicles are used for field patrols, cooperative law enforcement activities, and emergency response in the 1837 and 1842 Chippewa 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.

FUTURE NEEDS/RATIONALE: GLIFWC would use future COPS Tribal Resources Grant funding for the purposes of:

Hiring 3 additional officers: \$225,000 is needed to provide salary and fringe for three officers over the next 3 years.

Rationale: GLIFWC must provide adequate staffing levels to meet its obligations to enforce off-reservation conservation codes in the 1836, 1837, and 1842 ceded territories. In addition, GLIFWC must also maintain participation in the myriad of mutual assistance networks located throughout this vast region covering 59,469 square miles.

Consistent with numerous other federal court rulings on the Chippewa treaties, the United States Supreme Court recently affirmed the existence of the Chippewa's treaty-guaranteed usufructuary rights (*Minnesota v. Mille Lacs Band*, Case No. 97-1337, March 24, 1999). The treaty signatory tribes share ceded territories with each other. Nevertheless, each tribe only has jurisdiction over its own members. The tribes thus recognize that no tribe on its own can effectively manage and regulate the exercise of ceded territory treaty rights. Therefore, the tribes have adopted various intertribal agreements, protocols and natural resource management plans that establish binding mechanisms and procedures for shared, intertribal management and regulation. Tribes have authorized GLIFWC to implement this conservation-based intertribal self-regulatory structure including development and enforcement of tribal conservation codes.

As tribes have re-affirmed rights to harvest resources in the 1837 ceded territory of Minnesota, workloads have increased. This expanded workload, combined with staff shortages will limit 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:

- National homeland security concerns,
- State and local governmental fiscal shortfalls, and
- staffing shortages experienced by local police, fire, and ambulance departments due to the call up of National Guard and military reserves units.

Examples of the types of assistance provided by GLIFWC officers are provided below:

- 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);
- search and rescue for lost hunters, fishermen, hikers, children, and 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, Burnett, Sawyer, and Vilas counties in Wisconsin);

- assist with drowning incidents (St. Croix River on the Minnesota/Wisconsin border, Sawyer county in Wisconsin, Gogebic county in Michigan) and searching for lost airplanes (Ashland, Forest and Washburn counties in Wisconsin);
- organize and participate in rescues of ice fishermen on Lake Superior (Ashland and Bayfield counties in Wisconsin) and assisting with Lake Superior boat rescues (Baraga county in Michigan and with the U.S. Coast Guard in other parts of western Lake Superior);
- assist sheriffs departments with natural disasters (e.g. floods in Ashland county and a recent tornado in Siren, Wisconsin).

Simply put, adding three additional officer positions will not only assist GLIFWC in meeting its obligations to enforce tribal off-reservation codes, but it will enhance intergovernmental efforts to protect public safety and welfare throughout the region by the states of Wisconsin, Minnesota, and Michigan.

Officer Training: \$21,868 is needed to build and maintain the expertise of GLIFWC officers through Basic Academy training of new recruits, maintaining law enforcement credentials, and specialized training for all officers.

Rationale: GLIFWC must fund 3 new recruits for the 520 hour basic recruit training program approved by the Wisconsin Law Enforcement Training and Standards Board. GLIFWC must also provide re-certification for its officers to maintain law enforcement credentials as required under a cross-deputization agreement maintained between GLIFWC officers and Wisconsin Department of Natural Resources. GLIFWC's officers are fully certified officers who work cooperatively with surrounding authorities when they detect violations of state or federal criminal and conservation laws. In addition to being fully certified officers, GLIFWC's new recruits need to obtain maintain certifications for medical emergencies (i.e. First Responder, CPR, and in the use of defibrillators), cold water rescue techniques, and search and rescue.

Ensuring Officers are adequately equipped: \$17,530 is needed to ensure officer safety.

Rationale: GLIFWC must purchase body armor, ice rescue suits, uniforms, and other standard issue equipment for 3 new officer recruits.

Development of a Law Enforcement Computer System: \$16,568 is needed to purchase hardware and software to complete Phase III of its Law Enforcement Computer System.

Rationale: Funding is needed to provide each of GLIFWC's 10 reservation satellite offices with a computer and software. These resources will enable GLIFWC to implement systems for remote data collection and transfer between the Chief Officer (Central Office), three (3) District Supervisory Officers, and 10 satellite offices. GLIFWC will also provide a customized training program for GLIFWC officers.



The safety institute of the commercial explosives industry • Founded 1913

February 25, 2003

The Honorable Frank Wolf
 Chairman
 Commerce, Justice, State, the Judiciary and Related Agencies Subcommittee
 H309 Capitol
 US House of Representatives
 Washington, DC 20515

RE: FY 2004 Appropriations for the Bureau of Alcohol, Tobacco, Firearms & Explosives

Dear Mr. Chairman:

On behalf of the Institute of Makers of Explosives (IME), I am submitting a statement for inclusion in the Subcommittee's hearing record regarding the proposed FY 2004 budget for the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF). The ATF was recently transfer to the Department of Justice (DOJ) as part of Congress' realignment of government agencies for purposes of homeland security, and is now under the purview of your Subcommittee.¹

Interest of the IME

The IME is the safety and security association of the commercial explosives industry. Our mission is to promote safety and the protection of employees, users, the public and the environment; and to encourage the adoption of uniform rules and regulations in the manufacture, transportation, storage, handling, use and disposal of explosive materials used in blasting and other essential operations.

Commercial explosives are used in nearly every item in our society and are key to our way of life. Effective recovery of energy resources, such as coal and oil, cannot be accomplished without explosives. Our transportation system, which underpins our economy, is built on minerals and aggregates mined with explosives. Specialty applications for fire and avalanche control or demolition and construction rely on commercial explosives. Annually, an average 2.5 million metric tons of explosives are consumed in the United States of which IME member companies produced over 95 percent. These products are used in every state in the Union and are distributed worldwide.

The production, distribution, storage and use of explosives are highly regulated. ATF is one of the agencies that plays a primary role in assuring that explosives are identified, tracked, and stored only to and by authorized persons. The ability to manufacture, distribute and use these products safely and securely is critical to this industry. With this perspective, we have carefully reviewed the Administration's FY 2004 budget request and have the following comments.

¹ P.L. 107-296, Title XI, Subtitle B.

Budget Resources Are Inadequate for Responsibilities

Our industry relies on ATF to efficiently and effectively perform a number of functions to ensure that the legitimate commerce of explosives can go forward safely and unimpeded. Additionally, when explosives are stolen, lost, or used for illegal purposes, we rely on the ATF to recover products and investigate incidents as necessary. Most recently, with IME support, Congress enacted legislation – the Safe Explosives Act (SEA) – to close loopholes in Federal Explosives Law (FEL).² Since 1970, all manufacturers, importers, and distributors of commercial explosives have been required to obtain federal licenses, and interstate purchasers of these products have had to obtain federal permits. Intrastate purchasers of commercial explosives were not required to obtain a federal permit. The SEA closes this loophole. The legislation also significantly broadened the base of those employees of licensees/permittees that are required to obtain background checks and broadened the disqualification standards applicable to any “person” who is authorized to “possess” explosives or otherwise “direct” the management and policies of businesses engaged in the manufacture, importation, distribution, purchase, receipt or use of explosives. In this regard, we support all necessary resources for these essential services.

These ATF activities have, heretofore, been credited to ATF’s mission to “protect the public.” Obviously, the commercial explosives industry and the public are served best by a prevention mandate. However, the FY 2004 budget request raises questions about ATF’s ability to perform assigned functions.

The Administration’s FY 2004 budget request identifies 88 new positions (44 FTE) for implementation for the SEA with a corresponding funding increase of \$10 million.³ This funding, if dedicated for the critical implementation phase of the SEA, is essential. However, as noted above, implementation of the SEA is not the only prevention duty of the ATF. ATF’s mission to protect the public relies on the Bureau’s continued education, inspection and investigation of the explosives industry and other ATF-regulated industries including alcohol, firearms, and ammunition. Under this budget function, however, the DOJ FY 2004 budget summary shows only a \$1.4 million increase over current services.⁴ At the same time, the budget summary identifies an additional \$16.3 million increase for ATF’s mission to “reduce violent crime,” an increase \$3.3 million above that requested to support the 118 new positions added to this mission, and a decrease of \$5.2 million for “crosscutting efficiencies.”⁵ It appears that all of the decrease for crosscutting efficiencies is charged to ATF’s protect the public mission, and that the additional \$3.3 million for the violent crime mission is also transferred from this prevention mission. Together the \$8.5 million for these two budget adjustments would explain the reduction of new money to the protecting the public mission from \$10 million to \$1.4 million.⁶ If this is the effect of the Administration’s budget request, serious repercussions should be expected to ATF’s protecting the public mission.

We cannot comment on the adequacy of ATF’s services to industries other than our own. However, ATF has admitted in the past that its explosives program is not adequately covered. In comments IME submitted to the Appropriations Committee last year, we expressed our concern that ATF’s FY 2003 budget request would support oversight of less than half its pending corrective actions, only 50

² P.L. 107-296, Title XI, Subtitle C.

³ DOJ FY 2004 Budget Summary, page 105.

⁴ DOJ FY 2004 Budget Summary, page 105.

⁵ DOJ FY 2004 Budget Summary, page 105.

⁶ Rounding accounts for the \$0.1 million discrepancy in totals.

percent of its inspection activities, and a hope that it would be able to investigate all reported explosives thefts and losses.⁷

The House Appropriations Committee shared our concern about the paucity of ATF responses. In its report on ATF's FY 2003 appropriation, the Committee asked ATF for a "report on the resources needed to complete 100 percent inspections, per optimal cycle determined by commodity type."⁸ The Committee urged ATF to transmit this report before the Administration submitted its FY 2004 budget request. The Senate Appropriations Committee encouraged "ATF to work with industry in developing this initiative."⁹ Regrettably, this has not happened. In fact, IME attempts to obtain information from ATF on its current workload so that we could more effectively comment on the adequacy of the Administration's budget request have not been successful.¹⁰ Whether or not ATF met any of the performance measures directed by Congress is not indicated in the FY 2004 Budget Summary.

An even more disturbing fact is revealed in the FY 2004 Budget Summary. The Bureau's FY 2003 budget request asked that 529 FTE be allotted to its protect the public mission, as noted above, the same FTE as was requested in FY 2002.¹¹ The FY 2004 Budget Summary, however, states that the President's FY 2003 FTE for this mission was only 370, an unexplained 30 percent decrease of 159 FTE.¹² The functions associated with ATF's protecting the public mission were to have transferred intact to DOJ from the Department of the Treasury. This discrepancy should be explained, particularly in light of a budget request that indicates a FY 2004 FTE for this mission of 416, an increase of 44 FTE, when in fact, it may be a decrease of 113 FTE from FY 2003.

While some aspects of the SEA were self-implementing on January 24, 2003, the provisions that will impact ATF's operations are effective May 24, 2003, four months short of FY 2004. In view of the performance shortfalls evident in the Administration's FY 2003 budget request, we are grateful the Congress elected to increase the Administration's FY 2003 ATF budget request by \$3 million to improve its oversight of the explosives industry. We hope a sufficient portion of that new money will be directed to put in place the systems and resources necessary to implement these additional requirements of the SEA in a timely manner. Regrettably, ATF lacks the data to determine what the additional workload generated by the SEA will be.¹³

There is a price to safety and security. Industry and the public trust that ATF has the resources to fulfill its regulatory responsibilities. It is up to Congress and, in particular, this Subcommittee, to ensure that ATF has the resources it needs.

Strategic Goals

⁷ Letter to the Honorable Ernest Istook, House Treasury, Postal Service & General Government Subcommittee, from Cynthia Hilton, IME, March 15, 2002. Also see, FY 2003 ATF Budget Justification, Volume 2, page 20; and statement of Bradley A. Bucktes, Director, ATF, Subcommittee on Treasury, Postal Service and General Government, House Appropriations Committee, February 28, 2002, page 17. (FY 2001 – 1,813 violations; 1st quarter FY 2002 – 1,763 violations.)

⁸ H. Rpt. 107-575, page 20.

⁹ S. Rpt. 107-212, page 22.

¹⁰ Email request to John Malone, ATF, from Cynthia Hilton, February 3, 2003 & February 10, 2003.

¹¹ FY 2003 ATF Budget Justification, Volume 1, page 13.

¹² DOJ FY 2004 Budget Summary, page 105

¹³ ATF did estimate that the number of additional background checks for those that "direct" would be in the neighborhood of 80,000 checks per year. This figure does not capture the number required for those that "possess" explosives, nor the workload to process the intrastate purchase permits.

A key to rebalancing the Bureau's statutory responsibilities is the identification of performance standards that can measure ATF's progress or areas needing attention. In fact, such performance measures are demanded by the Government Results and Performance Act. While the DOJ claims to have put forth a budget aligned to reflect outputs and full costs by major program activity, the FY 2004 budget does not identify outcome measures. Such outcome measures for ATF in the area of explosives could include the number of storage inspections conducted, the number of thefts and losses investigated, and the timeliness of processing applications for permits/licenses or processing background checks. As a part of the Administration's FY 2003 budget request, ATF identified six customer service standards to measure its delivery of services to its regulated community.¹⁴ None of these standards address the needs or concerns of the explosives industry. Nearly three years ago, we approached ATF with suggestions of measures appropriate for our industry.¹⁵ While the Bureau has discussed our suggestions, no final decisions have been made as to whether our suggestions are appropriate, could be modified, or if other standards would better measure service to the explosives industry. In the meantime, measurable indices remain unavailable to assess ATF's service to the explosives industry.

Rulemaking Concerns – Closing the Import Marking Loophole

Currently, ATF regulations require domestic manufacturers to mark all explosive materials they manufacture for sale or distribution.¹⁶ These marks consist of the manufacturer identity and the location, date, and shift of manufacture, commonly referred to in the industry as the "date-plant-shift code." These marks are necessary for reasons of security and safety. The ATF has emphasized that the failure to apply these markings inhibits law enforcement from tracking explosives to the source, and proving criminal activity. The date-plant-shift code enhances safety because some explosives deteriorate over time and the code allows users to keep inventory fresh. Additionally, the date-plant-shift code is one of industry's "QA/QC" tools, allowing the manufacturer the ability to trace product quality problems back to the point of manufacture and distribution.

These marking rules, however, do not apply to foreign manufacturers. Since 1999, unprecedented, large imports of unmarked explosives have been shipped to the United States from China.¹⁷ This development prompted IME to petition ATF for a rulemaking to close this loophole as it applies to high explosives and blasting agents.¹⁸ Our petition would make it unlawful for any licensee to import such explosive materials without legibly identifying by marking all explosives materials in the same manner prescribed by the ATF for domestic manufacturers. ATF finally published a proposed rulemaking on this issue late last year.¹⁹ While IME is glad to see some movement to close this loophole, the loophole still exists.

In the meantime, we have seen at least one State unilaterally act to preclude the introduction in commerce of unmarked imported explosives in that State in the face of ATF delay.²⁰ We understand

¹⁴ FY 2003 ATF Budget Justification, Volume 2, page 24.

¹⁵ Letter to Wayne Miller, ATF, from Cynthia Hilton, IME, July 19, 2000.

¹⁶ 27 CFR 55.109(a).

¹⁷ Regrettably, not all countries that manufacture explosives maintain the same high standards for stewardship and security that underpin the ATF's marking requirements for domestic manufacturers. This disparate regulation gives rise to concerns about trade practices. In terms of high explosives, the United States has already lost its ability to domestically manufacture TNT, and only one company still makes dynamite. We do not think it is in the national interest to lose more of our high explosive domestic manufacturing capability to unfair trade requirements.

¹⁸ March 7, 2000 and August 2, 2000.

¹⁹ 67 FR 63862 (October 16, 2002).

²⁰ CO 9-6-105 (2001).

and applaud this State's initiative. However, we have been concerned that over time other states would feel compelled to act independently and possibly inconsistently to address this issue. In light of the priority given to strengthening homeland security, we have not understood the lack of urgency given to this rulemaking. Now, after three years, ATF has stated in its semi-annual regulatory agenda that it anticipates finalizing the rulemaking in June of this year.²¹ We ask you to insist that ATF not let this target release date slip.

Identification Taggants

As manufacturers of explosive materials, we have a special interest in doing everything possible to prevent the misuse of our products. We are interested in the development of new technologies to safeguard the public, and support efforts to develop detection and prevention technologies that will enhance our national security. Nevertheless, from time to time efforts are made to mandate technologies that are unproven or unsupported by sound science and cost-benefit analyses. Efforts to mandate identification taggants in explosives are a case in point. In 1996, Congress refused to bend to such demands and enacted, with IME support, anti-terrorism legislation that instead directed ATF to study the feasibility of placing identification taggants in explosives.²²

ATF initially planned to submit the report to Congress by the end of FY 2001. IME had worked with ATF to ensure that the Bureau had the industry data required. Throughout the process ATF made efforts to keep us informed of the work on the study and preliminary findings. As late as August 2001, we were led to believe that ATF's research had concluded, as did contemporary assessments by the National Academy of Sciences, that identification taggants cannot be supported with current technology. However, following the events of September 11th, ATF informed us that the report had been pulled back and its conclusions are being reassessed. As tragic and sobering as the events of September 11th are, it does not alter the fact that current technology does not support identification taggants.

ATF still has not released the 1996 mandated report. Most recently, ATF stated that release of the report would wait until the Bureau's transfer to the DOJ. In the Subcommittee's oversight capacity, ATF should be asked about the release date of the 1996-mandated report and, after six years of study, what if any of the reports recommendations have been changed due to the events of September 11th.

Need for Federal Agency Coordination

Following enactment of the SEA, ATF interpreted the scope of its authority to cover truck "drivers" and other employees who may "possess" explosives in the course of transportation, a universe of employees regulated by the Department of Transportation (DOT).²³ As "possessors," ATF claims that these transportation workers are subject to the "self-implementing" disqualification background check standards of FEL. This interpretation, which was not contemplated by Congress, has resulted in massive disruption to the transportation of commercial explosives. The nature of transportation is that common carriers cannot predict with certainty which transportation workers will be in a position to "possess" a package of explosives at any given time. Given that explosives account for approximately 0.1 percent of all commerce, there is virtually no economic incentive for common carriers to attempt to have their workers meet ATF's qualification standards. The result has been the embargo of explosives shipments by all North American railroads, and vessel operators serving United States ports. Trucking companies are starting to join this embargo. To its credit, DOT is

²¹ 67 FR 75023 (December 9, 2002).

²² P.L. 104-132, Section 732.

²³ <http://www.atf.gov/explarsn/safexpact/expltransregs.htm>

attempting to occupy the field with appropriate rules. But, the haste with which these proposals are being put in place raises other concerns.

ATF claims that it has had authority to impose disqualifications on transportation workers since 1970. It argues that statutory language providing for transportation exception from the FEL has not been effected for transportation workers because DOT has failed to implement similar background check requirements and standards. However, the transportation exception is poorly worded and the extent and precision to which DOT must act to effect the exception is open to various interpretations.²⁴ ATF's claim comes despite the fact that it has not, pursuant to the Administrative Procedure Act, published notice in the *Federal Register* that this significant universe of workers is covered by the FEL, nor has the ATF taken any enforcement action. It has not retreated from its claim despite the fact that DOT has said it occupies the field of transportation worker qualification.²⁵ In the meantime, ATF has said that transportation workers can apply to the Bureau for "relief" from the FEL disqualifications.²⁶ As a budgetary matter, however, ATF told IME, as late as January 9, 2003, that it intended to expend no resources to implement its authority to process applications for relief because the relief provisions of the SEA are virtually verbatim to the relief provisions for firearms disabilities²⁷ and that, since Congress has barred ATF from using any funds to investigate or act upon such firearms applications, it would want to see if Congress wanted ATF to exercise its relief authority in the area of commercial explosives.²⁸

Regulatory overlap leads to confusion and non-compliance. ATF's interface with DOT should be seamless. ATF should work with DOT to establish a general protocol to minimize regulatory overlaps. We believe Congress should insist that these agencies show progress in clarifying and respecting each other's jurisdictional authority.

Hazardous Materials Transportation Enforcement

The DOJ FY 2004 budget proposal also includes new funding for a number of activities deemed critical. Under the category "Litigation, Security Needs, and International Efforts," DOJ requests \$1.1 million and 12 new positions to prosecute the illegal transportation of hazardous materials.²⁹ It

²⁴ 18 U.S.C. 845(a)(1). "Except in the case of subsections (l), (m), (n), or (o) of section 842 and subsections (d), (e), (f), (g), (h), and (i) of section 844 of this title, this chapter shall not apply to any aspect of the transportation of explosive materials via railroad, water, highway, or air which are regulated by the United States Department of Transportation and agencies thereof, and which pertain to safety . . ." The "possessor" disqualifications are contained in §842(i). If Congress intended that they apply, it would not have been by omission, given the other §842 subsections listed. "Any aspect" covers all transportation. "Are" is a plural verb and therefore the subject is not "any aspect" but the transportation modes that DOT regulates. P.L. 107-296 defines "safety" to include "security" for purposes of hazardous materials (of which explosives are a subset) transportation regulation.

²⁵ DOT has said that its standards fully qualify alien airline workers and should trigger the transportation exception at 18 U.S.C. 845(a)(1). ATF, in response, said it is reviewing these requirements to see if it agrees. Also, ATF has said that when DOT issues background requirements for other classes of transportation workers that ATF with DOJ will examine the standards to see if they are sufficient to effect the transportation exception of 18 U.S.C. 845(a)(1). <http://www.atf.gov/explarson/safexpact/expltransregs.htm>

²⁶ 18 U.S.C. 845(b).

²⁷ 18 U.S.C. 923(g)(4).

²⁸ PL 108-7, Division J, Dept. of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Salaries and Expenses.

²⁹ DOJ Press Release, Department of Justice Requests \$23.3 billion to Prevent and Combat Terrorism, Drug Crime, Crimes Against Children, and Corporate Fraud, February 3, 2003.

is not clear that this level of resource commitment to address violations of hazardous materials transportation law and regulations is necessary at this time.

Congress gave DOT the authority to oversee the transportation of hazardous materials and to implement Federal Hazardous Materials Transportation Law (FHMTL).³⁰ Identification of violations of FHMTL has been the purview of DOT.

The DOJ request does not identify how many attorneys currently assist DOT to ensure that the FHMTL is properly enforced. Nor does the request identify what the criminal hazardous materials workload currently is that would prompt such a request. While criminal prosecution must be a viable enforcement tool, DOT's civil penalties have been effective in enforcing compliance with FHMTL and accompanying regulations. In the last two fiscal years, DOT has closed 462 cases and has collected over \$3 million in penalties.³¹

Conclusion

The manufacture and distribution of explosives is accomplished with a remarkable degree of safety. We recognize the important role played by ATF in helping our industry achieve and maintain safe and secure workplaces. We, therefore, strongly recommend full funding for ATF. Meanwhile, we question the need for 12 new positions dedicated to prosecuting hazardous materials transportation law.

Thank you for your attention to these issues.

Sincerely,



Cynthia Hilton
Executive Vice President

³⁰ 49 U.S.C. Chapter 51.

³¹ Penalty Action Reports – FY 2001 & FY 2002, not including action resulting from DOT's hazardous materials ticketing program. <http://hazmat.dot.gov/ofm/forms.htm#penalty>



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Eugene R. Cromartie
Alexandria, VA

March 7, 2003

The Honorable Frank Wolf
Subcommittee on Commerce, Justice, State and Judiciary
House Committee on Appropriations
241 Cannon House Office Building
Washington, DC 20515

Dear Representative Wolf:

On behalf of the International Association of Chiefs of Police (IACP), I am writing to request your support of a \$50 million appropriation in the FY 2004 budget for the Regional Information Sharing Systems (RISS). This level of funding was authorized by Congress in the PATRIOT Act. As you may know, the IACP represents more than 18,000 police executives from federal, state and local law enforcement agencies.

The IACP wholeheartedly endorses the RISS program and is committed to its continuing success. RISS centers are a unique combination of federal/state/local cooperation, providing services to law enforcement agencies across the country.

Many of our members, as chief executives of state and local law enforcement agencies, have joined RISS and avail themselves of RISS's service on a regular basis. Any reduction of services will greatly impair our members' ability to secure information that is vital to the apprehension of known drug traffickers and other criminals.

Again, the IACP strongly encourages you to support full funding of the Regional Information Sharing Systems. Only with cooperation between all agencies can the law enforcement community have the greatest impact on crime in our country.

Thank you for your attention to this matter. If you have any questions, please call the IACP Legislative Affairs office at 703-836-6767.

Sincerely,

Joseph Samuels, Jr.
President

**STATEMENT OF THE
INVESTMENT COMPANY INSTITUTE**

**ON THE
U.S. SECURITIES AND EXCHANGE COMMISSION'S
APPROPRIATIONS
FOR FISCAL YEAR 2004**

**SUBMITTED TO THE SUBCOMMITTEE ON
COMMERCE, JUSTICE, STATE, AND THE JUDICIARY
OF THE
HOUSE COMMITTEE ON APPROPRIATIONS**

U.S. HOUSE OF REPRESENTATIVES

APRIL 8, 2003

Investment Company Institute
1401 H Street, N.W.
Washington, D.C. 20005

The Investment Company Institute* appreciates this opportunity to submit testimony to the Subcommittee in support of the FY 2004 Appropriations request for the Securities and Exchange Commission (SEC). The Institute would like to commend the Subcommittee for its consistent past efforts to assure adequate resources for the SEC.

Mutual funds are one of the primary savings and investment vehicles for middle-income Americans. Today, more than 95 million investors in over 54 million U.S. households own mutual fund shares. Since 1990, the percentage of U.S. retirement assets held in mutual funds has more than quadrupled. Moreover, most mutual fund investors are ordinary Americans; the median household income of fund shareholders is approximately \$62,000. These millions of average Americans deserve continued vigilant regulatory oversight of mutual funds. For this reason, sufficient funding of the SEC should be a priority. The Institute urges Congress to provide appropriations at a level sufficient to ensure the SEC's ability to fulfill its regulatory mandate.

The Administration's FY 2004 budget proposes SEC funding at a level of \$841.5 million. This greatly exceeds last year's appropriation of \$711.7 million. The Institute supports this enhanced level of funding to support the SEC's operations, especially those of the Division of Investment Management, which regulates the mutual fund industry. Such resources will help the SEC to carry out its many important initiatives, which include, among other things, adopting requirements for improved shareholder reports, analyzing the feasibility of requiring new compliance related rules for investment companies and investment advisers, finalizing

* The Investment Company Institute is the national association of the American investment company industry. Its membership includes 8,929 open-end investment companies ("mutual funds"), 553 closed-end investment companies and 6 sponsors of unit investment trusts. Its mutual fund members have assets of about \$6.322 trillion, accounting for approximately 95% of total industry assets, and 90.2 million individual shareholders.

rules to combat money laundering, and finalizing amendments to the mutual fund advertising rules.

The recommended enhanced level of funding also will permit the SEC to monitor compliance with the many significant new requirements adopted as a result of the Sarbanes-Oxley Act of 2002, which include, among others, disclosure regarding codes of ethics for senior executive officers and the presence of financial experts on audit committees, certification of financial and other information, independence standards for public company auditors, and standards of conduct for corporate attorneys. Moreover, it will permit the SEC to fulfill its mandate to oversee the operation of the Public Company Accounting Oversight Board (PCAOB), including the ratification of fundamental rules and procedures for the PCAOB. We also are pleased that H.R. 658/S. 496, "The Accountant, Compliance, and Enforcement Staffing Act of 2003", has been introduced in both the House and the Senate. This bill would permit the SEC more flexibility in its hiring process, making it easier for the SEC to hire the staff it needs to carry out these additional responsibilities.

Several important SEC initiatives indicate an enhanced workload for the Division of Investment Management. First, the Division will be responsible for monitoring compliance with the new requirements related to proxy voting. Second, the Division will be responsible for providing the SEC with a report on the hedge fund industry, assisting with SEC hearings to be conducted in connection with this endeavor, and analyzing the need for, and potentially developing, new regulations related to hedge funds. Third, the Division will be instrumental in responding to Congressional inquiries related to mutual fund issues. These important

initiatives, which will affect millions of American investors, will require additional staff to see that they are properly analyzed and to develop appropriate recommendations.

Adequate funding is also needed for the SEC's new enhanced risk-based inspection program, which began in FY 2003 and will continue in FY 2004. For investment companies and investment advisers, this means that those with relatively higher risk profiles will be examined every two years, while all remaining firms will be examined no less frequently than every four years. These more frequent inspections are a significant improvement over the five-year inspection cycle for investment advisers and investment companies that existed prior to FY 2003, and the SEC's appropriations should be sufficient to continue this important initiative.

Finally, adequate funding is essential to the SEC's efforts to educate investors. The SEC's Internet website contains many sources of important information for investors, including an on-line publication explaining mutual funds and investor alerts that help investors avoid scams and securities frauds. These and other SEC programs assist investors to understand the capital markets and establish realistic expectations about market performance. This is an integral part of the agency's mission to protect investors.

In order to accomplish these worthy objectives and to continue to function as an effective regulatory agency, we support that the SEC be funded at the level requested by the Administration and supported by Chairman Donaldson.

We appreciate your consideration of our views.

**Testimony of the Honorable Darrell Hillaire, Chairman
Lummi Nation before the House Commerce, Justice, State and the
Judiciary Appropriations Subcommittee on the
F'Y 2004 Appropriations for the U.S. Department of Commerce
April 11, 2003**

My name is Darrell Hillaire, Chairman of the Lummi Nation. The Lummi Nation, is located on the northern coastline of Washington State, and is the third largest tribe in Washington State serving a population of over 5,200. The modern Lummi government is heir to the traditional territories of the Lummi and Semiahmoo People, which covers lands rivers and marines areas in the United States (Washington) and Canada (British Columbia).

On behalf of the Lummi Nation I want to thank you and the members of the Committee for the opportunity to express our concerns and requests regarding the FY 2004 appropriation for the U.S. Department of Commerce. The following written testimony presents the Lummi Nation funding priorities, as well as regional and national concerns and recommendations for your consideration.

SUMMARY OF ASSISTANCE REQUESTS

- | | |
|-----------------|---|
| 1. +\$500,000 | EDA Economic Adjustment Assistance Program |
| 2. +\$750,000. | Commercial Vessel Launch Project |
| 3. +\$1,500,000 | EDA Public Works and Economic Facilities Program |
| 4. +\$700,000 | Lummi Nation Shellfish Hatchery Development |
| 5. +1,250,000 | Lummi Nation Fisheries Economic Program |

**LUMMI NATION DETAILED SUMMARY OF INDIVIDUAL REQUESTS AND/OR
DESCRIPTION OF COMMUNITY NEED AND EMERGENCY CONDITIONS**

1.) +\$500,000 EDA Economic Adjustment Assistance Program

Small Business Clusters

The Lummi Nation needs financial assistance to support the development of small business clusters, such as retail facilities, on the Lummi Reservation. In response to the severe economic dislocation resulting from the fishing disaster the Lummi Nation has provided some of its out of work fishers with business development training which has resulted in the development of 50 business plans in varying states of readiness for financing. Small business cluster development will provide dislocated fishers a structured setting that encourages entrepreneurship-based competition and opportunity, while diversifying the Lummi Nation's private sector.

Budget Period	04	05	06
Funding Amount	\$500,000	\$2,000,000	\$140,000
Project Activity	Planning	Construction	Operations Implementation

2.)+ \$750,000. Commercial Vessel Launch Project

Each fishing vessel employs at least one person and feeds at least one family. Some large vessels employ two or three persons and families. Purse Seiners are the largest vessels in the Lummi Nation Fishing Fleet employ up to five persons and families. The loss of fishing vessels is loss of economic self-sufficiency and the loss of hundreds of vessels is a community-wide economic disaster. Due to the lack of public investment on the reservation there are literally no facilities to support commercial fishing. This has required Tribal fishers to use marine facilities located 'off reservation' in the city of Bellingham. Fishing vessels are moored at Bellingham Marinas, Nets stored in lockers located 'off reservation'. These funds would enable the tribe to increase community fishers and public access to these services and promote economic diversification and tourism.

Budget Period	04	05	06
Funding Amount	\$750,000.	\$200,000.	\$0.
Project Activity	Launch Construction	Parking and Storage Construction	Operations

3.) +\$1,500,000 EDA Public Works and Economic Development Facilities Program**Core Business Infrastructure**

The Lummi Nation is seeking funding to support the cost of planning for the expansion of the Tribal economy by enhancing the Tribal water and wastewater treatment systems and building natural gas distribution systems. Rehabilitation and construction of these systems will provide the core business infrastructure necessary to generate private sector jobs and investment. The lack of natural gas infrastructure continues to impair the Lummi Nation's competitiveness in attracting industries offering private investment and technology transfer, such as a manufacturer of oil spill absorption materials. The tribe's current water and sewer system is nearing threshold operational capacity and utilizes 'dated industrial technology' that is over 25 years old. Without investment into core business infrastructure local economic growth and development is jeopardized.

Budget Period	04	05	06
Funding Amount	\$1,000,000	\$4-8,000,000	\$180,000
Project Activity	Planning	Construction	Operations Implementation

Commercial Processing Facilities

The Lummi Nation needs financial assistance to support the development of commercial facilities on the Reservation to support the processing fish and shellfish from harvesters into retail products and transporting products to markets within the contracted timeframes. Funding is needed to design, develop, construct and operation of dockside effluent collection and treatment facility to enable the operation of an existing processing and dock facility owned by the Lummi Nation. If this facility were operational it would provide over one hundred (100)

fishing related jobs requiring skills that are already possessed by most members of the Lummi Nation. The Lummi Nation will seek to contract with an established seafood processing company to consult during the design and construction phase as well as operate the facility profitably under a lease agreement.

Additional Marine Commercial Facilities

Budget Period	04	05	06
Funding Amount	\$500,000.	\$3,000,000.	\$300,000.
Project Activity	Planning	Construction	Operations : Support

4.) +\$700,000 Increase to Lummi Nation Shellfish Hatchery Development and Operations

Provide support for the development of the tribal shellfish hatchery operations to address identified weather related market access problems that have effectively stopped the growth of the shellfish hatchery. The Hatchery is critical to sustain the ability of Tribal fishers to generate family income from the harvest of shellfish, as provided in the Pt. Elliot Treaty, the right to harvest and manage shellfish resources.

The thirty-year (30) old hatchery supplies oyster and clam seeds to a majority of Northwest Washington Indian tribes and growers. The need to provide both the treaty and non-treaty growers for oyster seed, clam seed, enhancement projects. These projects benefit both the tribal government and Washington State.

The Lummi Nation requests that \$350,000 increase be earmarked to Lummi Nation through the NMFS budget and an additional \$350,000 be provided through the Department of Commerce's Economic Development Administration to support planning developing and constructing covered all weather loading, unloading and staging areas and access road from the Hatchery to the State Highway.

Budget Period	04	05	06
Funding Amount	a. \$350,000 b. \$350,000.	a. \$350,000 b. \$350,000.	\$350,000.
Project Activity	a. Operations b. Planning Expansion	a. Operations b. Construction	Operations

5.) +1,250,000 Lummi Nation Fisheries Economic Program

The Lummi Nation is seeking funds to create a tribal Small Business Development Office or the NMFS Office of Fisheries Disaster to provide fisherman with economic and business training technical assistance services. The Lummi Nation is requesting a recurring allocation in the amount of \$350,000 to establish the Lummi Nation Small Business Development Office with the goal of aiding fisherman to maximize profits horizontally within the fish marketing industry and/or create new small businesses to sustain self-sufficiency. Another \$900,000 is requested from the Small Business Administration to enable the Lummi Nation to establish a fisherman

revolving loan fund to enable participants to access development capital to support their small business plans.

Budget Period	04	05	06
Funding Amount	\$350,000. \$900,000.	a. \$350,000 b..	\$350,000
Project Activity	Operations Business Assistance fund	c. Continuing Operations	Continuing Operations

THE LUMMI INDIAN NATION

The cultural heritage of the Lummi Nation and people reflect the historic value and community reliance upon salmon fishing activities. Our culture, our very identity is inextricably connected with fishing and many way of using marine resources to support our neighbors, our communities and ourselves. Our reservation's geographic boundaries, established by the Point Elliott treaty of 1855 is small due to the value that tribal member did and continue to place on having access to marine resources rather than agricultural resources.

Starting in 1999, the Lummi Nation and Indian Tribes in Alaska, Washington, Oregon and California face a crisis of historic proportions with the economic failure of the salmon industry. This is due to the impact of the Endangered Species Act combined with the loss of market share for wild salmon due to increasing foreign-farmed fish, including salmon.

The decline of the salmon industry has had, and will continue to have, a severe impact on the culture, economy, and society of West coast Native peoples who have relied on the salmon for countless generations. The Lummi Nation has developed and is now implementing a short, mid, and long-term strategy to restore, protect, and enhance the salmon fishery and to ensure for future generations a sustainable economy.

The Lummi Nation is aware that other Native Nations and inter-tribal organizations in the Pacific Northwest are now developing parallel strategies to rebuild and diversify the salmon fishery and market.

History has shown that success in efforts of this magnitude requires careful coordination between Tribal governments and inter-tribal organizations in order to secure supporting in Congress, the Administration, and in the general public.

Coordination of Alaskan and Northwest Tribes

One January 10th of 2002 the Lummi Nation along with other Washington State Tribes met with a coalition of almost all of the Alaskan Tribe. Also present at this meeting with representatives of Alaska EDA and the Bureau of Indian Affairs Office of Self-Governance. During this meeting the Tribes identified an immediate need for federal government economic development and welfare assistance to relieve the severe hardships felt by fisherman families in each community. Tribal leaders recognized the need to establish a long term goal of diversify their local

economies to prepare communities for future limitations of a tribes natural resources and establish a sustainable salmon fishery resource.

Coordination on a National level through NCAI

National Congress of American Indian (NCAI) Resolution hereby establishes a Northwest Salmon Disaster Task Force to assist in coordinating the efforts of the Native Nations, Bands, and Tribes to develop and implement a collective salmon strategy and secure support from Congress and Administration.

Commerce Department Declares a Fisheries Economic Disaster at Lummi Nation

At the request of the Lummi Nation the US Department of Commerce undertook a study of the fisheries based economy of the Lummi Nation and in November of 2002 did issue a *Fisheries Economic Disaster* declaration under the Magnuson Stevenson Fishery Conservation and Management Act (P.L. 94-265) for the Lummi Nation.

Impact of Fisheries Economic Disaster for the Lummi Nation

The fisheries disasters beginning in 1999, continuing in 2000 and re-occurring in 2001 has literally bankrupted all of the small businesses owners of the Lummi Nation. This economic disaster has impacted over 700 fishers and 2,000 members of the Lummi Nation. This number represents nearly 50% of the total Lummi Nation Population. In order to re-establish the private business sector of the Lummi Nation economy the Lummi Nation needs the assistance identified below on an emergency basis:

Request for Direct funding to the Lummi Nation

At the same time the Lummi Nation fishers were facing absolutely no fishing the State of Washington was able to secure millions in funding to support fishers within the State. The State was well aware of the needs of the Lummi Nation because we were seeking a FEMA Declaration of disaster for the same fishers disaster program services and aid. The State limited its assistance program to ground fishers which excluded most Indian fishers. There was no outreach no conferences no phone calls to share their bounty with Tribal fishers.

In the current disaster effort we are working with the state. But it is not acceptable to the Lummi Nation for the disaster funding to go to the State of Washington. There is no need for funds intended to assist the Lummi Nation to be disbursed by the State.

Again, thank you for accepting this written statement.

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Statement of the Marine Fish Conservation Network
 For the Record of the
 Subcommittee on the Departments of Commerce, Justice, State and the Judiciary
 Of the Committee on Appropriations of the
 U.S. House of Representatives
April 11, 2003

The Marine Fish Conservation Network is pleased to share its views regarding National Marine Fisheries Service (NMFS) programs in the National Oceanic and Atmospheric Administration's (NOAA) budget request. We ask that this statement be included in the hearing record for the fiscal year 2004 Commerce, Justice, State and the Judiciary Appropriations Bill.

The Marine Fish Conservation Network is a national coalition of more than 150 environmental organizations, commercial and recreational fishing associations, aquariums, and marine science groups dedicated to conserving marine fish and promoting their long-term sustainability. We greatly appreciate the funding this Subcommittee has provided for the marine fish conservation programs within NMFS in the past and we look forward to working with the Subcommittee to enact responsible levels of funding in the coming fiscal year.

There are four areas in the NMFS budget where we believe the requested spending levels need to be increased to help the agency fulfill its obligations as the federal government's fish management agency.

I. ANNUAL STOCK ASSESSMENTS

Request: \$ 25 million total

Last year, Congress took a positive step to improve the information available on the status of America's fish stocks when it allocated more money to NMFS for stock assessments than the President's requested (\$17 million was allocated \$11.9 was requested). Given that the status of more than two thirds of all species managed by NMFS is unknown, largely due to a lack of funding for basic research and stock assessments, even more money needs to be allocated. Fishery managers need better information on all stocks to fulfill their responsibilities to rebuild overfished stocks, prevent overfishing, and to set appropriate catch levels for those fish that are not overfished. The President requested \$14.9 million for stock assessments. Increasing the stock assessment line item to \$25 million would help erase the deficit in research days at sea and provide adequate funding to improve stock assessments through hiring and training new staff, increase assessment frequency, and advancing new ecosystem models. These monies are critically needed

OBSERVER PROGRAMS

Request: \$25 million total

By increasing the annual appropriations for fisheries observers by just over \$11 million to \$25 million (just over \$5million more than the President's FY '04 request), the National Marine Fisheries Service would be better able to establish and implement an effective National Observer Program. The information from these observers will give a better idea of exactly how much fish is caught directly and as bycatch, thereby improving management of our fish populations. In addition, it will enable NMFS to meet its requirements to protect marine mammals pursuant to the requirements of the Marine Mammal Protection Act. Yet, last year the money allocated for observer coverage was slightly less than the year previous. NMFS estimates that it will cost \$54 million to implement minimal observer coverage in all federally managed fisheries. Therefore, our proposed increase would be a down payment on the amount needed to fully implement a national program.

III. ESSENTIAL FISH HABITAT (EFH)

Request: \$15 million total

Essential fish habitats (EFH) are those waters and substrate upon which fish depend for reproduction and growth. These habitats are currently being damaged from both land-based activities and destructive fishing practices. While the Sustainable Fisheries Act of 1996 gave NMFS a clear mandate to identify and conserve essential fish habitat too little has been done to protect these habitats. NMFS has approximately \$4.85 million in its base budget for EFH, which includes the \$1 million to redefine EFH descriptions and \$500 thousand to minimize fishing impacts. This level of funding is not nearly adequate for protecting the EFH for the nearly 900 federally managed fish. Increasing funding by \$10.15 million would better able NMFS to gain the information necessary to further refine designations of EFH and take action to conserve EFH, including measures to minimize the adverse impacts of fishing gear on EFH.

IV. ENFORCEMENT AND SURVEILLANCE

Request: Enforcement and Surveillance Services - \$43 million.
Vessel Monitoring System (VMS) Program - \$12.1 million

Enforcement of our fishery management laws has been woefully underfunded for years. According to NMFS, there are currently 128 enforcement agents that are each responsible for approximately 1200 miles of coastline. We request increasing funding for enforcement by \$8 million over the President's request to allow for the hiring of additional officers to begin to address this chronic shortfall. The increase would also allow for a strengthening of alternative enforcement programs and enhancement of state and local partnerships. These new monies are critically important to fill the void left by the Coast Guard's shift to port security. Last year the allocated monies for enforcement

were cut by 41%, and NMFS was directed to use rollover money from other accounts to fund enforcement. Please do not let this new funding level become the baseline for enforcement, because under-funding enforcement undercuts efforts to rebuild and protect our fish resources.

Increasing funding for VMS to \$12.4 million would allow for the establishment and implementation of VMS systems, and the placing of VMS transponders on many of the estimated 10,000 boats in the U.S. commercial fishing fleet. This represents a \$5 million increase over the President's request. VMS programs enhance data collection and safety at sea, and can be beneficial to fisherman by allowing them to fish until a quota is actually reached. VMS is beneficial to regulators because it will allow officials to know when a fishing vessel is violating closed areas, or is fishing beyond the end of a regulated fishing period.

Thank you for considering our requested increases for these important fish management programs.

TESTIMONY SUBMITTED BY
THE REGIONAL INFORMATION SHARING SYSTEMS (RISS) PROGRAM
FOR FISCAL YEAR 2004
BEFORE THE
SUBCOMMITTEE ON COMMERCE, JUSTICE, STATE, AND THE JUDICIARY
OF THE COMMITTEE ON APPROPRIATIONS

SUBMITTED BY
GERARD P. LYNCH, ESQ., EXECUTIVE DIRECTOR
MIDDLE ATLANTIC – GREAT LAKES ORGANIZED CRIME
LAW ENFORCEMENT NETWORK
ON BEHALF OF
THE REGIONAL INFORMATION SHARING SYSTEMS (RISS) PROGRAM

The Regional Information Sharing Systems (RISS) Program respectfully requests that Congress appropriate for fiscal year 2004, \$50 million to continue their support in combating drug trafficking and organized crime.

These funds will enable RISS to continue identifying, targeting, prosecuting, and removing criminal conspirators involved in terrorism activity, drug trafficking, organized criminal activity, criminal gangs, and violent crime that span multijurisdictional boundaries. Funds will allow RISS to continue to support the investigation and prosecution efforts of over 6,300 local, state, and federal law enforcement member agencies across the nation comprising over 675,000 sworn law enforcement personnel.

Through funding from Congress, RISS has implemented and operates the only secure Web-based nationwide network--called riss.net--for communications and sharing of criminal intelligence by local, state, and federal law enforcement agencies. Funds will allow RISS to upgrade the technology infrastructure and resources to support increased use and reliance on the system by member law enforcement agencies and support the integration of other systems connected to riss.net for information sharing and communication. Using Virtual Private Network technology, the law enforcement users access the public Internet from their desktop and have a secure connection over the private riss.net intranet to all RISS criminal intelligence databases and resources. RISS member law enforcement agencies accessed riss.net an average of 3.9 million times per month during fiscal year 2002. Riss.net is a proven, highly effective system that improves the quality of criminal intelligence information available and puts it in the hands of the law enforcement officers to make key decisions at critical points in their investigation and prosecution efforts.

The Office of Justice Programs (OJP), Regional Information Sharing Systems (RISS) is a federally funded program comprised of six regional intelligence centers. The six centers provide criminal information exchange and other related operational support services to local, state, and federal law enforcement agencies located in all fifty states, the District of Columbia, U.S. territories, Canada, Australia, and England. These centers are:

Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLN): Delaware, District of Columbia, Indiana, Maryland, Michigan, Pennsylvania, Ohio, New Jersey, and New York, as well as Canada and England.

Mid-States Organized Crime Information Center (MOCIC): Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, as well as Canada.

New England State Police Information Network (NESPIN): Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, as well as Canada.

Regional Organized Crime Information Center (ROCIC): Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, as well as Puerto Rico and the U.S. Virgin Islands.

Rocky Mountain Information Network (RMIN): Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming, as well as Canada.

Western States Information Network (WSIN): Alaska, California, Hawaii, Oregon, and Washington, as well as Canada, Guam, and Australia.

RISS is a crucial force in fighting terrorism, increased violent criminal activity by street gangs, drug traffickers, sophisticated cyber criminals, and emerging criminal groups that require a cooperative effort by local, state, and federal law enforcement. There is a rising presence of organized and mobile narcotics crime, distinguished by increases in drug-related emergency room incidents, increases in drug purities (especially heroin, methamphetamine, ecstasy, cocaine, GHB, and marijuana), and increasing communications sophistication by the terrorist and criminal networks. Interagency cooperation has proven to be the best method to combat the increasing criminal activity in these areas. The RISS Centers are filling law enforcement's need for rapid, but controlled sharing of information and intelligence pertaining to known or suspected drug traffickers and criminals. Congress funded the RISS Program to address this need as evidenced by its authorization in the Anti-Drug Abuse Act of 1988.

The success of RISS has been acknowledged and vigorously endorsed by the International Association of Chiefs of Police (IACP), as well as other national law enforcement groups such as the National Sheriff's Association (NSA) and the National Fraternal Order of Police (NFOP). These groups have seen the value of this congressional program to law enforcement nationally and have worked with the National Association of Attorneys General (NAAG), the National District Attorneys Association (NDAA), and the National Criminal Justice Association (NCJA) to further strengthen the awareness of RISS.

According to the Executive Working Group for Federal-State-Local Prosecutorial Relations, in its publication titled, *Toward a Drug Free America: A Nationwide Blueprint for State and Local Drug Control Strategies*, "Each state should develop a computerized capacity to store, collate, and retrieve intelligence and historical information concerning drug offenders. Before initiating new computer projects, each state should take advantage of existing computerized information exchange and pointer systems, such as the Regional Information Sharing Systems (RISS). Each state should actively participate in multi-state, regional, and national information networking projects."

RISS is operating current state-of-the-art technical capabilities and systems architecture that allow local, state, and federal law enforcement member agencies to interact electronically with one another in a secure environment. The RISS system has built-in accountability and security. The RISS secure intranet (riss.net) protects information through use of encryption, smart cards, Internet protocol security standards, and firewalls to prevent unauthorized access. The RISS system is governed by the operating principles and security and privacy standards of 28 CFR Part 23 (Criminal Intelligence Systems-Operating Policies). The technical architecture adopted by RISS requires proper authorization to access information, but also provides flexibility in the levels of electronic access assigned to individual users based on security and need-to-know issues. Riss.net supports secure e-mail and is easily accessible using the Internet. This type

system and architecture is referenced and recommended in the General Counterdrug Intelligence Plan (GCIP).

The RISS Program promotes federal, state, local, and tribal law enforcement information sharing. RISS is the mechanism that state and federal law enforcement agencies are using to leverage their resources and existing systems for sharing sensitive but unclassified information. RISS has entered into a partnership with the High Intensity Drug Trafficking Areas (HIDTA) to electronically connect all of the HIDTA's to riss.net for communications and information sharing. Currently, 15 HIDTA's are electronically connected as nodes to riss.net and RISS is working to complete the connection of the remaining HIDTA's. Nine state agencies are currently connected as nodes on riss.net. An additional 15 state law enforcement agencies are pending connection as nodes to share information, including terrorism and homeland security information, using riss.net.

The National Drug Intelligence Center (NDIC) is a member of RISS and uses the RISS network as a communications mechanism for publishing counterdrug intelligence products to federal, state, and local law enforcement members. RISS and the El Paso Intelligence Center (EPIC) officials entered into a partnership and have electronically connected EPIC as a node to riss.net to capture clandestine laboratory seizure data from RISS state and local law enforcement member agencies. RISS is currently working with the U.S. Department of the Interior, Bureau of Land Management (BLM), to connect all of the BLM offices to riss.net. Other systems connected to riss.net are the Law Enforcement Intelligence Unit (LEIU) and the National Drug Pointer Index (NDPIX). The National White Collar Crime Center (NW3C) and the Financial Crimes Enforcement Network (FinCEN) are currently pending connection to riss.net as nodes.

During 2002, officials of the FBI Law Enforcement Online (LEO) system and the RISS system achieved interconnection of the two systems for distribution of sensitive but unclassified homeland security information to authorized users of both LEO and RISS. In addition, the Executive Office of the United States Attorneys (EOUSA) and the RISS Centers initiated actions to connect staff to riss.net at each of the 93 U.S. Attorneys' Offices (USAO) Anti-Terrorism Task Forces throughout the U.S.

RISS is also expanding its resources to deliver the RISS Anti-Terrorism Information Exchange (RISS ATIX) to provide access through riss.net to additional groups of users for secure interagency communication, information sharing, and dissemination of terrorist threat information. These additional groups of users, referred to as RISS ATIX participants, will include public service, public safety, emergency management, utility, and other critical infrastructure personnel that have traditionally not been served by RISS. RISS ATIX participants will be assigned restricted access to certain specific RISS services and resources as appropriate in consideration of their roles with regard to terrorism and disasters.

All of these above mentioned state and federal agencies are integrating with and using the riss.net secure nationwide communications backbone to share criminal intelligence and alerts and homeland security information within their own agencies and among the other agencies. RISS needs funds to purchase hardware and software to support these agency system connections to riss.net to continue to provide and improve access for sharing information for law enforcement

agencies across the country. In addition, RISS has developed RISS ATIX to provide first responders and critical infrastructure personnel with a secure means via riss.net to communicate, share information, and receive terrorist threat information. RISS is operating an unprecedented nationwide network for communicating critical information in a secure environment to both law enforcement and other first responders. To support the increased needs of these personnel and continue to maintain the RISS system and demand for RISS services and resources, RISS is requesting an increase in funding to \$50 million for 2004.

RISS continues to promote interagency investigations by improving capabilities for member agencies to quickly and easily access RISS databases and resources by expanding the enrollment of member agencies for access to riss.net through distribution of security hardware and software. In view of today's increasing demands on federal, state, and local law enforcement budgets, requests for RISS services have risen. The Institute for Intergovernmental Research (IIR) report on the RISS Program showed that as of December 31, 2002, the number of criminal subjects maintained in the RISSIntel intelligence databases for all Centers combined was 1,079,369 with 258,907 new subjects being added in 2002. The combined databases of all six RISS Centers also maintained data on 1,712,307 locations, vehicles, weapons, and telephone numbers for a grand total of 2,791,676 data entries available for search. For the twelve-month period January through December 2002, the total number of inquiries by law enforcement member agencies to the RISSIntel database for all six regional intelligence centers combined was 766,845. These inquiries resulted in hits or information to assist law enforcement agencies in their criminal cases. All RISS Centers combined delivered 19,777 analytical products to member agencies in support of their investigation and prosecution efforts in 2002.

This support of law enforcement has had a dramatic impact on the success of their investigations. Over the three-year period 2000-2002, RISS generated a return by member agencies that resulted in 10,024 arrests, seizure of narcotics valued at almost \$141 million, seizure of over \$13 million in currency, and recovery or seizure of property valued at over \$25 million. In addition, almost \$3 million was seized through RICO civil procedures. In the 22-year period since 1980 when the Program was fully implemented, the RISS Program has assisted its member agencies with their investigations. Results of these investigations have amounted to over \$12.7 billion dollars in recoveries at a total cost that approximates 2.72 percent of that amount, or a \$37 return for every dollar spent.

The Bureau of Justice Assistance administers the RISS Program and has established guidelines for provision of services to member agencies. The RISS regional intelligence centers are subject to oversight, monitoring, and auditing by the U.S. Congress, the General Accounting Office, a federally funded program evaluation office; the U.S. Department of Justice, Bureau of Justice Assistance; and local government units. The Intelligence Systems Policy Review Board also monitors the RISS Centers for 28 CFR Part 23 compliance. This 28 CFR Part 23 regulation places stricter controls on the RISS intelligence sharing function than those placed on federal, state, or local agencies. Evaluation of RISS center operation has been very positive.

It is respectfully requested that the Congress fully fund the RISS Program as a line item in the congressional budget, in the requested amount of \$50 million. Local and state law enforcement, who depend on the RISS Centers for information sharing, training, analytical

support, funding, and technical assistance, are anticipating increased competition for decreasing budget resources. It would be counterproductive to require the RISS members from state and local agencies to self-fund match requirements, as well as to reduce the amount of BJA discretionary funding. The state and local agencies require more, not less, funding to fight the nation's crime/drug problem. The RISS Program cannot 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.

We are grateful for this opportunity to provide the committee with this testimony and appreciate the support this committee has continuously provided to the RISS Program.

Testimony on Fiscal Year 2004 Appropriations

Submitted by The Honorable Eugene White-Fish
 President, National American Indian Court Judges Association (NAICJA)
 Chief Judge, Forest County Potawatomi Tribal Court
 3618 Reder Street, Rapid City, SD 57702

To the Subcommittee on Commerce, Justice, State, and Judiciary,
 HOUSE Appropriations Committee

APRIL 11, 2003

On behalf of the National American Indian Court Judges Association (NAICJA), I am pleased to submit this testimony on the proposed FY 2004 budget for the Justice Department's Indian Country Law Enforcement Initiative and the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (Public Law 106-559). *We request \$73.4 million for Tribal Courts.*

The National American Indian Court Judges Association (NAICJA), www.naicja.com, was incorporated in 1969. NAICJA is the largest organization representing Tribal Judges and Tribal Courts in the United States. The mission of NAICJA is to strengthen and enhance all Tribal justice systems through improvement and development of Tribal Courts and Tribal Court Judges.

JUSTICE DEPARTMENT FUNDING: Indian Country Law Enforcement Initiative and Indian Tribal Justice Technical and Legal Assistance Act of 2000 (P.L. 106-559)

(1) **Full Funding for Indian Country Law Enforcement Initiative:** NAICJA strongly supports full funding for the Indian Country Law Enforcement Initiative. NAICJA would like to specifically emphasize our support for the funding of the Indian Tribal Court Fund at a level of at least \$15 million (Please note that this fund was formally authorized by the 106th Congress - see Public Law 106-559, section 201). Through the increased funding for law enforcement under the Indian Country Law Enforcement Initiative, more police officers have been added throughout Indian Country. Without substantial additional funding, tribal courts will be unable to handle the increased caseloads generated by this increased law enforcement.

(2) **\$58.4 million in funding for the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (P.L. 106-559).** When the 106th Congress enacted P.L. 106-559 in December 2000, it recognized the vital legal and technical assistance needs of tribal justice systems – finding in part that “there is both inadequate funding and inadequate coordinating mechanism to meet the technical and legal assistance needs of tribal justice systems and this lack of adequate technical and legal assistance funding impairs their operation” and promised three grant programs to address these Congressional recognized needs. It is vital that Congress provide adequate funding for P.L. 106-559 (see the Act itself for more specific information). NAICJA strongly supports funding of P.L. 106-559 at the level of at least \$58.4 million. Failure to provide this funding level would make the

Indian Tribal Justice Technical and Legal Assistance Act of 2000 (P.L. 106-559) a hollow recognition of tribal justice systems needs without providing needed resources.

Tribal courts must deal with a wide range of difficult criminal and civil justice problems on a daily basis, including the following:

- The crime rate, especially the violent crime rate, has increased substantially in Indian Country. (At the same time, it has been declining nationally.) Tribal court systems are grossly under-funded to deal with increasing criminal justice problems.
- Number/complexity of tribal civil caseloads have also been rapidly expanding. Tribal Courts are expected to deal with the same complex civil cases as state and Federal Courts with grossly less funding.
- Congress acknowledged the need for better funded Tribal Court systems when it enacted the Indian Tribal Justice Act in 1993. Congress specifically found that "tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring public health and safety and the political integrity of tribal governments" and "tribal justice systems are inadequately funded, and the lack of adequate funding impairs their operation."
- The Indian Tribal Justice Act promised more than \$58 million per year in additional funding for Tribal Court systems starting in FY1994. Tribal Courts have yet to see ANY funding under this Act.
- Since Congress enacted the Indian Tribal Justice Act, the needs of Tribal Court systems have continued to increase, but there has been no corresponding increase in funding for Tribal Court systems. In fact, the Bureau of Indian Affairs funding for Tribal Courts has actually decreased substantially since the Indian Tribal Justice Act was enacted in 1993.

The vast majority of the approximately 300 Tribal court systems are located in rural communities. These Tribal justice systems face many of the same difficulties faced by other isolated communities, but these problems are greatly magnified by the many other complex problems that are unique to Indian country. In addition to the previously mentioned problems, Tribal justice systems;

- lack sufficient jurisdiction over non-Indians
- have complex jurisdictional relationships with Federal and state criminal justice systems
- have inadequate staffing for law enforcement
- tend to be a great distance from the few existing resources outside of the Tribe
- face a lack of detention facilities
- have a limitation of sentencing or disposition alternatives
- lack of access to advanced technology
- lack substance abuse testing and treatment options

In most Tribal justice systems, 80-90% of the cases are criminal in nature and 90% of these cases involve the difficult problems of alcohol and/or substance abuse.

Importance of Tribal Courts

Tribal justice systems are the primary and most appropriate institutions for maintaining order in Tribal communities.

"Tribal courts constitute the frontline tribal institutions that most often confront issues of self-determination and sovereignty, while at the same time they are charged with providing reliable and equitable adjudication in the many and increasingly diverse matters that come before them. In addition, they constitute a key tribal entity for advancing and protecting the rights of self-government. . . . Tribal courts are of growing significance in Indian Country." (Frank Pommersheim, *Braid of Feathers: American Indian Law and Contemporary Tribal Law* 57 (1995)).

Tribal Courts must deal with the very same issues state and Federal courts confront in the criminal context, including, child sexual abuse, alcohol and substance abuse, gang violence and violence against women. Tribal Courts, however, must address these complex issues with far fewer financial resources than their Federal and state counterparts. Judicial training that addresses the existing problems in Indian Country, while also being culturally sensitive, is essential for Tribal Courts to be effective in deterring and solving crime in Indian communities.

Inadequate Funding of Tribal Justice Systems

There is no question that Tribal justice systems are, and historically have been, under-funded. The 1991 United States Civil Rights Commission found that "the failure of the United States Government to provide proper funding for the operation of tribal judicial systems . . . has continued for more than 20 years." The Indian Civil Rights Act: A Report of the United States Civil Rights Commission, June 1991, p. 71. The Commission also noted that "[f]unding for tribal judicial systems may be further hampered in some instances by the pressures of competing priorities within a tribe." Moreover, they opined that "If the United States Government is to live up to its trust obligations, it must assist tribal governments in their development . . ." More than ten years ago, the Commission "strongly support[ed] the pending and proposed congressional initiatives to *authorize funding of tribal courts in an amount equal to that of an equivalent State court*" and was "hopeful that this increased funding [would] allow for much needed increases in salaries for judges, the retention of law clerks for tribal judges, the funding of public defenders/defense counsel, and increased access to legal authorities."

With the passage of the Indian Tribal Justice Act, 25 U.S.C. § 3601 et seq. (the "Act"), Congress found that "[T]ribal justice systems are an essential part of tribal governments and serve as important forums for ensuring public health, safety and the political integrity of tribal governments." 25 U.S.C. § 3601(5). Congress found that "tribal justice systems are inadequately funded, and the lack of adequate funding impairs their operation." 25 U.S.C. § 3601(8). In order to remedy this lack of funding, the Act authorized appropriation of base funding support for tribal justice systems in the amount of \$50,000,000 for each of the fiscal years 1994 through 2000. 25 U.S.C. § 3621(b). An additional \$500,000 for each of the same fiscal years was authorized to be appropriated for the administration of Tribal Judicial Conferences for the

"development, enhancement and continuing operation of tribal justice systems . . ." 25 U.S.C. § 3614.

Nine years after the Act was enacted into law, and even after reauthorization, no funding has been appropriated. Only minimal funds, at best, have been requested. Yet, even these minimal requests were deleted prior to passage. Even more appalling is the fact that BIA funding for Tribal Courts has actually substantially decreased following the enactment of the Indian Tribal Justice Act in 1993.

BIA-DOJ Indian Country Law Enforcement Initiative

Full funding is requested for the Joint BIA-DOJ Law Enforcement Initiative proposal to improve law enforcement in Indian Country. The Final Report of the Executive Committee for Indian Country Law Enforcement Improvements documents the "stark contrast between public safety in Indian Country and the rest of the United States." (Final Report, p. 4.) "While law enforcement resources have been increased and deployed throughout the United States, BIA resources actually have been reduced in Indian Country during the past few years." It is axiomatic that "as a consequence of improvements to law enforcement services, a corresponding increase in funds is needed for judicial services, especially tribal courts." (Final Report, p. 8).

The Initiative includes funding to continue the Department of Justice Indian Tribal Court Program. We urge the Committee to support full funding of the Tribal Court Program to assist in the development, enhancement and continued operation of tribal judicial systems. While funding has fallen far short of the \$58 million in annual funding promised by the Indian Tribal Justice Act, the Initiative will fail without it. Without well-staffed, competent Tribal judiciaries to handle the influx of the new criminal prosecutions flowing from the Law Enforcement Initiative, the goal of providing service to 1.4 million Native Americans who live on or near Indian lands the same "protection of their basic rights, a sense of justice, and freedom from fear" enjoyed by Americans at large, will not be attained. (Final Report, p. 4).

Tribal Judicial Response to Violent Victimization

"American Indians are the victims of violent crimes at more than twice the rate of all U.S. residents," reported the Justice Department's Bureau of Justice Statistics. Tribal judges were not surprised by the finding that offender use of alcohol was a major factor in incidents of crime involving American Indians. The BJS found that Native Americans reported that in 46% of all violent victimizations that the offender had been drinking. Approximately 70% of jailed Indians convicted of violence reported that they had been drinking at the time they committed the offense. It is estimated that approximately 90% of all Native Americans charged with offenses in Tribal courts were either drinking at the time of the crime or are charged with an alcohol related offense. It is clear that alcohol has had a particularly toxic impact on Native communities. Almost 4 in 10 Native Americans held in local jails had been charged with a public order offense, most commonly, driving while intoxicated.

These latest statistics reaffirm the frighteningly high disproportionate rate of violent crime in Indian Country that triggered the Indian Country Law Enforcement Initiative. Indian communities across the country can look forward to increased law enforcement presence as a result of Congress' commitment to addressing the public safety crisis on our reservations. While we applaud the increase in funding of Indian law enforcement, which will be used to provide for new jails, patrol cars, and police officers, we are alarmed by the lack of corresponding Tribal Court funding. Increased law enforcement will inevitably lead to an increase in Tribal Court caseloads in already overwhelmed systems, yet only a moderate amount of funding appropriated for law enforcement is set aside for Tribal courts. Given the number of Tribal justice systems, that amount will not stretch very far.

Economic Potential Rests on the Tribal Judiciary

During the 1990's, America has enjoyed a period of great economic prosperity. Unfortunately as of this date, economic success in Indian Country has not been achieved for the vast majority of tribal nations and their members. Rather, poverty levels for Native Americans have risen while Federal spending has dropped to about half of what it was twenty years ago. It is widely accepted that economic development is the future of self-sufficiency in Indian Country.

Effective and efficient resolution of disputes arising from commercial dealings is an essential component of the governance infrastructure that Tribes must provide. Businesses are keenly aware of the need to have relative certainty in the outcome of commercial litigation. Such certainty is a part of the risk assessment businesses perform prior to siting their enterprises. They also account for the availability of clear and detailed commercial laws that may be interpreted and enforced by competent judiciaries.

Conclusion

Tribal justice systems are the primary and most appropriate institutions for maintaining order in tribal communities. They are key to Tribal economic development and self-sufficiency. Any serious attempt to fulfill the federal government's trust responsibility to Indian nations, must include increased funding and enhancement of Tribal justice systems.

We welcome the opportunity to comment on the Justice Department's Budget Request for the FY 2004 funding of the Indian Country Law Enforcement Initiative and the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (Public Law 106-559).

Please contact me at (715) 478-7255, or NAICJA Executive Director Chuck Robertson, at (605) 342-4804 or naicja@rushmore.com with questions or comments. Thank you.

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STATEMENT OF
COMILAS ROBERTSON, PRESIDENT
NATIONAL ASSOCIATION OF POLICE ATHLETIC LEAGUES
SUBMITTED TO
THE U.S. HOUSE OF REPRESENTATIVES APPROPRIATIONS COMMITTEE
COMMERCE, JUSTICE, STATE AND JUDICIARY SUBCOMMITTEE

May 6, 2003

Mr. Chairman and Members of the Subcommittee, my name is Comilas Robertson and I am the President of the National Association of Police Athletic Leagues, Inc. (PAL). I appreciate this opportunity to testify on behalf of the National PAL Board of Directors in support of the fiscal year 2004 Police Athletic League Youth Enrichment Program (PALYEP) appropriation, which falls under the Office of Juvenile Justice and Delinquency Programs (OJJDP) at the Department of Justice. The PALYEP program has been previously awarded a competitive grant under the Edward Byrne Discretionary Grant Program.

The Commerce, Justice, State and Judiciary Subcommittee generously funded the PALYEP program at \$6 million the previous two years and we are very grateful for your continued support of this program and the opportunities that it provides for thousands of youth from disadvantaged backgrounds. It is our hope that you give careful consideration to the impact of the Police Athletic League Youth Enrichment Program for a third year that will enable us to successfully complete the first two years of programming and finalize the PALYEP model and further expand this program in the future.

The Police Athletic League is a program that exists in 1,700 facilities nationwide providing positive academic and athletic programs for youth while involving the law enforcement community as active mentors through the programs as coaches, volunteers, officials or administrators. One of the goals of PAL is to build a positive relationship between police officers and youth, in addition to building a positive relationship between the police officers and the community as a whole.

PALYEP, in collaboration with the Department of Justice, began with programming in January of 2003 and will continue through May 31, 2003. We developed stringent criteria for participation, selected those who met the criteria, and distributed funds to PAL Chapters to operate programs. The PALYEP objectives include: providing after-school programming for youth, reducing juvenile crime, bringing law enforcement personnel in contact with youth and the creation of new PAL Chapters. These objectives support National PAL's mission to prevent juvenile crime and violence by providing education, training and resources to local PAL Chapters across the country.

We are proud of the fact that over 81,000 youth participated in PALYEP-supported programming that was conducted by 126 PAL Chapters this past year. In addition, 19

new PAL Chapters have been provided funds to begin youth programs in communities that have never benefited from the presence of a PAL Chapter. These chapters are striving to serve at-risk children and one is located in a predominant Native American community, Tahlequah, Oklahoma.

In addition, PALYEP recipients have been required to contribute indirect and direct funding that is no less than 100 percent of the PALYEP grant amount that leverages community and private resources to support the 126 PALYEP recipients.

To ensure that each PALYEP program strives to attain the highest level of services to their participants and that federal dollars are used appropriately to achieve maximum benefit, PALYEP evaluates and audits selected sites. The on-site evaluation and audit reviews compliance with the criteria established by DOJ and PAL and determines if each program meets or exceeds the high expectations required of a PALYEP program. Programs that are found to be in noncompliance with be provided technical assistance and professional development.

PAL is providing safe and positive environment for youth to participate and excel

Based on PAL Chapter demographics, approximately 82 percent of the youth who benefit from PAL programs live in inner cities and urban areas. PAL, through police and sheriff departments across the country, makes high quality facilities and capable personnel available to these needy children.

America's police chiefs see the need to increase the provision of after-school programs. Based on data compiled by the National Incident-Based Reporting System, they recognize that the prime time for violent crime is from 3:00 p.m. – 6:00 p.m. (Sickmund, Snyder, & Poe-Yamagata, 1997). During these hours, kids are most likely to become victims of violent crime, be killed by a household or other accident, become addicted to cigarettes, and experiment with drugs. There is also evidence that teens are most likely to engage in sexual intercourse and girls become pregnant during these hours; this is also a key time period for kids of all ages to get hooked on video games that too often provide training for violent behavior (Newman, Fox, Flynn, & Christeson, 2000).

Ninety-one percent (91%) of police chiefs agreed that: "If America does not make greater investments in after-school and educational child care programs to help children and youth now, we will pay far more later in crime, welfare, and other costs." They also favored prevention strategies for reducing juvenile crime, with 57% identify after-school and summer youth programs as the number one means (Mastrofski & Keeter, 1999).

The Bureau of Labor Statistics and the U.S. Department of Education National Center for Education Statistics report that over 28 million school-age children have parents who work outside the home but only six million children K-8 participate in after-school programs. However, many studies report there has been a decrease in juvenile crime that has been directly attributed to participation in after-school programs. Youth in after-school programs have reported feeling safer during the after-school program hours. A study by the Baltimore Police Department Division of Planning and Research reported a 44% drop in children becoming crime victims after starting an after-school program in a high crime area.

National PAL continues to be pro-active in supporting our existing PAL Chapters across the country and in starting new PAL Chapters in distressed areas for the ultimate result being a safe and positive place for youth to participate in educational and athletic programs.

PAL building a better community through partnerships and relationships

PAL, during its 40-year history as a national organization, has proven to be a positive force in the communities it serves. Benefits from PAL also accrue to the police/sheriff department. Too often in the past the police/sheriff departments have had limited contact with youth from the at-risk population. While making its contribution to these youth, the police/sheriff department grows in its understanding of the aspirations and aims of this segment of our society. PAL's have a special niche, because they foster an enduring relationship of trust and respect between police and youth. PAL Chapters fit within six regional boundaries. As a member of these regions, they have the opportunity to attend regularly scheduled sporting events and meetings.

The PALYEP program combines Federal funds, and private and public resources. Principal partners in the effort are selected PAL's; the U.S. Department of Justice; various state and local agencies; national governing bodies of sport, private organizations and businesses and the National Youth Sports Corporation (NYSC).

National PAL selected NYSC as our essential partner to implement the grant. NYSC is a nonprofit organization, which received a Federal grant from the U.S. Department of Health and Human Services (HHS) to administer the National Youth Sports Program (NYSP). PAL and NYSC are committed to improving the health and physical fitness of young people, particularly those that are members of low-income families and residents of economically disadvantaged areas.

Through partnerships and collaborations with organizations such as the National Football League, National Basketball Association, America's Promise, Scholastic, Inc. and other entities have allowed our member chapters to provide supervised instructional opportunities for the youth in their communities. These collaborations have increased the value of participation by youth in PAL communities and will continue to add opportunities to participate for additional youth as well.

Fiscal year 2004 appropriation request

We are aware of the priority the Administration and Congress are placing on cost-effective programs that serve disadvantaged youth. The first year of the PALYEP program has been a tremendous success and the more than 81,000 youth who have participated benefited tremendously from the opportunities that existed.

This year the National Association of Police Athletic Leagues and the PALYEP program is requesting a level funded amount of \$6 million for a third year. This will allow us to continue providing the necessary resources to PAL Chapters nationwide so that the youth they serve will benefit from the PALYEP program. In addition, through this continued

funding, we will apply more funds to the evaluation component to measure the effectiveness and impact of the program.

Conclusion

National PAL and our member chapters continue to provide positive programs and opportunities for all youth and the ability for them to achieve the ultimate successes they richly deserve. Since the inception of the first Police Athletic League in 1914, the same values have continued for nearly 90 years. Today, the two million youth who participate in PAL programs nationwide continue to be provided the opportunity to achieve academic and athletic success and by doing so in a safe and positive environment.

We believe that the National Association of Police Athletic Leagues and the PALYEP program continue to have a tremendous impact in communities nationwide and we ask for your consideration for level funding for this program. By supporting the PALYEP program for a third consecutive year you will allow National PAL to impact the lives of thousands of youth nationwide.



NASULGC National Association of State Universities and Land-Grant Colleges

**House Appropriations CJS Subcommittee
FY 04 Recommendations for NOAA by the
National Association of State Universities and Land-Grant Colleges
Submitted by
Dr. Mark Abbott, Chair, NASULGC Board on Oceans & Atmosphere
Dean, College of Oceanic & Atmospheric Sciences, Oregon State U.**

INTRODUCTION

NASULGC is the nation's oldest higher education association. Currently the association has 213 member institutions -- including the historically black Land Grant institutions -- located in all fifty states. Its members constitute the major public research institutions in the nation. The Association's overriding mission is to support high quality public education through efforts that enhance the capacity of member institutions to perform their traditional teaching, research, and public service roles.

OFFICE OF OCEANIC AND ATMOSPHERIC RESEARCH

NASULGC supports the FY 04 request of \$380.6 million for OAR. OAR is the main research arm of NOAA and contributes to all other Line Offices and Strategic Plan goals and provides the scientific basis for national policy decisions in key areas. It supports a world-class network of scientists and environmental research laboratories and partnerships with academia and the private sector. We note that the President's budget request restores pay and other uncontrollable costs (\$4.5 million), and critical funding for the Space Environment Center (\$2.2 million), for the marine aquaculture program (\$2.6 million), and for the Phased Array Radar at the National Severe Storms Laboratory (\$1 million) under Weather and Air Quality Partnership Programs. The NOAA budget also provides funding for Boulder Facility Operations. These funds are needed to enable NOAA Research laboratories and programs to meet NOAA mission goals and support world-class network of scientists, laboratories and partnerships with academia. We would now like to focus on some additional programs in more detail. Most of these have extensive and sustained connections to academia, and merit elaboration.

Climate and Global Change Program - NASULGC recommends \$74 million for Climate and Global Change. This competitive grants program takes advantage of the expertise at many academic institutions across the country and is essential to improve NOAA's predictive and assessment capabilities. It provides critical information on patterns of climate variability and on the trends and probabilities of occurrence of extreme events such as floods, hurricanes, storms, and tornadoes. Such information is essential in determining what components of society are most vulnerable to climate variability and change.

U.S. Weather Research Program (USWRP) - NASULGC recommends NOAA provide \$10 million for the USWRP base, and \$7.3 million associated with the Energy Security Program and THORPEX. We also support efforts to establish a \$20 million USWRP Collaborations Fund to promote interaction between NOAA, the university and private sector through extramural research grants and contracts. The return on these investments is almost incalculable because of the saved lives and economic costs from more accurate weather predictions for emergency preparedness. The increased cost of hurricane damage, for example, clearly demonstrates the need for improved science for quantitative precipitation and lead-time hurricane landfall location and intensity. Alternatively, false positives in hurricane forecasting, which cause unnecessary disruption and evacuations, are also very costly. With additional funding, the USWRP can undertake critical programs related to winter storms and the quantitative precipitation forecasting.

Climate Observations and Services - NASULGC supports the \$55.4 million request for Climate Observations and Services. This program with its several components is linked to the Administration's Climate Change Research Initiative (CCRI), and will begin the critical transition of research and observations to application, from basic science and experimentation to practical products. These applications will provide important tools for mitigating economic vulnerability in climate sensitive sectors such as agriculture, energy and water resources. This program is essential for a more complete environmental monitoring capability and building a more complete observational network necessary to provide the data and information and drive the forecast models of the present and future across all event scales and conditions. Vital elements of this program include Ocean Observations and the ARGO buoys, the CCRI, Carbon Cycle Atmospheric Measurements, a National Mesoscale Resolution Climate Observational Network, Education & Outreach, Climate Data and Information, and Supercomputing (in the PAC account). The CCRI is particularly important because it will provide an array of tools to address the issue of climate change and variability, and reduce uncertainties, ensure long-term observation systems, improve modeling capabilities, enhance decision support systems, and integrate the human dimension into research projects. We would urge NOAA to expand partnerships with academia in climate observations and programs, as we understand most of the research will be conducted internally.

National Sea Grant College Program - NASULGC recommends \$68.41 million for Sea Grant. Sea Grant has become perhaps the most respected and important Federal-State-University partnership for addressing marine and coastal issues. Evidence of this was the overwhelming approval by Congress and the signing into law by the President last year of Sea Grant reauthorization legislation. Its remarkable success is due to a rigorous external review process and commitment to scientific excellence. Sea Grant is a highly-leveraged and competitive program that has contributed significantly to the economic vitality and environmental security of the nation's coastal regions. Sea Grant has been under funded for years and \$68.41 million is the minimum necessary for Sea Grant to continue its activities in aquaculture, biotechnology, coastal economies, coastal natural hazards, digital ocean, ecosystems and habitats, science literacy, fisheries, seafood science and technology, and urban coasts.

National Undersea Research Program (NURP) - NASULGC recommends \$20 million for NURP. This amount is necessary to sustain baseline operational funds for 6 national undersea

research centers, direct science support to investigators, and maintenance of priority undersea investments such as the Aquarius habitat, LEO-15, ROVs, and submersibles. Funds also will support the NOAA contribution to the operation of ALVIN.

Ocean Exploration - NASULGC supports the budget request of \$14.2 million for Ocean Exploration. This amount is essential so NOAA can fully engage the external community and capture new knowledge in the exciting areas of new ocean resources, ocean acoustics, ocean frontiers, maritime heritage and census of marine life. The oceans remain largely unknown and constitute an untapped source of new knowledge with important implications for earth system science, national security, and economic well-being.

OTHER PROGRAMS

Coastal Ocean Program (COP) - NASULGC supports the Administration's request of \$18.7 million for COP. COP occupies an important position in overseeing NOAA science capacity-building and extramural research as they relate to addressing coastal ocean and Great Lake issues. Via a partnership with OAR, COP enhances NOAA's stewardship of coastal waters by strengthening existing coastal programs, developing new and innovative strategies on priority issues, and coordinating with other agencies and the academic community. COP's mission is to ensure the nation's capacity for the highest quality science for coastal policy decisions.

National Estuarine Research Reserve System (NERRS) - NASULGC recommends \$17 million in operating funds and \$10 million in construction and facilities funding for the National Estuarine Research Reserve Association. NERRS is dedicated to science-based management of our nation's estuaries and coastal systems. Through a state-federal partnership, NERRS serves as regional centers of excellence where coastal communities receive training to promote informed environmental decision-making. NERRS also operates the *only* national monitoring program for estuaries in the U.S. This effort is aimed at identifying short-term variability and long-term trends in coastal environmental quality and health at national, regional, and local levels. NERRS also sponsors a graduate fellowship program that brings academic research expertise to bear upon coastal and estuarine research data gaps, and, more importantly, in training the next generation of scientists.

Minority Outreach - NASULGC recommends \$17 million for Minority Serving Institutions. NOAA's outreach initiatives to minority communities are vital in fostering a partnership between MSIs and NOAA to enhance the institutions' overall research capacity in areas of interest to NOAA. The 35 NASULGC Historically Black Institutions are served by the Association's Office for the Advancement of Public Black Colleges. NASULGC members also include a number of Hispanic-serving universities and 29 tribal-managed institutions. The underrepresentation of minorities in the earth science disciplines continues to plague this nation. NOAA's efforts in this regard are a critical factor in correcting this terrible imbalance.

Regional Climate Centers - NASULGC recommends \$3 million for the RCC's, which are located on university campuses and continue to provide detailed climate and related products essential to private sector economic activities specific to each of the regions. Increased funding is needed to address the expanding demand for climate services, currently growing at a rate of 25% per year. We urge consideration of base funding for certified State Climate Offices (ARSCO),

which are acknowledged formally by NCDC, and state-located WSFOs and WSOs as the liaison with the state governments on climate services. As a funding level, we recommend several hundred thousand dollars per ARSCO.

National Polar-orbiting Operational Environmental Satellite System (NPOESS) – NASULGC supports the Administration’s request for a \$40 million increase for NPOESS. However, we are concerned that the increase may not be sufficient to fulfill the NPOESS mission to integrate the current civilian and military polar-orbiting meteorological satellite systems of the nation into a single, national system for space-based, remotely sensed environmental data. We urge you to ensure that NPOESS will have the necessary resources to ensure the system’s capability to utilize, manage, and store all the data.

Thank you for taking time to review our recommendations. We look forward to continuing working with you.



Education,
Research, And
Communications
To Strengthen
Natural Resource
Conservation

10 April 2003

The Honorable Frank Wolf, Chairman
The Honorable Jose Serrano, Ranking Member
Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies
H-309, The Capitol
U.S. House of Representatives
Washington, DC 20515-6017
Attention: CJS Detailee

Dear Chairman Wolf and Ranking Member Serrano:

The National Association of University Fisheries and Wildlife Programs (NAUFWP) appreciates the opportunity to submit testimony concerning the National Sea Grant Program in the FY 2004 budget of the NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA). NAUFWP represents approximately 55 university programs and their 440 faculty members, scientists, and extension specialists, and over 9,200 undergraduates and graduate students working to enhance the science and management of fisheries and wildlife resources.

The Office of Oceanic and Atmospheric Research (OAR) is the main research arm of NOAA, contributing to all other Line Offices and Strategic Plan goals and providing the scientific basis for national policy decisions in key areas. OAR supports a world-class network of scientists and environmental research laboratories, and partnerships with academia and the private sector: NAUFWP supports the President's FY 2004 request of \$380.6 million for Oceanic and Atmospheric Research.

The National Sea Grant College Program provides essential academic research, education, and extension services for the oceans community. Sea Grant research is critical to the maintenance and improvement of the nation's marine resources. We were concerned by the Administration's proposal in FY 2003 to move the Sea Grant College Program to the National Science Foundation (NSF). While the NSF's record of accomplishment in basic research is unparalleled, their strength is not in the deployment of applied research, education, and extension—the very characteristics that have made the National Sea Grant College Program so successful. Unfortunately, the Sea Grant program has been under funded for many years. Therefore, NAUFWP strongly supports the maintenance of the Sea Grant Program in the NOAA budget, and urges Congress to appropriate \$68.41 million for this program in FY 2004.

NAUFWP supports the National Invasive Species Act Program, and the Marine Aquaculture Program, two partnership programs within NOAA that provide information to support policy and management decisions, increase knowledge of coastal and marine ecosystems, and provide the

scientific basis for enhancing the Nation's marine economic sector. NAUFWP supports the Administration's \$1 million increase for the NOAA Invasive Species Initiative, and the \$2.6 million request for the NOAA Marine Aquaculture Program. We urge Congress to appropriate these amounts for FY 2004.

Thank you for considering the views of universities with fisheries and wildlife programs. We look forward to working with you and your staff to ensure adequate funding for fish and wildlife research, education, and conservation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Daniel H. Pletscher". The signature is fluid and cursive, with the first name "Daniel" and last name "Pletscher" clearly distinguishable.

Daniel H. Pletscher
President

Walton, Jeff

CJS

From: writerep
 Sent: Tuesday, April 15, 2003 9:03 PM
 To: Wolf, Write
 Subject: WriteRep Responses

DATE: April 15, 2003 8:28 PM
 NAME: Dr. William D. Edge
 ADDR1: Dept Fisheries and Wildlife
 ADDR2: Oregon State University
 ADDR3:
 CITY: Corvallis, OR 97331-3803
 STATE: Virginia
 ZIP: 20101
 PHONE:
 EMAIL: daniel.edge@orst.edu
 MSG:
 Dear Representative Wolf:

Oregon State University, a member of the National Association of University Fisheries and Wildlife Programs (NAUFWP) appreciates the opportunity to submit testimony concerning the National Sea Grant Program in the FY 2004 budget of the NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA).

The Office of Oceanic and Atmospheric Research (OAR) is the main research arm of NOAA, contributing to all other Line Offices and Strategic Plan goals and providing the scientific basis for national policy decisions in key areas. OAR supports a world-class network of scientists and environmental research laboratories, and partnerships with academia and the private sector. NAUFWP supports the President's FY 2004 request of \$380.6 million for Oceanic and Atmospheric Research.

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Thank you for considering the views of universities with fisheries and wildlife programs. We look forward to working with you and your staff to ensure adequate funding for fish and wildlife research, education, and conservation.

Sincerely,

W. Daniel Edge
Head, Department of Fisheries and Wildlife
Oregon State University, 104 Nash
Corvallis, OR 97331-3803

**TESTIMONY OF SUSAN HERMAN, EXECUTIVE DIRECTOR
National Center for Victims of Crime**

**Submitted to the House and Senate
Subcommittees on Commerce, Justice, State and the Judiciary,
Committees on Appropriations
April 11, 2003
Regarding the Victims of Crime Act (VOCA) Fund**

My name is Susan Herman, and I am the executive director of the National Center for Victims of Crime. I submit this testimony to urge members of the Subcommittee on Commerce, Justice, State and the Judiciary to raise the cap on the Victims of Crime Act (VOCA) Fund to \$685 million for Fiscal Year 2004. In addition, I urge you to prevent the creation of additional earmarks off the top of the VOCA Fund.

The National Center for Victims of Crime is the leading resource and advocacy organization for victims of crime. We are well acquainted with the funding needs of the nation's crime victim assistance programs. Since its founding in 1985, the National Center has worked with public and private non-profit organizations and agencies across the country, and has provided information, support, and technical assistance to hundreds of thousands of victims, victim service providers, allied professionals, and advocates. Our toll-free information and referral Helpline keeps us in touch with the needs of crime victims nationwide. Through our day-to-day interactions with our members and with the 7800 crime victim service providers in our service referral network, we are aware of the work they do and of the impact that funding decisions at the federal level have on their ability to meet the needs of victims. We also interact with crime victim service providers through our Training Institute, which offers training on a variety of issues to service providers throughout the country. In short, we hear from victims and service providers every day about the impact and importance of the VOCA Fund.

As you know, the VOCA Fund consists of fines and penalties imposed on federal offenders. The bulk of the money is distributed each year by formula grants to the states to fund both their crime victim compensation programs, which pay many of the out-of-pocket expenses incurred by victims, and victim assistance programs, such as rape crisis centers, domestic violence shelters, victim assistants in law enforcement and prosecutor offices, and other direct services for victims of crime.

Last year's \$600 million cap on the VOCA Fund translated to a cut in funding for crime victim assistance programs of approximately eight percent. This eight percent funding decrease resulted from a change in the VOCA formula enacted in October 2001 as part of the anti-terrorism legislation, the USA PATRIOT Act, Pub. L. 107-56. That change increased the amount of VOCA Funds paid to states for their crime victim compensation programs, leaving less available for grants to victim service agencies.

The amount of VOCA money a state receives for compensation is limited to a percentage of what that state paid out in a given year. Previously, states received a reimbursement of 40

percent of what they paid out in crime victim compensation. Beginning in Fiscal Year 2003, that amount increased to 60 percent of what the state paid out. The increase in VOCA funds that states received for compensation programs limited the funds available for crime victim services. The USA PATRIOT Act had coupled the formula change with an incremental annual increase in the VOCA cap that would have offset the loss of funds for victim services. That annual increase mechanism, however, was stricken by language in the appropriations measures for Fiscal Year 2002.

The impact of that eight percent cut has been significant for programs already suffering from reduced private giving and state support. From around the country, programs have reported to us that they have had to:

- **Lay off staff, or reduce full time staff to part time.** Uniformly, programs reported that they were already operating at bare bones levels. The only area left to cut is staff time, which directly reduces services available to victims. Many programs also reported that there were no similar agencies or services in their area to whom victims could turn. The following response from a Louisiana rape crisis center was typical: "We have already cut as many positions as we can without shutting down entirely. We counsel victims of sexual assault, and any cut will mean no counseling for those victims." In many instances, programs have only one or two paid staff, and the reduction in their time will necessitate elimination of extensive volunteer programs because there will be insufficient professional oversight and coordination.
- **Limit their geographic coverage.** For instance, from Colorado, Michigan, and Virginia we heard from programs that had been serving victims in 5 to 10 counties; now they have had to pull back from service in the outlying regions, leaving those victims without services. Some programs serving rural victims can no longer reimburse mileage or phone costs for volunteer advocates who offer services throughout a large area.
- **Discontinue services for special populations of victims.** In some places, victim assistance programs have recently conducted or been a part of needs assessments and strategic planning efforts, and thus have a clear picture of special victim populations which are not being adequately served. Many services that had been developed for special populations are being eliminated because of reduced funding. One program from Minnesota stated that their "immigrant and refugee program to sexual assault victims will be cut. The bilingual advocate for this program will most likely be laid off. The outreach to this population in our community has been building for the past 8 years. The trust and confidence from the community will be eroded. Most importantly, an underserved community will go unserved."
- **Discontinue services for secondary victims.** For example, many battered women's programs, which had relied on VOCA funding to support services for the children who witnessed or sustained abuse, are having to restrict and even eliminate those services. A North Carolina shelter told us, "In [our] county there have been two domestic violence murders in 2003 one of which was a stalking case. The five children involved in those cases need our programs and we may not have the resources to serve them. Then what?"

- **Turn away crime victims.** Victim service providers from Alabama, Massachusetts, and Nevada all reported that the numbers of victims seeking assistance, and the numbers of schools and other organizations seeking outreach programs, have increased at the same time the available funding has decreased. One North Carolina program noted, "County guidance counselors and medical professionals continue to identify and refer more and more children who are victims of family violence, sexual assault and sexual abuse due to the education provided by this agency to teach them how to recognize child victims/witnesses of domestic violence. Yet, we will not be able to offer our afternoon programming or summer programs to additional children until some of the current children enrolled in the program age out."

The effect of this year's cuts have been significant. The National Center for Victims of Crime is asking that the VOCA Fund cap be raised to \$685 million for FY 04, to help programs make up for the loss in funding this year and enable them to begin to expand their programs. When we asked victim assistance programs about their spending priorities for any increase in funding, they reported the following needs:

- **Services to immigrant victims of crime.** All over the country, there are limited services, or even a complete absence of services, for large groups of immigrant victims of crime. Such victims are often linguistically or culturally isolated. Without the availability of interpreters or bi-lingual service providers, such victims cannot access the services that may otherwise be available. Additionally, victims who come from a society where the police are not trusted, or a culture where sexual violence is unmentioned or domestic violence is condoned, often require a different approach to providing services. Effective victim services require ready access to service providers who are culturally knowledgeable and sensitive to these varying needs, and programs in Arizona, Georgia, Michigan, Mississippi, Nebraska, and Wyoming all listed providing services to immigrant victims as a priority.
- **Services to victims in rural jurisdictions.** Too many victims in rural jurisdictions still lack access to basic services. In many parts of the country, victims are hundreds of miles from the nearest rape crisis center or battered women's shelter. Victim service providers in Alabama, Idaho, Kentucky, and Montana all reported a need to expand efforts to cover multi-county areas through the creation of satellite offices, the use of volunteers or staff to travel to victims' homes or other locations; or to increase the use of the Internet to serve victims in rural communities.
- **Assistance to victims with disabilities.** One area of greatest need is in reaching and serving crime victims with disabilities: developmentally disabled victims, mentally ill victims, hearing impaired victims, and others whose disability makes them simultaneously more vulnerable to crime and less able to access existing services. Many service providers, including programs in Michigan, Minnesota and Pennsylvania, would like to expand their programs to provide appropriate services to such crime victims.

- **Assistance to elderly victims.** A number of victim assistance programs noted a need to increase their services to elderly victims of crime, who often lack other forms of support and who may require a service provider to visit them in their homes. Victim assistance programs in Ohio, Pennsylvania, Texas and Wyoming all listed services to elder victims as a priority.
- **Assistance to teen victims.** Many victim assistance programs are hoping to extend services to teen victims of crime, especially teen victims of dating violence. Providing prompt services to teen victims can significantly lessen the lifelong impact of crime, and programs in Indiana, Iowa, Minnesota, and Texas all described a need for services to teen victims.
- **Providing more timely services to victims.** Victims in many programs are waiting weeks or months to get into counseling or support groups; victims in the criminal justice system may not be contacted until close to the trial stage. Victim service providers in Colorado, Massachusetts, New York, and Virginia all spoke of the need to hire additional staff to eliminate or significantly reduce such waiting periods for services.
- **Serving victims of non-violent crime.** As the incidence of identity theft and fraud have increased, and the understanding of the impact of non-violent crime on victims has grown, many victim assistance programs, including those in Minnesota, Ohio, and Pennsylvania, expressed a desire to expand their services to include such victims.
- **Technology investments to enhance victim services.** Many victim assistance programs reported that outdated computer equipment limits their efficiency. There is also a great need for case management software and assessment tools to help programs improve and evaluate their effectiveness in serving victims of crime. Programs in Kentucky, Pennsylvania and Texas all noted such needs.

Finally, while our first priority is to see the cap on the VOCA Fund raised to \$685 million for Fiscal Year 2004, we also urge you to discontinue earmarks for federal positions off the top of the VOCA Fund. New earmarks on the Fund have been enacted over the last several legislative sessions, limiting the amount of money ultimately available to states to fund local programs. These earmarks provide for victim/witness coordinators in U.S. Attorneys' offices, for victim assistance in the FBI, and for an automated victim notification system at the federal level. Such expenditures are expected to be nearly \$34 million in FY 03. These earmarks result in a significant decrease in funding available to help the vast majority of crime victims - victims whose cases are prosecuted and who are served at the state and local levels. Such federal positions may be warranted, but surely Congress can find other sources of revenue to support federal employees.

The most important action Congress can take to help this nation's victims of crime is to provide the funding for services and compensation programs that help them rebuild their lives. Congress' creation of the VOCA Fund in 1984 was a landmark action that fundamentally changed the way our society responds to victims of crime. We urge you to continue this great effort, by raising the cap on the VOCA Fund to \$685 million, and resisting pressure to earmark the Fund. We must continue the progress of our national response to victims of crime.

National Center for Victims of Crime

Schedule of Expenditures of Federal Awards For the Year Ended September 30, 2001

<u>Direct Cash Assistance</u>	<u>Federal CFDA Number</u>	<u>Agency/Grant Number</u>	<u>Expenditures</u>
Department of Justice:			
OVC	16.582	97-VF-GX-K007	\$ 6,379
OVC	16.582	99-VF-GX-K007	\$ 88,119
OVC	16.582	96-VF-GX-K003	\$ 8,012
COPS	16.592	98-DV-WX-K004	\$ 155,551
COPS	16.592	00-CK-WX-0038	\$ 498,363
COPS	16.710	01-CK-WX-0107	\$ 234,716
COPS	16.710	00-CK-WX-0112	\$ 18,957
BJA	16.000	99-DD-BX-0027	\$ 56,598
VAWGO	16.590	98-WE-VX-K008	\$ 354,655
Department of Education	84.184	S1184UO00011	<u>\$ 15,022</u>
			<u>\$ 1,436,372</u>

The Schedule of Expenditures of Federal Awards has been prepared using the accrual basis of accounting.

Susan Herman
Executive Director
National Center for Victims of Crime.

Susan Herman is Executive Director of the National Center for Victims of Crime, the nation's leading resource and advocacy organization for crime victims. With more than 25 years of leadership experience in government, criminal justice, and social services, Ms. Herman is an internationally recognized spokesperson for victims of crime and a national advocate for a new vision of justice for victims—*parallel justice*—a separate social obligation to repair the harm caused by crime, above and beyond the arrest and adjudication of offenders.

Under Ms. Herman's leadership beginning in 1997, the National Center for Victims of Crime has developed and piloted innovative approaches to serving victims, in such critical areas as bringing victims into community policing; developing safe housing for intimidated victims and witnesses; and creating effective ways for communities to respond to the complex issue of stalking. During this period, the National Center also launched the Teen Victim Project to leverage the resources of national youth service agencies to help our most vulnerable victim population—teenagers, and established the National Crime Victim Bar Association, an affiliate of the National Center, which helps crime victims seek remedies through the civil justice system. Furthering the National Center's mission to forge a national commitment to help victims of crime rebuild their lives, Ms. Herman has established partnerships with key national organizations, including the American Red Cross, the National District Attorneys Association, and the American Automotive Association (AAA).

Before joining the National Center, Ms. Herman served as Director of Community Services at The Enterprise Foundation, where she directed community safety and workforce development initiatives that supported more than 1,100 housing and community development organizations in more than 400 cities across the country, including the Community Safety Project, a four-site national direct Americorps public safety project. Ms. Herman also served as Director of the Domestic Violence Division of Victim Services (now Safe Horizon) in New York City, Special Counsel to the Police Commissioner of the New York City Police Department, and Director of Mediation Services at the Institute for Mediation and Conflict Resolution. She served as an attorney at the NOW Legal Defense and Education Fund, and as an instructor at New York University's School of Law and NYU's Wagner School of Public Service.

Ms. Herman is a graduate of Bryn Mawr College and the Antioch School of Law.

NATIONAL CONGRESS OF AMERICAN INDIANS



Testimony of the National Congress of American Indians
on FY 2003 Commerce-Justice-State Appropriations

Subcommittee on Commerce-Justice-State Appropriations
April 11, 2003

EXECUTIVE COMMITTEE

PRESIDENT

Tex C. Hall
*Mandan, Hidatsa, and Arikara
Nation*

FIRST VICE-PRESIDENT

Jon A. Carico
*Ohkay Owingeh
(Pueblo of San Juan)*

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Yuma-Yuma

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Prairie Band Potawatomi

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Northern Cheyenne Tribe

JUNEAU

Mike Williams
Tuplatq

MINNEAPOLIS

Bob Chicks
*Stockbridge-Munsee Band of
Mohican Indians*

MUSKOGEE

Jefferson Keel
Chickasaw Nation

NORTHEAST

Kevin Seneca
Seneca Nation

PHOENIX

Evelyn B. Jikzy-Manuel
Tobacco O'odham Nation

PORTLAND

Ernie Stumpgar
Coeur d'Alene Tribe

SACRAMENTO

Richard Milnorich

The National Congress of American Indians seeks the following appropriations levels within the FY 2004 Justice budget:

- + Increase COPS grant for tribal law enforcement to \$35 million
- + Restore Tribal Jail Construction to \$24 million

The National Congress of American Indians seeks the following appropriations levels within the FY 2004 Commerce budget:

- + Fund & fill the Office of Native American Business Development
 - + Support \$221 million discretionary spending request, especially to allow for the American Community Survey
 - + Increase funding within Economic Development Administration
- In order to allow for tribal-specific programs

On behalf of the National Congress of American Indians (NCAI) and its more than 200 member tribal nations, we are pleased to have the opportunity to present written testimony on FY 2004 appropriations for the Commerce-State-Justice.

Our current involvement in Iraq represents our country's strength and the determination to stand up and meet challenges. It is this same spirit that has carried Indian Country through years of annihilation and termination. It is this same spirit that has propelled Indian Nations forward into an era of self-determination and self-governance. And it is in this same spirit of resolve that Indian Nations come before Congress to talk about honoring the federal

government's treaty obligations and trust responsibilities throughout the FY 2004 budget and appropriations process.

On February 3, President Bush proposed a \$2.29 trillion budget for FY 2004 that included largely level funding for Indian programs, continuing the trend of consistent declines in federal per capita spending for Indians compared to per capita expenditures for the population at large. This trend demonstrates the abject failure of the federal government to commit the serious resources needed to fully honor its trust commitment to Indian tribes.

The federal trust responsibility represents the legal obligation made by the U.S. government to Indian tribes when their lands were ceded to the United States. This obligation is codified in numerous treaties, statutes, Presidential directives, judicial opinions, and international doctrines. It can be divided into three general areas – protection of Indian trust lands; protection of tribal self-governance; and provision of basic social, medical, and educational services for tribal members.

NCAI realizes that Congress must make difficult budget choices this year, especially in light of an ongoing recession and the cost of war. As elected officials, tribal leaders certainly understand the competing priorities that you must weigh over the coming months. However, the fact that the federal government has a solemn responsibility to address the serious needs facing Indian Country remains unchanged, whatever the economic climate.

We at NCAI urge you to make a strong across-the-board commitment to meeting the federal trust obligation by fully funding those programs that are vital to the creation of vibrant Indian Nations. Such a commitment, coupled with continued efforts to strengthen tribal governments and to clarify the government-to-government relationship, truly will make a difference in helping us to create stable, diversified, and healthy economies in Indian Country.

Public Safety

More than 200 police departments, ranging from tiny departments with only two officers to those with more than 200 officers, help to maintain public safety in Indian Country. These departments provide services that benefit not just Indian Country, but the surrounding communities and the rest of the nation. Infrastructures that are critical to our homeland security, ranging from dams to nuclear power plants, are situated on reservation land. In addition, tribal law enforcement departments monitor the activities that occur along over 250 miles of our national northern and southern borders. Yet, tribal law enforcement departments are deeply underfunded, jeopardizing the safety of our tribal communities and country as a whole.

According to a recent Justice Department study^a, the typical Indian Country police department has no more than three and as few as one officer patrolling an area the size of Delaware. The same DOJ study found that inadequate funding is "an important obstacle to good policing in Indian Country." Because the violent crime rate in Indian Country is more than double the national average, we should compare our police coverage with large urban areas with high violent crime rates. According to the Bureau of Justice Statistics, cities like Baltimore, Detroit, and Washington have police-to-citizen ratios of 3.9 to 6.6 officers per 1,000 residents. On the other hand, virtually no tribal police department has more than two officers per thousand residents.

Given that the Justice Department itself published a study that justifies the need to increase resources for Indian Country law enforcement, it is unfortunate that tribal law enforcement programs have either lost funding or at best retained level funding since FY 2002. The President's budget would cut \$5 million in tribal law enforcement personnel funds allocated by the COPS program. Programs, such as COPS and Violence Against Women, have proven to be especially effective mechanisms for improving tribal law enforcement capacities because the funding is delivered directly to tribes. Otherwise, tribes must solicit states for monies left over from federal and state law enforcement allocations. In such a situation, the needs of tribal law enforcement offices are rarely met. Additionally, the FY 2004 budget slashes Tribal Jail Construction by \$14 million, leaving funding for this program at a mere \$10 million.^b We strongly oppose these cuts, and request an increase to the FY 2002 funding levels for Indian Country law enforcement programs.

Economic Development

Office of Native American Business Development. As you know, NCAI has compiled an economic stimulus proposal for Indian country. In conjunction with

^a U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, *Policing on American Indian Reservations*, September 2001.

^b The FY 2004 request transfers tribal Jail Construction responsibility from the Justice Department to the BIA, ultimately allocating \$10 million to this activity.

this initiative, we see a great need for Indian economies to be part of the Department of Commerce's daily processes. The Economic Development Administration has taken interest in tribal communities, as the Census Bureau has, but tribal economies have not been prioritized by the Department as a whole. We ask that the Office of Native American Business Development—an office that was created four years ago—be filled immediately. This office must be created *within the office of the Secretary* in order to create a link between tribes and the Department to provide a foundation for relationship-building in the future. We ask that you urge the Secretary of Commerce to fund and fill the Office of Native American Business Development as soon as possible.

Census Bureau. The Census bureau has consistently demonstrated a commitment to Indian tribes, and they recognize the importance of data to us as we govern our communities. We approve the Administration's discretionary spending request of \$221 million, with explicit support for the American Community Survey, which not only provide timely information for you here in the federal government, but will give *our* governments the information we need to serve the changing needs of our citizens.

Economic Development Administration. The Economic Development Administration has created opportunities for tribes as well. Pursuant to NCAI resolution BIS-02-007, we ask that funding for the EDA be increased to \$500 million so that they can provide increased financial assistance to tribal economic development and planning projects.

Small Business Administration. The Office of Native American Affairs at SBA has been working well with Indian owned businesses, and has expanded the network of 8(a) certified businesses greatly. We would like to see support for creation of Native American Business Development Centers and expansion of tribal Business Information Centers within the SBA.

Thank you for this opportunity to present written testimony regarding the FY 2004 appropriations for the Commerce-Justice-State. The National Congress of American Indians calls upon Congress to fulfill the federal government's fiduciary

duty to American Indians and Alaska Native people. This responsibility should never be compromised or diminished because of any political agenda, budget cut scenario, or international commitments. Tribes throughout the nation relinquished their lands and in return received a trust obligation, and we ask that Congress maintain this solemn obligation to Indian Country and continue to assist tribal governments as we build strong, diverse, and healthy nations for our people.

April 9, 2003

Frank Wolf, Chairman
Subcommittee on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies
Congress of the United States
H-309, The Capitol
U.S. House of Representatives
Washington, DC 20515-6017
Attention: CJS Detailee

Dear Sir:

Attached please find written testimony concerning the 2004 appropriation for the Public Telecommunications Facilities Program within the National Telecommunications and Information Agency of the Department of Commerce. It is a Word document.

Also attached is my vitae. The National Federation of Community Broadcasters has received one federal grant within the last three years. We received \$6,500 from the National Endowment for the Arts to support the NFCE Rural Radio Arts Project, grant number 02-3400-4156.

Thank you for the opportunity to submit written testimony. Please contact me if you have any questions or difficulty accessing the attached documents.

Sincerely,

Carol Pierson
President and CEO
National Federation of Community Broadcasters
1970 Broadway, Suite 1000
Oakland, CA 94612
510-451-8200
Fax: 510-451-8208
carol@nfcfb.org

4/10/2003

**National Federation of Community Broadcasters
Submitted to the
House Subcommittee on the Departments of Commerce, Justice, and State, the
Judiciary, and Related Agencies
Regarding the Fiscal Year 2004 Appropriations for the
Public Telecommunications Facilities Program**

**Testimony of Carol Pierson
President and CEO
April 9, 2003**

Thank you for the opportunity to submit testimony to this Subcommittee regarding the appropriation for the Public Telecommunications Facilities Program (PTFP). As the President and CEO of the National Federation of Community Broadcasters, I speak on behalf of over 200 community radio stations and related organizations across the country. This includes the new Low Power FM service that has recently been authorized by the FCC. NFCB is the sole national organization representing this group of stations, which provide service in both the smallest communities and largest metropolitan areas of this country. Nearly half of our members are rural stations, and half are minority controlled stations.

In summary, the points we wish to make to this Subcommittee are that NFCB:

- Supports funding for PTFP that will cover the on-going needs of public radio and television stations.
- Supports funding for conversion of public radio and television to digital broadcasting.
- Requests report language to ensure that PTFP utilizes any digital funds it receives for radio as well as television needs.

Community radio supports \$70 million in funding for the Public Telecommunications Facilities Program in FY 2004. Federal support distributed through the PTFP is essential to continuing and expanding the public broadcasting service throughout the United States. It is particularly critical for rural stations and for those stations serving minority communities. PTFP funds new stations, expanding the reach of public broadcasting to rural areas and to audiences that are not presently served by existing stations. In addition, it replaces obsolete and worn out equipment so that the existing stations can continue to broadcast high quality programming. Finally, with the advent of digital broadcasting, PTFP funding will help with the conversion to this new technology.

We support \$70 million in funding to ensure that both the on-going program—currently funded in FY 2003 at \$43.4 million—will be continued, and that the increase to \$70 million will be available to help cover the cost of radio and television converting to digital transmission. This increase in funding is particularly urgent this year because the FCC has now endorsed a standard for digital radio broadcasting and the television conversion deadline is imminent.

Federal funding is particularly critical to stations serving rural and underserved audiences which have limited potential for fundraising because of sparse populations, limited number of local businesses, and low income levels. Even so, PTFP funding is a matching program so that the 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.

Community radio supports funding for conversion to digital broadcasting for public radio and television. While public television's digital conversion needs are more immediate, the Federal Communications Commission has now approved a standard for digital radio transmission. The initial conversion of radio stations is being concentrated in 13 seed markets. The Corporation for Public Broadcasting (CPB) is using some of its previously appropriated digital funds to help public stations in these markets convert to digital, conduct additional research on AM radio conversion, and work with radio receiver manufacturers to build in the capacity to receive a 2nd audio channel. The development of 2nd audio channels will potentially double the public service that public radio can provide, particularly to unserved and underserved communities. This initial funding from CPB will only help a small number of the stations that will ultimately need to either convert or be left behind while the world goes digital.

We appreciate Congress' direction to the Corporation for Public Broadcasting that it utilize its digital conversion fund for both radio and television and ask that you ensure that the PTFP funds are used for both media. Congress stated, with regard to the FY 2000 digital conversion funds:

The required (digital) conversion will impose enormous costs on both individual stations and the public broadcasting system as a whole. Because television and radio infrastructures are closely linked, the conversion of television to digital will create immediate costs not only for television, but also for public radio stations (emphasis added). Therefore, the Committee has included \$15,000,000 to assist radio stations and television stations in the conversion to digitization (S. Rpt. 105-300)

NFCB requests that the funding for digital conversion be committed in advance to facilitate the orderly transition of a very individualized process—a process that will be different at each station. Advance funding will give the system time to raise the substantial matching funds that will be necessary and to know what additional funds will be needed to complete the process.

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:

Carol Pierson, President and CEO
National Federation of Community Broadcasters
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Oakland, CA 94612
Telephone: 510 451-8200
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The NFCB is a twenty-eight 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 support. NFCB's 200 plus 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, Minneapolis, San Francisco 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 minority radio services.

On community radio stations' airwaves examples of localism abound: on KWSO in Warm Springs, Oregon, you will hear morning drive programs in their Native language; throughout the California farming areas around Fresno, Radio Bilingüe programs five stations targeting low-income farm workers; in Barrow, Alaska, on KBRW you will hear the local news and fishing reports in English and Yupik 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 through listener contributions. Today, many stations are partially funded through the Corporation for Public Broadcasting grant programs. CPB funds represent under 10% of the larger stations' budgets, but can represent up to 50% of the budget of the smallest rural stations. PTFP funding is a critical source of matching funds for these essential community resources.

Carol Pierson is the President and CEO of the National Federation of Community Broadcasters. She represents Community Radio at the national and regional level with Congress, the FCC, funders and networks as well as other national and regional organizations. NFCB's 200 members include a large number of rural and minority stations as well as independent producers and other broadcast organizations.

Prior to NFCB Carol served as Program Director and Director of Radio Productions at KQED-FM in San Francisco for 10 years. She was at WGBH-FM in Boston for 8 years as Assistant Station Manager, Director of Operations and National Programming Director. Her radio career started at WYSO in Yellow Springs, Ohio where she was Public Affairs Director and Assistant Manager for 3 years.



THE NATIONAL SHERIFFS' ASSOCIATION

**Written Comments
To Support Appropriation of
Line Item Budget Funds For
The Regional Information Sharing Systems
(RISS) Program**

**Submitted To:
The U. S. House of Representatives
Committee on Appropriations
Commerce, Justice, Sub-Committee**

**By:
Thomas N. Faust, Executive Director
National Sheriffs' Association
March 18, 2003**



NATIONAL SHERIFFS' ASSOCIATION

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THOMAS N. FAUST
EXECUTIVE DIRECTOR

NATIONAL SHERIFFS' ASSOCIATION SUPPORT OF RISS

The National Sheriffs' Association (NSA), representing the 3,087 sheriffs' offices/sheriffs' departments of the United States, hereby continues to support the Regional Information Sharing Systems (RISS) Program. As many of our members utilize the services of RISS, the National Sheriffs' Association wants to ensure that the RISS program be supported, as it is a vital resource for sheriffs and the criminal justice community.

RISS for years has been an invaluable part of our nation's law enforcement. The unique services of RISS contribute daily in substantive ways to the effectiveness and efficiency of its member organizations.

Therefore, the National Sheriffs' Association respectfully urges the U. S. House of Representatives' Committee on Appropriations to fund the RISS Program to continue its efforts in curbing drug trafficking and organized crime.

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STATEMENT OF KAREN BERKY
DIRECTOR OF GOVERNMENT RELATIONS, THE NATURE CONSERVANCY
Prepared for the Subcommittee on Commerce, Justice, State, and Judiciary
Committee on Appropriations
United States House of Representatives
April 11, 2003

Mr. Chairman, I appreciate the opportunity to submit testimony on the fiscal year 2004 budget for the National Oceanic and Atmospheric Administration (NOAA).

The Nature Conservancy is an international, non-profit organization dedicated to conserving biological diversity. Our mission is to preserve the plants, animals, and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. Since 1950, The Nature Conservancy has maintained a strong focus on land-based habitats. However, in the past decade, we recognized that to accomplish our mission we must also focus on critically important and productive freshwater, coastal, and marine habitats -- particularly habitats such as estuaries, coral reefs, mangroves, and seagrass beds that are heavily affected by human activities. We are aware that coastal areas and oceans contain biodiversity rivaling tropical rain forests. Yet as a nation we have focused little attention on their conservation.

As a result, The Nature Conservancy recently escalated its focus on freshwater, coastal, and marine conservation areas by establishing Freshwater and Marine Initiatives that will employ the science, partnerships, ecosystem approach, and site-based conservation that has proven effective throughout our fifty-year history. These initiatives will strengthen the work we are already engaging in with partners to develop a "conservation blueprint" identifying the terrestrial, freshwater, coastal, and marine sites at several scales that, if conserved, will collectively protect the nation's array of plants, animals, and natural communities for the long-term.

Several NOAA programs have been, or could be especially successful at achieving tangible and lasting conservation results. These programs also facilitate the process of conserving many places identified by the Conservancy's conservation blueprint. They include:

- Coastal Zone Management
 - CZM Grants to States \$80 million
 - CZM Program Administration \$7.5 million
 - Non-point Pollution Implementation Grants \$15 million
- National Estuarine Research Reserve System
 - Operations \$18 million
 - Procurement, Acquisition and Construction \$15 million
- National Marine Sanctuaries \$38 million
- Coastal and Estuarine Land Conservation \$60 million
- Fisheries Habitat Restoration \$20 million
- Pacific Salmon Recovery Program
- Marine Protected Areas \$5 million

▪ Coral Reef Conservation	\$30.25 million (total)
▪ Estuarine Restoration Program	\$1.2 million
▪ International Conservation	
Technical Assistance under CZMA	\$1 million
International Cooperation under NMSA	\$500,000

Coastal Zone Management

This unique federal-state-territorial partnership created under the Coastal Zone Management Act (CZMA) serves to protect, restore, and responsibly develop the nation's coastal communities and resources along 95,000 miles of shoreline. State and territorial CZM programs link national objectives with implementation and stewardship at the local level. Through a review of federal activities and permits, they also integrate resource protection and economic development activities with state coastal management plans. Increased funding for this program in fiscal year 2003 (\$80 million Grants to States; \$7.5 million Program Administration; \$15 million Non-Point Pollution Implementation Grants) would advance protection of coastal, ocean, and Great Lakes species and their habitats; maintain the natural shoreline such as beaches, dunes and wetlands; and enhance scientific research and education, while allowing for certain economic growth. This funding would also improve coordination and government efficiency. Finally, we also urge that the \$2 million cap on state grants be eliminated so that all states can share equitably in funding increases.

Many Conservancy chapters already pursue mutual goals with state CZM programs. We intend to strengthen these relationships in light of our heightened emphasis on freshwater, coastal, and marine conservation as organizational priorities, and due to increasing threats to the nation's coasts and Great Lakes such as population growth and shore development.

National Estuarine Research Reserve System

Authorized as part of the Coastal Zone Management Act (CZMA), the twenty-five "living laboratories" making up the National Estuarine Research Reserve System (NERRS) require funding (\$18 million for operations; \$15 million for Procurement, Acquisition, and Construction) appropriate to the importance of estuaries to critical habitat and coastal economies. Adequate funding for the NERRS will permit individual reserves to better implement strong management, research, education, and stewardship activities within surrounding communities, and acquire key tracts of land and conservation easements that buffer development impacts. This funding would also facilitate implementation of system-wide monitoring and coastal training programs, and would enable expansion in order for the system to represent the suite of biogeographic regions that together comprise our nation's coastlines.

We work closely with New Hampshire's Great Bay, Florida's Apalachicola Bay, Alaska's Kachemak Bay, South Carolina's ACE Basin, and Mississippi's Grand Bay reserves. As preserve managers, we at the Conservancy know first hand that the NERRS implements solid science to inform communities about how coastal ecosystems function, how humans affect them, and methods for improving their condition.

National Marine Sanctuaries

The Nature Conservancy urges the Committee to fund the National Marine Sanctuary Program at their fully authorized level of \$38 million in FY2004 and we support the President's funding request for \$10 million for Procurement, Acquisition & Construction for the Sanctuaries. This funding would extend volunteer programs, provide for additional monitoring, and would fulfill a national plan for public outreach. It would also enable new investments in science needed to better manage complex issues

surrounding sanctuaries. Finally, additional funding will enable implementation of revised and more detailed management plans.

National Marine Sanctuaries embody some of the world's most diverse ecosystems. The thirteen sanctuaries established since 1972 protect 18,000 square miles of ocean waters. They aid in the recovery of endangered species, lessen the threat of oil spills, increase knowledge of the ocean through research, and foster a stewardship ethic among citizens. Where appropriate, uses such as recreation, commercial fishing, and shipping are also permitted.

The Conservancy is currently working cooperatively with the NMS program and the National Marine Sanctuary Foundation to develop effective volunteer programs for all of the Sanctuaries to better leverage federal investments with the "sweat equity" of those thousands of committed volunteers across the country. We are also working with the Monterey Bay NMS to determine overlapping goals and opportunities for collaboration as the sanctuary reviews its management plan. Finally, our most extensive experience has been with the Florida Keys NMS where their management plan, developed in cooperation with the state of Florida and the Sanctuary Advisory Committee, is being implemented.

Coastal and Estuarine Land Conservation

The Coastal and Estuarine Land Conservation Program (CELCP) was authorized by Congress as part of the Commerce, Justice, State, and Judiciary Appropriations Act of 2002. In its first year, this new program directed \$15.8 million to coastal and estuarine areas with significant conservation, recreation, ecological, historical, or aesthetic value that are threatened by conversion from their natural state to other uses.

Nowhere in the nation are threats such as sprawl, habitat loss, and fragmentation more significant than along our nation's coasts. That is why a program providing grants that allow for land acquisition as a conservation strategy serves as an important addition to federal efforts focused on protecting valuable habitat for the long-term. As a result, The Nature Conservancy supports a significant increase in funding (\$60 million) for the CELCP in fiscal year 2003.

In addition, we have identified three high-priority projects for CELP funding in FY2004:

- | | |
|---|---------------|
| ▪ Crow's Nest (VA) | \$4 million |
| ▪ Gustavus Land Access and Enhancement (AK) | \$1.5 million |
| ▪ Amsterdam Beach (NY) | \$3 million |

Fisheries Habitat Restoration

The Nature Conservancy strongly supports NOAA's coastal habitat restoration efforts, and recommends funding levels of \$20 million for Fishery Habitat Restoration. Most of this funding would ensure the continued success of NOAA's Community-based Restoration Program (CRP). This funding level would enable the CRP to direct more seed money to local communities across the country for the restoration of vital habitats including wetlands, seagrass beds, mangroves, anadromous fish spawning areas, and coastal rivers. Additionally, it would increase the CRP's geographic scope and the rate at which it can encourage community ownership and restoration of critical and rapidly dwindling habitat. This program has not only leveraged up to \$10 for every federal dollar invested at more than 500 projects, but has also leveraged a conservation ethic across the nation.

As a national partner, the Conservancy has experienced first hand how the CRP inspires local efforts to conduct meaningful, on-the-ground restoration of freshwater, coastal, and marine habitat. Since partnering with the CRP in 2000, we have already directed \$1 million to community-based projects in

Florida, New York, Connecticut, North Carolina, Delaware, Virginia, California, and Texas. With one year remaining in our national partnership, we are excited about what lies ahead.

Pacific Salmon Recovery Program

The Conservancy considers salmon conservation a critical aspect of our work in the Pacific Northwest, Alaska, and the Northeast. Given the complex life history of this keystone species - migrating hundreds of miles past forests and farms, cities and dams, from fresh to saltwater during their lifecycle - successful salmon conservation requires action across a broad landscape.

History has shown that money spent on habitat restoration and recovery could have been used more effectively and at less cost to the taxpayer if applied at a landscape-scale before systems were altered and degraded. However, habitat destruction, reduced streamflows, pollution, passage impediments, and overharvest have already played a role in the decline of salmon stocks. That is why generous funding to conserve and recover salmon in the Pacific Northwest and Alaska (\$200 million for the Pacific Coastal Salmon Recovery Fund; \$55 million for NMFS Funding for Pacific Salmon Recovery), and in the Northeast (\$30 million for an equivalent Atlantic Coastal Salmon Recovery Fund), is now needed.

In the Pacific Northwest and Alaska, the Pacific Coastal Salmon Recovery Fund has enabled states and tribes to support local efforts to evaluate, protect, and restore key habitat while enhancing local economies. NMFS funding enhances that support with scientific research and monitoring, and by spurring new cooperative efforts. In the Northeast, a significant amount of collaborative work among federal agencies, industry, private landowners, and other stakeholders has begun. The time is right to establish a similar approach and complementary funding for USFWS and NMFS.

Marine Protected Areas

Marine protected areas (MPAs) are proven tools for rebuilding and sustaining fisheries, recovering threatened and endangered species, and providing recreational opportunities. The Conservancy has learned this first hand through work with scientists, community members, international governments, and federal agencies to establish MPAs and identify and protect biodiversity within them in places such as the Florida Keys, the Exuma Cays Land and Sea Park in the Bahamas, and Kimbe Bay in Papua New Guinea.

The Conservancy recommends that \$5 million be appropriated for MPAs so that NOAA can continue working with federal and state agencies and other partners to assess MPA design and effectiveness as a management tool that protects biodiversity while permitting use of the nation's valuable marine resources. Increased funding would also expedite information collection and collaborative efforts required for completion of the first nationwide inventory of MPAs. Additional funds would be employed to improve coordination and information sharing at regional and national levels; support training and technical assistance for communities, users, management agencies, and others; and increase public involvement through the MPA web site.

Coral Reef Conservation

The Nature Conservancy supports the President's request for \$28.25 million in FY2004 for activities that benefit coral reefs, including:

- | | |
|-------------------------------------|----------------------------|
| ▪ National Ocean Service | \$16 million + \$2 million |
| ▪ National Marine Fisheries Service | \$11 million |
| ▪ Ocean and Atmospheric Research | \$500,000 |
| ▪ NESDIS | \$750,000 |

This funding would be used to advance priorities identified by the U.S. Coral Reef Task Force including comprehensive mapping and monitoring of coral reefs, research into ecological processes upon which reefs depend, integration of human activities, and public education. With such funding, this scientifically-based effort will protect and restore coral reefs in the United States and its territories. It will serve as a model in intergovernmental coordination and coral reef protection for similar initiatives around the world.

The Conservancy urges the Committee to add to the President's request \$2 million to support on-the-ground conservation efforts. The availability of a small pot of funds that could be made available as grants to community based efforts to address land-based sources of pollution or to support collaborative efforts to identify and designate Marine Protected Areas would be of substantial benefit to implementing the Coral Reef Task Force Action Plan.

While NOAA's activities, guided by the Task Force, have made great strides in coral reef conservation, the Conservancy would like to see more funding dedicated to addressing this issue at an international scale. The combined effects of global climate change and human activities have led coral reef ecosystem health to decline severely all over the world in recent decades. It is now critical to take action before the tragedy becomes irreversible. Successful conservation of coral reefs will involve a broad-scale, global, and long-term commitment.

Estuarine Restoration Program

The Estuary Restoration Act of 2000 created this program with the goal of restoring one million acres of estuary habitat by 2010. Subject to annual appropriations by Congress, the legislation authorized \$275 million over five years dedicated to public-private partnerships reversing the deterioration of estuaries through restoration of habitat that has been degraded by population growth, dams, and pollution. \$1 million provided by Congress for this program in FY2003 will begin to encourage the restoration of estuarine habitats through enhanced coordination of Federal and non-Federal efforts, and through financing of innovative local, state, and regional projects focused on restoring healthy ecosystems.

The Estuary Restoration Act emphasized the need for a centralized source of information on restoration activities, that provides for a consistent monitoring methodology and makes it possible for future restoration projects (regardless of the source of funding) to be designed based on the lessons of what has gone before. The Nature Conservancy supports the President's request of \$1.2 million for NOAA in FY2004 to carry out their duties related to this program.

International Conservation

We recognize the significant accomplishments of the National Ocean Service (NOS) over the past several years in developing international capacity for integrated coastal management and marine protected area management particularly in Asia, the Pacific, and the Caribbean. NOS provides critical environmental leadership, for example: in the development of the recently ratified Protocol on Specially Protected Areas and Wildlife (SPA) in the wider Caribbean region, its support of the International Coral Reef Initiative and the Global Coral Reef Monitoring Network, its leadership of IUCN's World Commission on Protected Areas (Marine) and especially extensive preparations for the marine program of the World Parks Congress in September 2003. We encourage increased allocation of resources toward these and other international activities with \$1 million added to appropriations under Section 310, Technical Assistance, of the Coastal Zone Management Act, and \$500,000 added to appropriations under Section 305, International Cooperation, of the National Marine Sanctuaries Act.

WRITTEN TESTIMONY TO THE
HOUSE COMMERCE, JUSTICE, STATE, AND JUDICIARY
APPROPRIATIONS SUBCOMMITTEE
ON THE FY 2004 BUDGET FOR THE DEPARTMENT OF COMMERCE
BY BILLY FRANK, JR., CHAIRMAN
THE NORTHWEST INDIAN FISHERIES COMMISSION
April 11, 2003

Thank you for the opportunity to provide written testimony on the Department of Commerce FY 2004 appropriations. We generally support the NOAA Fisheries and NOAA-National Ocean Service (NOS) budgets, but believe extra appropriations are necessary for not only the federal agencies, but also to the key partnerships of which the tribes are involved. We would like to highlight the following requests:

SUMMARY OF FY 2004 APPROPRIATIONS REQUEST

- ❑ **\$110 Million for the Pacific Coastal Salmon Recovery Fund Initiative, with a set-aside of \$15 million to affected tribes for their management responsibilities. A specific allocation of this set-aside for the Northwest Indian Fisheries Commission and our member tribes of \$9 million**
- ❑ **\$1.5 Million for Tribal groundfish management, data collection, and monitoring responsibilities**
- ❑ **\$3 Million for a Displaced Tribal Fishers Program**
- ❑ **\$3 Million for marine ecosystem funding for Tribes**

INTRODUCTION

Twenty-nine years ago, the *U.S. v. Washington* case was decided by the federal court system. This decision, respecting the treaty rights of our member tribes, propelled major changes in fisheries management in the Pacific Northwest. These changes have altered the legal, political, social and economic institutions of the State of Washington, and have also fostered a nationwide quest for tribal self-determination and self-governance led in part by the Northwest tribal leadership.

We have made great strides in institutionalizing tribal management consistent with tribal values, treaty rights and federal court decisions. We have developed great professional capabilities and policy respect. We are efficient and effective, but we have significant unmet needs, and the management obligations are many. New and highly difficult complexities abound, which the tribes must address.

In late February 1999, a number of species of Pacific Salmon were "listed" by the NOAA-Fisheries as "threatened" under the terms of the Endangered Species Act (ESA). This ESA listing

NORTHWEST INDIAN FISHERIES COMMISSION**APRIL 11, 2003**

process has triggered a cascading chain of events, which have resulted in significant changes to harvest, hatchery, and habitat practices for the region and its inhabitants.

In addition, several species of groundfish have received long deserved attention due to their severe decline in abundance. This has resulted in sharp decreases in harvest levels and better understanding of additional management, data and research needs. The tribes, though late in entering the industrial commercial fisheries, have long depended on this resource for spiritual, cultural and economic purposes. Now, as tribes have moved more into the fishery, these heightened concerns about groundfish populations threaten their long established tribal rights.

These management processes affect tribes in real ways. As fishers, these constraints raise serious questions about the status of the stocks and poses a threat to the opportunity for these individuals to continue to harvest, a treaty secured resource. As governments, these processes now place enormous bureaucratic demands upon the tribes as co-managers of the resource. In addition, the tribes are working hard to provide much needed technical and policy leadership to protect and recover these stocks. Continued and expanded tribal funding is essential to address endless issues raised by the federal laws and the need to fulfill the tribes' treaty and other rights.

\$110 MILLION FOR THE PACIFIC COASTAL SALMON RECOVERY
WITH \$15 MILLION TRIBAL SET ASIDE

Tribes have been greatly appreciative of the Committee's efforts to include Pacific Coastal Salmon Recovery funding in past year's appropriations. We have long advocated for such a concerted partnership approach between federal, state, local, and tribal governments to save the Pacific Salmon. We wish to support a funding level of at least \$110 million for the Pacific Coastal Salmon Recovery Initiative.

For many years, the tribes have sounded alarms about the declining status of the salmon resource. Tribes have actively participated in the implementation of the Northwest Forest Plan and have also worked diligently to implement the Pacific Salmon Treaty. Locally, tribes have linked their work with county and city governments to develop watershed recovery strategies. Connections between tribes and private interests, including the timber industry, environmental community, and volunteer organizations are in place, and expanding regularly. All of these efforts require a consistent source of funding that allows tribes to actively work salmon restoration efforts. That is why a continued set aside for the tribes are essential. We support \$15 million set aside for the Pacific Coastal tribes for salmon restoration work. We also seek a specific allocation of \$9 million from this amount for the Northwest Indian Fisheries Commission for the work described below.

As noted earlier, treaty tribes in western Washington have court-affirmed fisheries co-management authority and responsibility for salmon, which includes not only harvest and hatchery management activities, but also habitat protection. This collection of rights places the tribes in a principal management role with the State of Washington to ensure that the salmon resource is managed wisely for the benefit of all.

This obligation for sound resource management weighs heavily on the tribes as more than three-quarters of the state is affected by several Endangered Species Act (ESA) listings, with many of the remaining areas experiencing declining levels of many salmon species.

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Each tribe has an existing fisheries management program, and will utilize its program as a base for salmon recovery efforts. Recently appropriated FY 2003 funds will increase each tribe's ability to engage in salmon restoration activities and programs. This increased capacity will enable the tribes to dedicate necessary staff and policy attention to work through various reviews, listings, consultations, rule developments, and conservation planning processes that have already begun as the NOAA-Fisheries moves forward with legal requirements under the Endangered Species Act. Moreover, this infrastructure will also provide the tribes with additional capabilities to provide leadership and scientific direction in various salmon restoration projects and efforts that are under way within the region and individual watersheds.

A coordinated tribal effort is necessary on a variety of "statewide" and "regional" issues. Using the expanded capacity described above, tribes and their policy and technical staff will be able to increase the time and effort dedicated toward developing salmon conservation and recovery planning processes that are essential to salmon restoration. We have detailed our Salmon recovery accomplishments from this appropriation in a report entitled Tribal Salmon Recovery that has previously been made available to the Committee.

TRIBAL GROUNDFISH MANAGEMENT, DATA COLLECTION, AND MONITORING RESPONSIBILITIES

From time immemorial, groundfish has played an important role within the coastal tribal communities. Tribal cultures and economies have long been based on the natural resources of the region. The current decline in groundfish populations threatens the very fabric of tribal coastal communities.

As noted before, Treaty reserved fishing rights, upheld by the courts in US v. Washington and now incorporated in subsequent management plans, have established the tribes as co-managers of the resource.

The Quileute, Quinault, Hoh and Makah tribes have Usual and Accustomed grounds and stations in the area managed by the Pacific Fishery Management Council. These tribes possess treaties that reserve the right of taking fish in common with other citizens of the United States. Their fishing areas have been identified through court rulings and regulations for each tribe.

Tribal fisheries harvest several species of groundfish that are covered by the PFMC groundfish fishery management plan. Over the past decade, through the PFMC process, the coastal treaty tribes have obtained an allocation or quota for their groundfish fisheries. Federal recognition of treaty rights has been through specific allocation to tribes—managed by the tribes—through federal regulations.

Unfortunately, groundfish along the West coast have been in sharp decline in recent years. In particular, the abundance status for several species of rockfish (yelloweye, bocaccio, canary) have led to severe management restrictions for both commercial and recreational fisheries coastwise.

The PFMC manages the various groundfish species as a single, coastwise unit with total allowable catch set either as a single quota or as two regional quotas. This has led to disproportionate landing trends within PFMC managed waters. Under this management approach, harvest removals are not directly tied to the local abundance of the targeted species and

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consequently, harvest off the Oregon and California coast can lead to increased harvest restrictions off Washington.

The structuring of resource assessment work also has hampered timely management response to severe population declines. The majority of stock assessment estimates have been based on coastwise triennial trawl surveys. Constraints associated with a coastwise approach, coupled with the diversity of species involved, have meant that not all stocks are assessed in a three-year interval. In addition, periodic assessment, when combined with a species life history characteristics, has led to critical data gaps for some species.

Tribal, state, and federal fishery managers are currently discussing ways to restructure West Coast groundfish fisheries to address overfishing status of several species of rockfish. The ability to shape a regional response, in concert with regional abundance is constrained by lack of data caused by the existing structuring of stock assessment surveys.

A transition to a more regional, ecosystem based management approach is needed for groundfish, as the current, single management unit approach does not adequately address regional differences in stock status and abundance. Management actions should be tailored to the localized resource and associated fisheries. Regional management capability is required for effective resource management and more equitable distribution of impacts between fisheries.

The tribes have a fundamental governmental duty to conserve and protect their treaty-reserved resources, while providing tribal harvest opportunities. A better understanding of the regional stock status and abundance of groundfish populations is needed, as well as adequate management capabilities for tribes to participate in the PFMC/federal ocean fishery management process. Although the tribes have begun to formulate some of the necessary management tools and assessment of groundfish resources, inadequate staffing and funding limits have prevented the development of fully functional tribal groundfish programs.

Tribes will need \$1.5 million to conduct necessary resource assessments, port sampling, fishery observer, and management and enforcement responsibilities.

TRIBAL FISHERS BEAR A HUGE BURDEN AND FUNDS SHOULD BE FOUND TO SUPPORT THEM WHILE SALMON RECOVERY OCCURS

Tribes are very concerned about our displaced fishers. Unemployment rates on some reservations, which depend heavily on salmon fisheries now seriously curtailed due to low stock abundance, are as high as 80 percent. We would like the Committee to consider an extension of the successful federal "Jobs In the Woods" Initiative of the Northwest Forest Plan, which utilized unemployed loggers. This program could be expanded for specific inclusion of tribal fishers. New funds for "fishers support" should also be found to ensure that tribal fishers could continue to make boat payments and leases during these low abundance periods. These funds could be earmarked from within the existing Department of Commerce budget, so long as they become available to the Tribal Fishers. It is expected that this program would cost about \$3 million per year for the next decade.

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MARINE ECOSYSTEM MANAGEMENT AND PROTECTION

Our oceans, coasts and marine resources are in trouble. This is due to dramatic increases in population and pollution along our shorelines, and the inability of our country to manage our marine resources. Fish stocks have declined and marine fishery management has been uneven. Scientific information has been ignored or not available. Commerce is essential to the country's economic vitality, but can have significant impact on marine areas. Climate change, ecologically sensitive areas and jurisdictional and legal confusion are all factors in the future of our marine ecosystems.

Tribes, with treaty reserved fisheries and habitat rights, and as governments that are responsible for the well being of their members and their marine and terrestrial land base, have a strong interest in the emerging debate over the future of marine areas. Unfortunately, many of the processes and efforts occur without the input and involvement of the coastal tribes. Additional funding to the tribes from the NOAA-NOS would allow the tribes to become truly involved in efforts that shape our nations' marine policies.

Tribes have long advocated for a more ecosystem approach that looks at the marine areas holistically, from ecological to social to economic functions. Additional funding of \$3 million to the tribes from NOAA-NOS, either as an add-on or as part of existing programs, would build tribal infrastructure capacity, perform necessary long term monitoring and evaluation and conduct related research that contributes to the efforts of all those involved in marine resource conservation.

CONCLUSION

We strongly urge the Committee to provide \$110 million in funding for Pacific Coastal Salmon Recovery. We ask the Committee to support the use of \$15 million of these funds for use by the Pacific Coastal Tribes. Language directing \$9 million of these funds to the Northwest Indian Fisheries Commission will enable us to actively engage in all phases of salmon recovery efforts in western Washington.

We ask that \$1.5 million be made available to the tribes for groundfish management, data collection, and monitoring responsibilities. An initiative to support tribal fishermen and ameliorate their financial burden will cost \$3 million. A marine ecosystem proposal for tribes will cost \$3 million.

We thank you for your consideration of our requests. We are available to answer any questions.

Statement of Eli Weissman
Ocean Governance Program Manager
The Ocean Conservancy
For the Record of the Appropriations Committee
Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies
U.S. House of Representatives
April 9, 2003

The Ocean Conservancy is pleased to share its views regarding the marine conservation programs in the budgets of the National Oceanic and Atmospheric Administration's (NOAA) and the Department of State's Bureau of Oceans and International Environmental and Scientific Affairs. The Ocean Conservancy (TOC) requests that this statement be included in the official record for the FY04 Commerce, Justice, State, the Judiciary and Related Agencies bill. TOC cannot overstate the importance of this Subcommittee in advancing marine conservation and greatly appreciates the funding provided in FY03. TOC recognizes the constraints this Subcommittee faces this year and urges you to continue to make ocean conservation a top priority.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Conservation Trust Fund

Passed by Congress in 2000, the Conservation Trust Fund (also referred to as "CARA-lite" or the Conservation Spending Category) is a groundbreaking bipartisan accomplishment and represents a major advancement in conservation funding. TOC is grateful that this Subcommittee has upheld its commitment to funding the Conservation Trust Fund over the last three fiscal years and calls for your continued commitment in FY04 by dedicating \$520 million for critical ocean and coastal conservation activities within NOAA. We also urge you to protect the integrity of the trust fund by limiting its uses for net increases rather than a substitute for base funding.

Coral Reef Conservation

Coral reefs are rightly known as "the rainforests of the sea," and are among the most complex and diverse ecosystems on earth. Coral reefs provide habitat to almost one third of marine fish species, serve as barriers to protect coastal areas, and provide an estimated \$3 billion annually in economic benefits to the country from recreational tourism and fishing. Coral reefs are also extremely fragile and face serious threats from overutilization and pollution around the world.

NOAA plays a critical role in protecting coral reefs, serves on the successful Interagency Coral Reef Task Force and has major responsibilities for implementing the National Action Plan to Conserve Coral Reefs. Through monitoring, mapping, restoration and outreach activities, NOAA works with state, territory, local and other parties to reduce land-based pollution, overfishing, diseases, and other threats to coral reefs. TOC is disappointed that the Subcommittee cut funding for coral reefs in FY03 and respectfully requests that at a minimum, funding be restored in FY04. In addition, \$2 million above the Administration's request is desperately needed to support local efforts to protect coral reefs and should be directed to the Coral Reef Conservation Fund established by the Coral Reef Conservation Act of 2000 (P.L. 106-562). This funding will leverage an additional \$2 to \$4 million in matching resources

through partnerships with local, state and territory governments, universities, the private sector and others to fund on-the-ground coral reef conservation and management activities in the U.S. and its territories. This funding is one of The Ocean Conservancy's highest priorities.

National Ocean Service

Marine Sanctuary Program

Our nation's 13 sanctuaries encompass almost 18,000 square miles of our most significant marine resources. TOC requests the Subcommittee provide \$37.8 million for sanctuary operations, \$2 million above the Administration's request. This increase is critical to reducing staffing shortages and supporting conservation, community outreach, research, and education programs, and updating sanctuary management plans as required by law. TOC also supports the Administration's request of \$10 million for construction, particularly for interpretive facilities to educate the general public about the role of the federal government in managing our nation's ocean and coastal resources.

Marine Protected Areas

TOC greatly appreciates this Subcommittee's \$1 million increase in FY03 to support NOAA's marine protected areas (MPAs) initiative and requests an additional \$1 million increase in FY04. This \$5 million will allow NOAA to work more effectively with federal and state agencies and other partners to acquire data for the ongoing MPA inventory and support the recently formed Marine Protected Areas Advisory Committee and its working groups. This increase will allow NOAA to better assist stakeholders, including states, the National Park Service and others by holding regional workshops and providing training and technical assistance to determine how best to design and implement MPAs. Additional resources are also needed to better integrate fisheries and ecosystem data in order to move towards ecosystem-based management of our marine resources.

Nonpoint Pollution Implementation Grants

Nonpoint source pollution, or polluted runoff, continues to be the nation's largest source of water pollution. There were over 13,410 closings and advisories at U.S. beaches in the year 2001. TOC supports the Administration's FY04 request of \$10 million to help these coastal states and territories, which have approved nonpoint plans, continue to make progress in implementing their priority activities.

National Marine Fisheries Service

The Ocean Conservancy remains concerned about the state of our nation's fisheries. As the \$100 million for fisheries disaster assistance in FY03 demonstrates, we must do a better job managing our fisheries starting today to avoid additional fisheries collapses in the future. Below is what TOC believes are NMFS's most pressing needs.

Expanding Fisheries Stock Assessments

The status of roughly two-thirds of our commercially caught ocean fish populations is unknown due in large part to lack of funding for basic research and regular stock assessments. We applaud the Subcommittee's decision to increase stock assessment funding to \$17 million in FY03 and urge that this trend continues with \$25 million in FY04. Doing so will help reduce the backlog

in research days-at-sea and give managers baseline information critical to managing our fisheries. This funding is one of The Ocean Conservancy's highest priorities.

Fisheries Observers

Along with stock assessments, reliable, objective information about how many fish are being caught, directly and as bycatch, is crucial to responsible management of our fish populations. Observers are a key means of collecting such information. TOC recommends \$25 million for fisheries observers in FY04, \$5 million above the Administration's request and encourages the Subcommittee to prioritize the following three programs.

Bycatch Observers

TOC fully supports the Administration's \$2.8 million initiative to reduce bycatch. The \$2 million within this initiative for bycatch observers will support approximately 2,000 observer days-at-sea, thereby enhancing the collection of bycatch data from commercial and recreational fishing vessels. Two fisheries in the Gulf of Mexico in desperate need of increased observer coverage are the bottom longline fishery and the shrimp otter trawl fishery. Longlines capture a variety of ocean wildlife besides the reef fish they target, including marine birds, sea turtles and soft corals. Little reliable information is available on catch and effort for longline vessels in the federal waters of the Gulf. Likewise, the shrimp fishery is believed to be the largest fishery in the Gulf of Mexico, but efforts to monitor the effort and catch are limited. With revised turtle excluder device regulations going into effect in August, it is critical that an observer program be established.

National Observer Program

While encouraged by the Administration's request to expand the national observer program, TOC believes that \$7 million is still inadequate and recommends additional support for NMFS to meet its national observer needs.

West Coast Observers

TOC respectfully requests that the Subcommittee, at the minimum, return funding for West Coast Observers to the FY02 level of \$4.0 million.

Enforcement / Surveillance and Vessel Monitoring System

In addition to better data, enforcement of our fishery management laws is critical. Unfortunately, lack of funding has hampered NMFS's ability to keep pace with the need. TOC urges \$46.9 million in FY04, \$11 million above the Administration's request, to address this shortfall so that more officers can be hired to better enforce our fisheries management laws. Within these funds, TOC supports expanding the Vessel Monitoring System (VMS) program. While we are pleased that the Subcommittee provided a slight increase in VMS in FY03, we urge that the President's request of \$7.4 million be fully supported in FY04.

Essential Fish Habitat

Protecting essential fish habitat (EFH) is key to ensuring healthy fish populations in the future. Given the need to better understand the impacts of fishing and other activities on these habitats, and the need to more fully comply with the Magnuson-Stevens Fishery Conservation and Management Act's requirement to minimize impacts to those habitats, TOC believes that

increased funding is crucial. TOC greatly appreciates this Subcommittee's support of EFH in FY03 and requests \$12.5 million in FY03.

Atlantic Coast Cooperative Statistics Program

TOC greatly appreciates the Subcommittee's support of \$2 million in FY03 for the Atlantic Coast Cooperative Statistics Program. This unique cooperative state and federal fisheries data collection program encompasses all marine fisheries sectors and has allowed resource managers from 15 states to develop a plan to cooperatively collect, manage and disseminate fishery statistics for the Atlantic coast. We request \$3 million in FY04 so that this program can be expanded and better implemented along the East Coast, thereby helping to ensure that data collection methods are more consistent and reliable.

Highly Migratory Shark Fisheries Research Program

This effective multi-regional collaborative effort conducts research on shark and ray populations in the Gulf of Mexico, the Atlantic, and the Pacific. Information developed from this program has provided critical information for assessing the status of shark populations and informing better management. TOC greatly appreciates the Subcommittee's rejection of the Administration's proposed cut in FY03 and requests at least level funding of \$1.875 million in FY04.

Pacific Highly Migratory Species Research

TOC supports funding for this program, believes the Administration's request of \$750,000 is inadequate and requests \$1.5 million in FY04. Specifically, funding is needed to conduct stock assessments and biological studies and improve bycatch mitigation techniques for these fisheries.

Marine Mammal Protection

TOC believes the lack of adequate resources has severely hampered NMFS's ability to effectively implement the MMPA and requests \$9.1 million in FY04, \$2 million above the Administration's request. This increase is necessary to fund top priority studies identified by the marine mammal take reduction teams: to design and implement fishery management plans that will not endanger marine mammals; conduct research on population trends, health, and demographics; and to carry out education and enforcement programs. It would also allow research into the causes of strandings and die-offs and identification of mitigation measures to prevent such deaths in the future.

Bottlenose Dolphin Research

In response to the more than 100 bottlenose dolphin mortalities in the gillnet fishery off North Carolina (over four times allowable levels), the Atlantic Bottlenose Take Reduction Team was established in 2001. TOC appreciates the Subcommittee's continued support of this program in FY03 and recommends \$3 million in FY04 to reduce dolphin mortalities by refining population estimates, conducting bycatch estimates and increasing observer coverage.

Endangered Species

NMFS bears significant responsibility for administering the Endangered Species Act with respect to marine and anadromous species. NMFS is responsible not only for the recovery of already-listed species such as Northern Atlantic Right Whales (see below), smalltooth sawfish,

Steller sea lions, and all species of sea turtles found in U.S. waters, but also for responding to listing petitions in a timely fashion, consulting with federal agencies on proposed actions that may affect listed species, designating critical habitat, and implementing recovery plans. TOC is concerned about NMFS's ability to meet its responsibilities under the ESA to ensure that the nation's most vulnerable marine species can progress towards full recovery. TOC respectfully requests the Subcommittee increase NMFS's ESA base funding by \$2 million to meet its FY04 demands.

North Atlantic Right Whales

With approximately only 300 North Atlantic Right Whales still alive, funding is needed to improve our understanding of right whales and to develop fishing technologies to reduce entanglements. TOC thanks the Subcommittee for its support of \$10 million in FY03 and requests level funding in FY04.

DEPARTMENT OF STATE

Bureau of Oceans and International Environmental and Scientific Affairs.

International Fisheries Commission Account

TOC requests \$200,000 for the State Department to support implementation of two landmark agreements, the Inter-American Convention for the Protection and Conservation of Sea Turtles (IAC) and the Memorandum of Understanding on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South East Asia (IO). To date, nine nations, including Brazil, Costa Rica, Ecuador, Honduras, Mexico, the Netherlands, Peru, and Venezuela have ratified the IAC, and Costa Rica will host the next meeting of the Parties later this year. To date, 23 countries have signed the IO agreement. Since ratifying the IAC and becoming a signatory of the IO agreement in 2000, the United States has played a leading role in the establishment of these instruments and continued leadership and support will ensure their early momentum continues.

MARINE MAMMAL COMMISSION

TOC requests that the Subcommittee support the Marine Mammal Commission at \$1.895 million in FY04, per the Administration's request.

ANTI-ENVIRONMENTAL RIDERS

TOC urges this Subcommittee to not attach any anti-environmental rider to this or any other appropriations bill. In the past, riders have been used by Members of Congress to rollback environmental protection and prevent NOAA from advancing marine conservation.

These programs and issues are of the utmost importance to the stewardship of the nation's living marine resources. We greatly appreciate your support for these programs in the past and look forward to continued, responsible funding for these programs in FY04. Thank you for considering our requests.

ELI WEISSMAN

3915 Windom Place NW Apt. B

Washington, DC 20016

XXXXXXXXXXXX

PROFESSIONAL EXPERIENCE**The Ocean Conservancy / Center for Marine Conservation**

Washington, DC

Ocean Governance Program Manager

12/99–present

Plan and advance national ocean conservation legislation and federal agency appropriations by lobbying the Congress and the Administration. Led the environmental community's efforts in developing "Conserving America's Oceans: A Blueprint," which outlined actions the Bush Administration should take to protect America's oceans. Secured passage of the Oceans Act of 2000 (P.L. 106-254), creating the U.S. Commission on Ocean Policy, by successfully leading a coalition of national environmental, scientific, and ocean industry associations. Worked with Congress and the Administration to help secure passage of three NOAA statutes: the National Marine Sanctuaries Amendment Act, the Coral Reef Conservation Act and the Shark Finning Prohibition Act. Direct the environmental community's efforts to increase NOAA's annual appropriations by submitting testimony to Congress, conducting detailed briefings for key House and Senate staff, working with appropriations subcommittee staff, and generating Congressional letters of support. Past efforts have resulted in millions of dollars in increases for key NOAA programs, including national marine sanctuaries and coral reef conservation.

National Oceanic & Atmospheric Administration (NOAA)

Silver Spring, MD

National Research Council / National Academy of Sciences (NRC)

Washington, DC

Independent Consultant on Marine Policy and Pollution

5/99–12/99

Developed Congressional fact sheets, targeted briefing materials, and budget impact statements for NOAA's Coastal Ocean Program. Prepared Congressional presentations and statements for directors of NOAA's National Centers for Coastal Ocean Science and Coastal Ocean Program. Conducted background research for the NRC's Ocean Studies Board's committee on "Oil in the Sea," assessing the sources and inputs of oil pollution into the marine environment. Advised Senior Program Officer on the selection of committee members.

Congressman Frank Pallone, Jr.

Washington, DC

National Sea Grant Marine Policy Fellow

2/98–1/99

Prepared written statements, testimony, and briefing materials on NOAA legislation and appropriations for the Ranking Member of the Fisheries Conservation, Wildlife, and Oceans Subcommittee and co-chair of the Congressional Coastal Caucus. Led a major bipartisan effort of other Congressional offices, coastal states, and national environment groups to secure increased federal appropriations for NOAA, including a 300% increase for NOAA's Clean Water Initiative. One of only ten National Sea Grant Marine Policy Fellows selected in a national competition to work for the United States Congress.

Consortium for Oceanographic Research and Education

Washington, DC

Marine Policy Intern

6/97–9/97

Monitored, analyzed, and reported NOAA Congressional legislation and appropriations to the oceanographic research community. Developed position paper evaluating the role of ocean research on issues of human health. Coordinated my study with the Ocean Studies Board of the National Research Council / National Academy of Sciences.

Port of Seattle

Seattle, WA

Graduate Intern for Marine Pollution

6/96–12/96

Conducted state permitted stormwater monitoring at Seattle-Tacoma Airport. Monitored pollution from stormwater discharges and other sources of nonpoint pollution at regional airport. Trained field technician in water quality sampling procedures. Developed computerized system for tracking, maintaining, and calibrating \$190,000 worth of equipment. Coordinated sampling efforts with local community activists and analytical laboratory.

Center for Coastal Studies

Provincetown, MA

Water Quality Monitoring Coordinator

6/95–9/95

Supervised water quality monitoring of Provincetown Harbor using a team of local volunteers I recruited and trained. Helped set up and run the Center's microbiology laboratory.

The Princeton Review

Washington, DC

Instructor

6/98–12/99

Taught six-week courses part-time for adults preparing for the Graduate Record Exam. Topics included math and analytic problem-solving techniques.

EDUCATION**University of Washington, Seattle, WA***Masters of Marine Affairs*, School of Marine Affairs, 1997*Certificate of Environmental Management*, Graduate School of Business, 1997**University of Vermont, Burlington, VT***Bachelor of Science*, with honors, Environmental Studies Program, 1994**Williams College – Mystic Seaport Campus, Mystic, CT***American Maritime Studies Program*, Fall 1992**HONORS AND AWARDS**

President's Staff Recognition Award, The Ocean Conservancy, 2002

National Sea Grant Marine Policy Fellowship Selection Committee, 1999

National Sea Grant Marine Policy Fellow, 1998

Barbara S. Mayo Conservation Award, Center for Coastal Studies, 1995

PRESENTATIONS AND PUBLICATIONS

"Marine Ecosystem Management and Ocean Governance: The Tale of Two Ocean Commissions," University of Rhode Island, Governance of Marine Ecosystems Workshop, invited speaker, 2001

"How an Environmental Bill Doesn't Become a Law: Everything that Can and Usually Does Go Wrong on Capitol Hill," American University, Washington Semester & World Capitals Programs, invited lecturer, 2000

"Federal Funding for the Oceans: NOAA Appropriations 101," American University, Washington Environmental Workshop, invited lecturer, 2000

"Environmental Reference Handbook for Marine Vessels," Chamber of Shipping of America, contributing editor, 2000

"California and the World Ocean '97. Taking a Look at California's Ocean Resources: An Agenda for the Future," contributing author, 1997

THE OCEAN CONSERVANCY
SCHEDULE OF FEDERAL AWARDS
April 7, 2003

Federal Grantor Program Title/Purpose	Federal CFDA Number	Grant/Contract Agreement Number Purchase Order	Award Amount	Duration of Time	
Environmental Protection Agency					
Volunteer Monitoring Coordinator Training for Trainers Workshops	86 551	X827985-01-2	292,000	10/01/99-9/30/05	2274
Program to increase public awareness and involve volunteer groups in monitoring, reporting, cleanup and prevention of ocean and shoreline debris program.	86 506	X825346-01-4	546,530	09/15/97-11/30/02	2278
National Marine Debris Monitoring Program	86 506	X825845-01-4	887,011	09/15/97-08/31/03	2378
Citizen Scientist Coral Reef Health Monitoring Project	68 505	X826957-01-3	387,000	11/08/98-05/31/03	2377
Symposium on Ballast Water Mgmt. in the Chesapeake Bay	N/A	CB-98347201-0	16,145	09/20/01-04/30/04	2373
Alaska Bering Sea Conservation Strategy Workshop	N/A	MM970230-01	25,000	07/15/99-07/31/00	2101
National Oceanic and Atmospheric Administration					
USVI Coral Reef Health Monitoring Project	11-463	NA18F22959	68,018	10/01/02-03/31/04	2319
CONTRACTS & PURCHASE ORDERS FROM DOC					
Purchase Order - Sea Turtle Spanish Manual	NOAA	40AANF044191	15,000	08/31/01-12/31/01	
Purchase Order - Sea Turtle Spanish Manual	NOAA	40AANF112674	3,200	08/31/01-10/31/01	
Purchase Order - MTSQ Vietnam Training Course	NOAA	40AANF110944	5,000	05/10/01-12/12/01	2520
Purchase Order - RECON/CZMA Program	NOAA	40AANC111304	9,500	07/20/01-12/31/01	2520
Purchase Order - RECON/CZMA Program	NOAA	40AANC001279	14,500	08/01/00-09/30/01	
Purchase Order - RECON/CZMA Program	NOAA	40AANC144059	9,863	08/31/01-06/30/02	2279
	NOAA	DG133C02SE0703	27,000	09/17/02-12/31/02	2279
CONTRACTS & PURCHASE ORDERS FROM DOI					
Purchase Order - Sea Turtle Publication of DR Meeting	USFWS	401810M325	5,000	06/10/01-12/15/01	2520
Contract - Research Upstream Reef Fish Population	USFWS	1448-40181-99-G-189	70,000	03/01/99-06/30/00	2311
Contract - Research Upstream Reef Fish Population	USFWS	1448-40181-00-G-143	70,000	09/01/00-06/30/02	2311

OTHER GOVERNMENT INCOME
FOR THE YEAR ENDED APRIL 30, 2002

	Amount	Expenditures	
Expenditure total per Schedule of FA	\$ -	\$ -	
Purchase Orders/Contracts			
NOAA (S)	\$ 22,246	\$ 10,000	
NOAA (B)	\$ 15,000	\$ 15,000	
NOAA (B)	3,200	3,200	2520
National Fish & Wildlife	5,000	5,000	
NOAA/RECON/CZMA 40AANC001279	14,500	13,018	2279
TOTAL PURCHASE ORDERS		\$ 48,218	
State Funds			
State of California/Coastal Watershed Council			2221
FL Keys National Marine Sanctuary			2712
City of Pacific Grove	7,250	7,250	2715
TOTAL GOVERNMENT INCOME		\$ 53,468	



OCEANA

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April 11, 2003

The Honorable Frank R. Wolf, Chairman
 The Honorable Jose E. Serrano, Ranking Member
 Commerce, State, Justice and Judiciary Subcommittee
 House Appropriations Committee
 U.S. House of Representatives
 Washington, D.C. 20515-6017

Dear Chairman Wolf, Ranking Member Serrano and other Subcommittee Members:

On behalf of the more than 25,000 members of Oceana, a non-profit conservation organization devoted to protecting ocean waters and wildlife, I submit the following testimony on the Fiscal Year 2004 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.

We are greatly concerned with the significant proposed cuts from FY 2002 enacted levels for the National Ocean Service (NOS) and the National Marine Fisheries Service (NMFS). The Administration's request cuts \$165 million from FY 02 enacted levels for these two line offices, which are responsible for conserving our nation's fisheries and protected marine wildlife and restoring coastal water quality.

There is significant evidence that our nation's oceans are in trouble and current ocean management needs to be significantly improved. The National Marine Fisheries Service's 2002 report to Congress on the status of our nation's ocean fisheries concludes that of the 304 managed commercial stocks that have been fully assessed, just under one-third are overfished, experiencing overfishing or both. For too many stocks, we are removing fish at such accelerated levels that fish species are not regenerating to maintain stable populations. Of the 81 overfished stocks, 53 are still experiencing overfishing, thereby frustrating efforts to rebuild these depleted stocks. The report also reveals that we lack basic information to make accurate assessments for 68 percent of our commercially managed fish stocks.

Also, bycatch (the incidental catching, discarding, or damaging of living marine resources, such as fish, turtles, marine mammals, sea birds, and coral, when fishing for targeted species) is a substantial problem globally and domestically. It is estimated that one-fourth of the world's total catch is bycatch.

Last year, the United States Environmental Protection Agency (EPA), working with a number of federal agency partners including NOAA, released a National Coastal Condition Report. After examining levels of toxins in contaminated fish and sediment, concentrations of dissolved oxygen, losses of coastal wetlands and other indicators, the EPA concludes that the overall condition of our nation's estuaries is only "fair to good." The report backs up a comprehensive 2000 survey of state water quality reports that found 51 percent of the assessed estuaries were impaired by pollution or habitat degradation.

There are several programs within NOAA that, if substantially funded and fully implemented, would help clean up coastal and ocean waters, rebuild fish populations, and protect ocean ecosystems. In October 2000, Congress established the Land Conservation, Preservation and Infrastructure Improvement Fund (LCPIIF) to provide increased support for conservation programs within the Department of Interior and NOAA. Fully funding this dedicated account would certainly help us attain improved conditions our nation's oceans and coastal waters. We are deeply concerned that the Bush Administration's request fails to mention the existence of this account and only uses \$333.8 million of the \$520 million dedicated and set aside by the LCPIIF for NOAA's FY 04 budget. Oceana encourages the Subcommittee to make full use of this funding to provide additional support for high priority coastal conservation initiatives, such as wildlife conservation, land protection, habitat restoration, pollution reduction, and ecosystem stewardship. The following is a list of specific programs and initiatives that we believe deserve the Subcommittee's full support:

■ **Fishery Observer Programs -- \$40.0 million.** Oceana recommends that the FY 04 budget provide \$40.0 million for more effective national and regional observer programs. The information gathered by observers helps track how many fish are caught directly and as bycatch, thereby improving management of our fish populations. According to NMFS, observers are currently deployed to collect fishery dependent data in almost 20 different fisheries. In addition, only 9 of the 31 fisheries that are classified as Category I or II under the Marine Mammal Protection Act due to commercial fishing interaction with marine mammal populations have observer programs. Finally, existing coverage levels for the fisheries with observers are inadequate. A few of the observer programs that Oceana believes would greatly benefit from additional funds include the national observer program, West Coast groundfish, New England groundfish, and the Gulf of Mexico and Atlantic shrimp otter trawl fishery.

■ **Bycatch Reduction -- \$4.0 million.** Oceana applauds the Administration's request of \$2.8 million in new funding to minimize bycatch. This new initiative will enhance technical solutions and outreach to reduce bycatch, improve cooperative research activities with fishermen, and fund approximately 2,000 additional observer days so that more information about the impacts of bycatch can be assessed. We would strongly encourage the Subcommittee to consider funding this new initiative at \$4.0 million to accelerate bycatch reduction efforts.

■ **Expanding Stock Assessments of our Nation's Fisheries -- \$26.0 million.** Due to a lack of funding for basic research, we do not have adequate information about the status of many commercial fish stocks. Oceana encourages the Subcommittee to provide \$26.0 million so that NMFS can hire additional biologists to produce annual stock assessments, fund necessary charter days at sea to collect data, and ultimately significantly reduce the number of fish stocks with unknown status. Accelerating this information gathering will help rebuild overfished stocks and improve fish management decisions.

■ **Essential Fish Habitat -- \$12.5 million.** Essential fish habitats (EFH) are those waters and substrate on which fish depend. Protecting essential fish habitat is key to ensuring healthy fish populations in the future. These habitats are currently being damaged from both land-based activities and destructive fishing practices. The 1996 Sustainable Fisheries Act gave NMFS a clear mandate to identify and conserve essential fish habitat. However, little has been accomplished to protect EFH from harmful activities. Oceana recommends that the Subcommittee provide \$12.5 million to support EFH activities, including research, designation, and protection efforts.

■ **Marine Mammal Protection -- \$10.0 million.** Oceana recommends providing \$10.0 million in base funding for marine mammal protection. These funds will help the National Marine Fisheries Service more fully assess and adopt measures to recover depleted and strategic marine mammal species, such as bottlenose dolphins, pilot whales, and common dolphins. Activities that will be supported by these funds include take reduction team, research and recovery initiatives.

■ **Sea Turtle Conservation -- \$13.0 million.** Oceana urges the Subcommittee to provide \$13.0 million to assist a variety of NMFS programs dedicated to protecting sea turtles. All sea turtles found in U.S. waters are officially protected as endangered or threatened. Additional funding will enhance research, recovery, and protection activities for imperiled sea turtle species. We also encourage additional funding to support the agency's sea turtle bycatch reduction strategy that will examine needed gear modifications for conservation.

■ **Vessel Monitoring System -- \$13.0 million.** Oceana recommends funding of \$13.0 million for the establishment and implementation of Vessel Monitoring Systems (VMS) and the placing of VMS transponders on a vast majority of the estimated 10,000 boats in the U.S. commercial fishing fleet. VMS programs enhance data collection and safety at sea. VMS is beneficial to regulators because it will allow officials to know when a fishing vessel is encroaching into closed areas or is fishing after a regulated fishing period expires.

■ **National Environmental Policy Act (NEPA) Implementation -- \$12.0 million.** Oceana encourages the Subcommittee to provide \$12.0 million to the NMFS to enhance its work in satisfying NEPA requirements.

■ **Coral Reef Conservation -- \$38.0 million.** Coral reef ecosystems are in serious jeopardy due to over-exploitation, pollution, habitat destruction, disease, bleaching, and global climate change. NOAA and the Department of Interior have been leading an inter-agency federal task force to develop and implement a long-term strategy for monitoring, mapping, restoring, and protecting these unique ecosystems. We support increases to a total of \$38.0 million for coral reef initiatives of the National Ocean Service, National Marine Fisheries Service, and the National Environmental Satellite, Data, and Information Service. We would encourage the agencies to dedicate some of this funding for mapping and protecting deep-sea corals. Scientists estimate that some deep-sea corals found in the North Pacific are hundreds of years old and are increasingly becoming vulnerable to destruction by certain human activities.

■ **National Marine Sanctuary Program -- \$48.0 million.** We encourage the Subcommittee to provide \$38.0 million for management and operations of the National Marine Sanctuary Program and \$10.0 million for construction activities. The thirteen National Marine Sanctuaries undertake numerous important programs, such as marine education, community outreach, research, monitoring, and resource damage assessment in nationally significant marine areas.

■ **Coastal Nonpoint Pollution Control Program -- \$25.0 million.** For years, coastal states have been creating coastal polluted runoff control programs to better address nitrogen, oil, toxics,

sediment, and other contaminants that enter coastal waterbodies from agricultural operations, suburban lands, streets, construction sites, and marinas. Oceana recommends the Subcommittee provide \$25.0 million to help coastal states and communities implement measures that will reduce nonpoint pollution. Because many coastal waters are important nursery areas for commercially and recreationally valuable fish species, efforts to reduce pollution in these waters will assist in our efforts to rebuild depleted fish populations.

■ **Marine Protected Areas -- \$3.8 million.** Marine protected areas are an important management tool that can help protect habitats, promote marine biodiversity, enhance fisheries, and provide useful baseline scientific information. Oceana supports \$3.8 million for NOAA to strengthen and improve agency-wide MPA programs, develop a comprehensive inventory of existing marine protected areas, and foster collaboration among the numerous agencies and interests as they work to develop a scientifically based network of marine protected areas.

Thank you for your consideration of these requests. In summary, we encourage you to make full use of the Land, Conservation, Preservation, and Infrastructure Improvement Fund's FY 04 authorization of \$520.0 million additional dollars for critical conservation needs. We encourage you to secure funding levels for the key coastal and ocean protection programs outlined above and urge you to reject harmful anti-environmental riders on this and other appropriations bills.

Sincerely,

Ted Morton
Federal Policy Director

Ted Morton's Biography

Ted Morton is the Federal Policy Director of Oceana, an international conservation organization headquartered in Washington, D.C.. Oceana is dedicated to protecting and restoring the world's oceans through policy advocacy, science, law and public education. In 2002, Oceana joined forces with American Oceans Campaign.

As Federal Policy Director, Mr. Morton oversees administrative and legislative initiatives of Oceana. In particular, he monitors implementation and re-authorization of numerous laws and policies, including Magnuson-Stevens Fishery Conservation and Management Act, Marine Mammal Protection Act, Clean Water Act, Endangered Species Act, and the Stockholm Convention on Persistent Organic Pollutants.

Mr. Morton worked for American Oceans Campaign from 1993 to 2002. He has served as the organization's Coastal Program Coordinator and briefly worked in the organization's Los Angeles offices as its California Policy Director. In 1999, Mr. Morton became the Policy Director for American Oceans Campaign. Mr. Morton was instrumental in Congress' unanimous passage of the Beaches Environmental Assessment and Coastal Health Act in October 2000. He has co-authored reports on estuary protection, stormwater pollution, and general water quality protection.

From 1996 to 1998, he served as an environmental representative on a national advisory committee on stormwater pollution for the U.S. Environmental Protection Agency.

From 1999 to 2001, Mr. Morton served as Co-chair of the Clean Water Network. The Clean Water Network is an alliance of more than 1000 organizations across the nation working to improve the quality of oceans, bays, rivers, lakes and wetlands.

Mr. Morton is a native of Atlanta, Georgia. He received a Bachelor of Arts (Political Science) degree from Furman University and a Juris Doctorate from the University of Georgia.

Federal Grant Disclosures

Neither Oceana nor Mr. Morton has received any funding from a federal grant or contract for the fiscal years 2002 or 2003.

U.S. Commissioners
W. Ron Allen
Kevin Duffy
Larry Rutter
Curt Smith

**UNITED STATES SECTION
of the
PACIFIC SALMON COMMISSION**

Office of the
U.S. Section Coordinator
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Building 1, F/NWH2
Seattle, WA 98115
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526-6156
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**TESTIMONY OF ROLAND ROUSSEAU
CHAIRMAN OF THE U.S. SECTION BUDGET COMMITTEE
U.S. SECTION OF THE PACIFIC SALMON COMMISSION**

**BEFORE THE SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE,
JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES
COMMITTEE ON APPROPRIATIONS HOUSE OF REPRESENTATIVES**

March 21, 2003

Mr. Chairman, my name is Roland Rousseau and I serve as an Alternate Commissioner on the Pacific Salmon Commission (PSC) and the Chair of the Budget Committee for the U.S. Section of the Commission. The PSC was established under the Pacific Salmon Treaty (Treaty) between the U.S. and Canada. A new Agreement (Agreement) was concluded in June of 1999 that establishes new abundance-based fishing regimes under the Treaty and made other improvements in the Treaty's structure. I am providing this statement of the FY 2004 budget for Treaty programs recommended by the U.S. Section of the Pacific Salmon Commission for the Committee's use and for the record. The U.S. Section recommends that level funding of \$7,456,000 be provided for the Pacific Salmon Treaty Line Item under the Information Collection and Analysis activity of the National Marine Fisheries Service for FY 2004. Included in this amount is \$5,612,000 for base programs required to implement the provisions of the Treaty and \$1,844,000 to acquire the technical information to implement abundance based chinook salmon management provided for under the new Agreement. In FY 2002, under the Pacific Salmon Coastal Recovery Program, Congress provided \$2,000,000 in new funding for the states of Alaska, Oregon, Washington and Idaho and NMFS to implement the provisions of the 1999 Agreement. This \$2,000,000 was not provided in FY 2003, but the mandates of the Agreement have not yet been fulfilled. The U.S. Section recommends that this funding again be provided in FY 2004 to allow the ongoing commitments and technical needs specific to the new Agreement to be addressed. The U.S. Section recommends that \$400,000 be provided to continue the bilateral Transboundary River Enhancement Program under the NMFS International Fisheries Commissions Line Item in FY 2004. We also recommend that \$2,460,000 be provided to the Department of State in FY 2004 to fund the bilateral PSC staff and offices and for U.S. Section travel and stipends. This is an increase of \$235,000 over the FY 2003 level.

The base Treaty implementation program, which has been funded at \$5,612,000 for two years, includes a wide range of salmon 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, and Idaho,

and the National Marine Fisheries Service (NMFS), are charged with carrying out a major portion of 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 Pacific Salmon Commission funding are directed toward acquiring, analyzing, and sharing the information required to implement the 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 from fisheries, are represented. The information from many of these programs is used directly to establish fishing seasons and harvest levels.

In 1996, the U.S. adopted an abundance-based approach to managing chinook salmon fisheries in Southeast Alaska. Under this approach, chinook harvest levels are based on annual estimates of chinook abundance. This system replaced harvest ceilings agreed to in 1985, which did not respond to fluctuations in chinook salmon populations. Under the new Agreement of 1999, this abundance based management approach was expanded to all chinook fisheries subject to the Treaty. Congress appropriated \$1,844,000 for FY 2003 to provide for the collection of necessary stock assessment and fishery management information to implement the new approach. Alaska, the Pacific Northwest states, and the treaty tribes are using the funding to implement abundance-based chinook salmon management coast-wide under the new Agreement. The U.S. Section recommends level funding of \$1,844,000 to support the implementation of abundance-based chinook salmon management in FY 2004.

The 1999 Agreement includes new abundance based management approaches and associated data needs in several important sets of fisheries. In FY 2004, State managers and NMFS will need a reinstatement of the new \$2,000,000 provided for this purpose in FY 2002, but not funded in FY 2003. This funding will help to develop the basic stock separation, escapement enumeration, and run prediction systems that are necessary to implement the new abundance based management regimes for Northern Boundary, Transboundary River and Southern coho fisheries and to strengthen chinook salmon stock information coast-wide.

The U.S. and Canada agreed to a joint salmon enhancement program on the Transboundary Rivers flowing between Canada and Southeast Alaska in 1988. 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. The U.S. Section recommends that \$400,000 again be provided in FY 2004 for funding of this successful bilateral program.

The U.S. Section of the Pacific Salmon Commission recommends a Department of State funding level of \$2,460,000 for Treaty implementation in FY 2003. This is an increase of \$235,000 over the FY 2003 appropriation, but is vitally needed to support new U.S. commitments made in the June-1999 Agreement. This funding provides for the United States contribution to the bilateral Pacific Salmon Commission staff and offices based in Vancouver, British Columbia. It also provides for travel for U.S. Commissioners, panel members, and technical committee members and stipends for authorized Commissioners and panel members.

This concludes the Statement of the U.S. Section of the Pacific Salmon Commission submitted for consideration by your committee. We wish to thank the Committee for the support that it has given us in the past.

SUMMARY OF DOC PROGRAMS UNDER THE U.S./CANADA PACIFIC SALMON TREATY

Pacific Salmon Treaty Implementation (Includes \$1,844,000 for Implementation of Chinook Salmon Abundance Based Management)

<u>FY 03 Appropriation</u>	<u>FY 04 PSC Recommendation</u>
\$7,456,000	\$7,456,000

Funding for Implementation of Provisions and Technical Needs Created by the 1999 Agreement.

<u>FY 03 Appropriation</u>	<u>FY 04 PSC Recommendation</u>
0-	\$2,000,000

Transboundary River Enhancement

<u>FY 03 Appropriation</u>	<u>FY 04 PSC Recommendation</u>
\$400,000	\$400,000

SUMMARY OF DOS PROGRAMS UNDER THE U.S./CANADA PACIFIC SALMON TREATY

<u>FY 03 Appropriation</u>	<u>FY 04 PSC Recommendation</u>
\$2,225,000	\$2,460,000

**TESTIMONY OF THE PUYALLUP TRIBE OF INDIANS BEFORE THE
HOUSE SUBCOMMITTEE ON COMMERCE, JUSTICE, STATE, THE JUDICIARY AND
RELATED AGENCIES
FISCAL YEAR 2004**

Mr. Chairman, my name is **Bill Sterud**, Puyallup Tribal Chairman. 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 has analyzed the President's FY 2004 budget and submit the following detailed written testimony to the House Subcommittee on the Commerce, Justice, State, the Judiciary and Related Agencies. In the FY 2003 budget process, the Puyallup Tribe supported actions of Congress to restore the base level funding for various law enforcement and public safety programs. We look forward to working with the 108th 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 Puyallup tribal members and the members from approximately 435 federally recognized Tribes who utilize our services* are included in the F.Y. 2004 budget. The following provides a brief review of the Puyallup Tribe's priorities and special appropriation requests for FY 2004;

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 and related urban service area contains 17,000+ Native Americans from over 200 Tribes and Alaskan Villages. The Puyallup Nation Law Enforcement Division currently has fifteen (15) commissioned 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. We **currently** operate with outdated equipment, patrol vehicles requiring constant repair and insufficient staff levels. 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.

A major area of concern is the status of the **Tribe's Regional Incarceration Facility**. Due to damages from the February 2001 Nisqually earthquake, we have had to relocate to 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. Relocation to the modular facility has also impacted the Tribes ability to house juvenile detainees. With no juvenile facilities, Native American youth are sent to non-native facilities The President's Budget Request provides zero funding for the construction of tribal detention facilities in FY 2004. Indian country will be negatively impacted by the proposed elimination of funding for tribal detention facilities. The total estimated backlog is approximately \$400 Million. In FY 2003, \$5 Million was provided to construct tribal detention facilities. We respectfully request congressional support to fund the Department of Justice - Detention Facilities Construction program for FY 2004 at a minimum of \$30 Million. The following list is a brief summary of law enforcement needs of the Puyallup Nation Law Enforcement programs;

- & Juvenile Incarceration Facility \$1,000,000 (est.);
- & Staffing for Juvenile Facility - 8 employees @ \$320,600;
- & Adult Incarceration Facility \$2,500,000 (est);
- & Additional staff for dispatching center - 3 employees @ \$120,800;
- & Additional Officers - 4 @ \$225,900;

Fiscal Year 2004 Testimony on Dept. Of Justice Appropriations

& **Equipment; firearms, radios and equipment - \$30,000;**
 & **Technologies, hardware and software - \$80,000;**
 & **Patrol vehicles - 2 @ \$60,000;**
 & **Training - \$30,000.**

Tribal Court System: The Tribal Court system is an independent branch of the Puyallup Tribal Government having jurisdiction over 17,000+ Indians within our Service Area. Jurisdiction extends throughout our 18,061 acre Reservation and our U&A Grounds for Hunting and Fishing. Partial Court funding is provided via a P.L. 93-638 Contract; the funding level has varied little during the past five years covering only costs of supplies, expenses and partial funding of the Court Administrator's salary. Compensation costs for the Judge, Prosecutor, Public Defender, Children's Court Counselor and Clerical are at best, intermittent. Current levels of federal support are grossly inadequate thereby effectively denying access to equal justice.

Operations of a Tribal Court system with jurisdiction over the 2,700+ Tribal Members and the 32,000+ Indians is extremely costly. Sufficient funding is needed for the salaries of the Court Administrator, Judge, Prosecutor, Public Defender, Children's Court Counselor and Clerical. Our needs to provide juvenile services and multi disciplinary investigations of child abuse and domestic violence abuse is critical. The Tribal Court System lacks the basic resources most court systems take for granted, such as; the Federal Digest, the Federal Rules decisions, Washington State Reporters and access to the Lexis Data Base. 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 eight (8) 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. *We seek Congressional support and endorsement in:*

> ***FY 2004 Office of Tribal Justice - Tribal Court System Funding: \$ 7.9 Million***

Community Oriented Policing Services (COPS): The President's Budget Request proposes to decrease COPS funding for Indian County from \$30 Million provided in FY 2003 to \$25 Million for FY 2004. This program provides an essential service to the public safety and welfare in Indian County by assisting tribal efforts to increase the number of law enforcement officers. Today, there are 1.3 law enforcement officers per 1,000 citizens in Indian county, 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. *We seek Congressional support and endorsement:*

> ***FY 2004 Office of Tribal Justice - COPS Funding:\$30 Million***

Fiscal Year 2004 Testimony on Dept. Of Justice Appropriations

TESTIMONY BEFORE THE COMMERCE, JUSTICE SUBCOMMITTEE
of the
HOUSE APPROPRIATIONS COMMITTEE
Submitted by
JAN SANDHOUSE HURST, CHAIR
of the
ROCKY MOUNTAIN EXPORT COUNCIL

APRIL 11, 2003

Mr. Chairman:

I appreciate the opportunity to submit this testimony concerning the FY04 appropriation for the U.S. Small Business Administration.

My name is Jan Sandhouse Hurst. I chair the Rocky Mountain Export Council (RMEC), a Secretary-appointed industry advisory group to the U.S. Department of Commerce. The RMEC, like other district export councils (DECs) around the nation, gives the Department advice on trade-related policy, advocates on trade issues, organizes events and provides mentoring and networking services to exporting businesses. The DECs work closely with the Department's U.S. Export Assistance Centers (USEAC), under the International Trade Administration. The SBA maintains a partnership arrangement with the USEAC.

The testimony I submit today is to urge this subcommittee to restore the line item funding for SBA participation in the USEAC partnership.

The President's FY04 budget seeks \$3.1 million for this line item. Until now, this amount has remained relatively constant since the SBA joined forces with the Department of Commerce in the early 1990s.

Unexpectedly, this line item was zeroed out during the final days of FY03 appropriations deliberations in February. Since there was no explanation in the conference report and since there was no forewarning, I will assume that the decision to zero out this line item was made not for policy reasons but to meet a last minute budget cap.

The Rocky Mountain Export Council therefore wishes to revisit the policy issue and reinforce the value of this line item.

First, allow me to review for this committee the SBA's role in export assistance. Generally, the SBA provides information, training and technical assistance on exporting to small businesses. The agency provides counseling and training on trade financing to

small business and lenders. And it provides loan guarantees, thereby encouraging lenders to assist small business exporters with their export working capital and/or expansion needs in order to meet overseas demands.

The legislative history of SBA in international trade justifies this role. PL 96-481, the Small Business Export Expansion Act of 1980, established the Office of International Trade at Headquarters SBA and set up SBA trade offices in the 10 regional offices. The idea to work cooperatively with the Commerce Department originated here.

PL 100-418, the Omnibus Trade and Competitiveness Act of 1988, established the International Trade Loan Program, which allowed for loan guarantees up to \$1.25 million for companies expanding their exports. This law recognized the growing concerns of small business exporters and responded appropriately.

The inter-agency partnership formally began in 1990. An executive order created a trade promotion coordinating committee to conceive and implement strategies to provide better, coordinated services by DOC, SBA, Eximbank and others. One strategy was to combine multi-agency resources in one location for a one-stop-shopping approach. This approach was started on a pilot basis, then grew to 19 sites as the value became obvious. Market research and export financing could be done simultaneously for the benefit of the taxpayer.

The Denver-based USEAC office houses seven DOC staff and one SBA employee. It serves as a hub for exporters in Colorado, Utah, Wyoming, New Mexico, Arizona, and Nevada. Office space is paid on a per head count basis among agencies, with the SBA paying 12.5% of the Denver office expenses.

The decision to zero out the SBA's financial contribution to that partnership stops that 20 year-old strategy and the resulting momentum and progress in its tracks.

In the Rocky Mountain region, which is served by the Denver USEAC, that progress has been impressive. **During FY02, 20 international trade program loans were made for a total of \$10 million, supporting over \$21 million in exports.** Using the DOC's estimate of 14 jobs per million dollars of export, **these loans created or sustained 294 jobs in the region.** In FY01, 17 loans were made to exporters totaling \$4.8 million and supporting \$25.5 million in exports, or 356 jobs. **That means that a total of 650 jobs were created or sustained in the Rocky Mountain region during the last two fiscal years because of this program.**

SBA's regional manager is involved in training programs for lenders and small business exporters, speaking at over 25 programs per year. More than 600 lenders and small businesses have attended these sessions.

Having both DOC and SBA co-located provides business the opportunity for joint counseling at one location. Close to 150 firms have been counseled each year under this arrangement. Time and money is saved for these firms by being able to receive both market information and financing guidance simultaneously.

The \$3.1 million SBA-USEAC line item pays for salaries, travel, and pro-rata office rent. It is a cost-effective amount since office expenses are split and value of service is added to the customer. Loss of this funding means loss of a stable partnership and an increased burden on the Commerce Department, if it chooses to continue the partnership.

If this committee takes seriously the export assistance role of the SBA, initiated by law and executive order, it must look for ways to sustain cost effective methods to help SBA play that role. One way, as shown by results in the Rocky Mountain Region and probably equal or greater results in other regions, is to restore the USEAC line item appropriation to the president's \$3.1 million requested level.

I am happy to answer any questions or give additional counsel as this committee requires.

April 11, 2003

Honorable Frank Wolf, Chairman
Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies
U.S. House Appropriations Committee
H-309, The Capitol
U.S. House of Representatives
Washington, D.C. 20515-6017
Att: CJS Detailee

Dear Chairman Wolf:

Please find enclosed is testimony for the record to accompany hearings associated with the FY04 appropriations under your jurisdiction. Specifically, the testimony concerns the USEAC line item within the appropriation for the Small Business Administration.

Also enclosed is my curriculum vitae (C.V.).

Pursuant to House Rule XI, clause 2(g)(4), I state that neither I nor the entity that I represent have received any federal grant or contract during the current fiscal year or either of the two previous fiscal years.

Thank you for the opportunity to submit this testimony.

Sincerely,

Jan Sandhouse Hurst, President
The JSH Group, Inc./TradePros International
P.O. Box 1164
Parker, Colorado 80134
Telephone: 303-805-8410
Fax: 303-805-7402
Email: jshcolusa@aol.com

cc: Colorado Congressional Delegation
US Senator Craig Thomas (R-WY), Chair, Senate Trade Subcommittee

**JAN SANDHOUSE HURST
C.V.**

EXPERIENCE

Instructor in International Business, International Marketing, and International Finance, University of Colorado, Boulder.

Taught a seminar course in international business and upper division courses in international marketing and international finance to undergraduate and MBA students for more than ten years.

President, The JSH Group, Inc., Parker, Colorado.

Provide consulting services to companies which helps those companies

- to identify and implement strategies to maximize management effectiveness for companies and other organizations, and
- to develop strategies for international markets.

Additional services are provided as necessary to help companies and other organizations meet their goals.

These services are provided through TradePros International, a part of The JSH Group, Inc.

Executive Vice President, Colorado International Capital Corporation, Denver, Colorado.

Developed a company to provide financing for short-term transactions, including international trade transactions. Was responsible for management of all operations, including financial management, structuring and management of financing packages, marketing and strategic planning.

Manager of International Programs, Colorado Housing and Finance Authority, Denver, Colorado.

Recruited to develop and implement a state-sponsored export insurance/financing program for small business. Created the first state program of its type in the nation. Subsequently identified, developed and managed additional financial programs.

EDUCATION

University of Colorado, Boulder, Colorado

M.B.A. (Finance)

B.A. (Political Science)

PROFESSIONAL ACTIVITIES

Rocky Mountain Export Council, 1986-2003

Chair, 1996-2003

World Trade Day Conference Chair, 1994, 1989, 1988

District Export Council National Steering Committee, 1997-2003

Women's Business Development Committee, 1993-2001

COMMUNITY ACTIVITIES

Rotary Club of Denver Mile High

President-Elect Nominee (to assume presidency 2004-05)

Jan Sandhouse Hurst, C.V., page 2

PRESENTATIONS AND PUBLICATIONS

"Women Faculty: Issues in Pedagogy and Praxis," Presentation for the Faculty Teaching Excellence Program, University of Colorado at Boulder, February, 1995.

"Increasing Small Business Participation in SBA and Eximbank Export Financing Programs," Hearing before the Subcommittee on Exports, Tax Policy, and Special Problems of the Committee on Small Business, U.S. House of Representatives, July, 1991.

"Privatizing Public Service," Small Business Administration national conference, 1990.

"Colorado's Export Finance Program," Western Legislative Conference, 1987.

**RURAL ENTERPRISES OF OKLAHOMA, INC.
TESTIMONY BEFORE THE
SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE,
JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES**

April 11, 2003
Tom Seth Smith
President & CEO
Rural Enterprises of Oklahoma, Inc.
Durant, OK

As President & CEO of Rural Enterprises of Oklahoma, Inc. (REI), Durant, Oklahoma, I appreciate this opportunity to submit testimony to the Departments of Commerce, Justice and State, The Judiciary, and Related Agencies for an REI Rural Business Resource Center and International Trade Assistance Center.

ACTION REQUIRED

- Appropriate \$250,000 through the U. S. Small Business Administration for an REI Rural Business Resource Center to be located in Seminole, OK at the Seminole Community College.
- Appropriate \$500,000 through the International Trade Administration for an REI International Trade Assistance Center located at REI headquarters in Durant, OK.

NEED FOR FUNDING

REI Rural Business Resource Center

Rural small businesses in the targeted Seminole, OK area need time-saving and money-saving convenient access to business financing, technical assistance, and information and resources relative to developing a successful and profitable business. The Center will need to be equipped with computers and Internet capability to accomplish its mission to serve the businesses in the targeted area.

With over 20 years of experience in small business lending, we continue to see that unless business assistance is conveniently and consistently available, capital was only the beginning of a greater need. Rural entrepreneurs are so consumed with day-to-day operations that they simply do not have the time nor the resources to travel to metropolitan areas where such business services are more readily available. Through the partnership with Seminole Community College, REI will be able to expand its services to entrepreneurs in Seminole County as well as the surrounding areas.

REI's Rural Business Resource Center will be staffed with an REI representative that will market the services of REI and link entrepreneurs with appropriate resources and partners. Such partners include Seminole Community College, the U. S. Small Business Administration, Oklahoma Department of Commerce, U. S. Department of Commerce, Oklahoma Department of Agriculture, Oklahoma Small Business Development Centers, Oklahoma Alliance for Manufacturing Excellence and Oklahoma Cooperative Extension Service.

REI International Trade Assistance Center

Rural small businesses lack the resources and ability to connect with international concerns. The Center will serve as the "rural arm of assistance" for Oklahoma's other international assistance agencies such as the offices of Oklahoma's Export Assistance Centers in Oklahoma City and Tulsa. It would facilitate and expand the rural outreach of the International Trade Specialists of these offices. By providing international services at the grass-roots level, the International Trade Assistance Center will help ensure that even the smallest business concern will have the same opportunity as its counterpart in the metropolitan areas to expand its market globally.

REI International Trade Assistance Center will be located at headquarters within Foreign Trade Zone #227. The organization has experience in providing international trade assistance and finance. REI's International Trade Division currently assists rural businesses with exporting and importing. It partners with the SBA, World Bank and EX-IM Bank to offer export financing programs to rural businesses. However, the need exists for REI to build its capacity and establish an International Trade Assistance Center to adequately assist rural entrepreneurs in identifying international markets, develop a market entry strategy and facilitate the implementation of such strategies.

Rural businesses will also be able to market their products and services internationally without leaving home because of marketing opportunities available through the International Trade Assistance Center and its partners. The Center's mission also includes linking rural businesses with foreign companies in locating needed suppliers and/or manufacturers.

BACKGROUND AND MISSION

Rural Enterprises of Oklahoma, Inc. is a private non-profit 501 c (3) economic development firm incorporated in 1982. The organization's mission is to encourage the development of small businesses in Oklahoma and thus create new jobs.

The services of REI include:

- ◆ Financial Services
- ◆ Business Incubators and Equipment Program
- ◆ Rural Housing and Mortgage Credit Certificate Program
- ◆ Rural Women's Business Center
- ◆ Community Business Recruitment Assistance
- ◆ International Trade Assistance

REI provides financial, business and foreign trade assistance to entrepreneurs and small businesses for the creation and retention of jobs to improve the economic conditions of the local communities. To better serve rural Oklahoma communities we also have a rural housing program and Mortgage Credit Certificate Program to provide affordable housing for the rural Oklahoma workforce. We also work with rural Oklahoma communities in their business recruitment efforts.

TESTIMONY OF NEED FOR SERVICES RENDERED BY THE RURAL BUSINESS RESOURCE CENTER AND INTERNATIONAL TRADE ASSISTANCE CENTER

The economic future of rural communities is absolutely dependent upon assisting our small businesses, bringing in new dollars and creating needed jobs. This can be accomplished through

the Centers by providing small businesses with needed capital, technical assistance and helping them remain competitive through international trade.

REI is a Certified Development Company of the U. S. Small Business Administration. REI is also a Community Development Financial Institution of the U. S. Department of the Treasury. However, the effectiveness of these services would be substantially increased through the Rural Business Resource Center and International trade Assistance Center. The importance of the Centers becomes even more crucial since One-Stop Capital Shops are no longer available to the rural entrepreneur.

More than \$222 million in financing has been secured for Oklahoma businesses since 1981 through REI and SBA lending programs. In 2002, over \$20 million was secured for 62 rural Oklahoma entrepreneurs. The number of entrepreneurs served with business financing will significantly be increased through the availability of the Rural Business Resource Center in Seminole, OK and surrounding areas.

However, REI's experience shows that providing capital is not the only need of our entrepreneurs. Currently, technical and international trade assistance is being provided with one-on-one counseling, on-site visits and other methods. However, with additional resources and the development of the Rural Business Resource Center and the International Trade Assistance Center, REI will be able to serve a much larger geographical area and ultimately serve more rural entrepreneurs.

The International Trade Assistance Center will also serve as a telecommunications hub allowing REI to offer video conferencing via T-1 lines and OneNet to accommodate businesses in virtually every part of the state. This will allow the client to remain near his/her business while accessing needed information and resources.

The solution for the economic struggles of Oklahoma is to provide assistance to the new and existing small businesses to strengthen them and help them expand their markets. New and existing businesses are the backbone of the state and national economy and the Rural Business Assistance Center and International Trade Assistance Center will be a key to providing economic stability with steady expansion and international competitiveness.

SUMMARY

While REI services and its credible partnerships are benefiting rural Oklahoma businesses, the real need still exists: A Rural Business Resource Center and International Trade Assistance Center will help the businesses in their day-to-day grind of building strong entities and expanding into the global marketplace, ultimately creating higher-tech, higher-paying jobs for rural Oklahomans.

Committee on Appropriations
Witness Disclosure Requirement – “Truth in Testimony”
Required by House Rule XI, Clause 2(g)

Your Name: **TOM SETH SMITH**

1. Are you testifying on behalf of a Federal, State, or Local Government entity? Yes ☐ No ☒
2. Are you testifying on behalf of an entity other than a Government entity? ☒ Yes ☐ No
3. Please list any federal grants or contracts (including subgrants or subcontracts) which you have received since October 1, 1999:

SEE ATTACHED LISTING

4. Other than yourself, please list what entity or entities you are representing:

RURAL ENTERPRISES OF OKLAHOMA, INC.

5. If your answer to question number 2 is yes, please list any offices or elected positions held or briefly describe your representational capacity with the entities disclosed in question number 4:

PRESIDENT/CEO

6. If your answer to question number 2 is yes, do any of the entities disclosed in questions number 4 have parent organizations, subsidiaries, or partnerships whom you are not representing?

NO

7. If the answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which were received by the entities listed under question 4 since October 1, 1999, which exceed 10% of the entities revenue in the year received, including the source and amount of each grant or contract to be listed:

SEE ATTACHED LISTING

Signature: _____
Tom Seth Smith, President/CEO

Date: 4/11/03

**FEDERAL CONTRACTS
FOR THE YEARS OF 1999, 2000, 2001, 2002**

<u>CONTRACT</u>	<u>DATES</u>	<u>AMOUNT</u>	<u>PROJECT NAME</u>
Oklahoma Cooperative Ext. Service	10/01/99-09/30/00	\$78,240	Technology Transfer Project
	10/01/00-09/30/01	\$78,240	
	10/01/01-09/30/02	\$76,560	
	10/01/02-09/30/03	\$76,560	
U.S. Department of Agriculture	10/01/99-09/30/00	\$144,000	Demonstration Project for Creation of Jobs in Rural Depressed Areas
Office of Community Service-DHHS	09/30/99-09/29/04	\$500,000	Construction of 100,000 sq ft Distribution Incubator
	09/30/01-09/29/04	\$330,000	Construction of 33,000 sq ft Distribution Incubator
	09/30/02-09/29/07	\$350,000	Construction of Women's Business Center
U.S. Small Business Administration TA	1999	\$36,341	Technical Assistance for the Microloan Demonstration Project
8/16/93 until loan Maturity	2000	\$146,526	
	2001	\$36,267	
	2002	\$131,821	
U.S. Small Business Administration	09/30/99-10/01/00	\$200,000	Rural Export Assistance Center
	07/02/00-07/02/01	\$197,000	Rural Export Assistance Center
	07/02/01-07/02/02	\$197,000	Rural Export Assistance Center
	09/30/02-09/29/03	\$200,000	Rural Export Assistance Center
U.S. Department of Housing & Urban Development	03/01/99-02/28/02	\$429,054	Provide effective economic development to rural communities
U.S. Department of Agriculture - Rural Development	05/25/00-05/25/01	\$127,100	Complete Rural Service Incubator Complete Rural Distribution Warehouse
	06/05/01-06/04/02	\$150,000	
U.S. Small Business Administration BusinessLinc	09/26/01-09/25/02	\$211,751	Business-to-Business Learning, Investment and Networking
	09/26/02-09/25/03	\$211,751	
U.S. Small Business Administration Rural Women's Business Center	07/01/01-06/30/02	\$150,000	Program to provide business assistance to women
	07/01/02-06/30/03	\$150,000	
National Aeronautics and Space Administration	06/29/01-06/29/02	\$200,000	Rural Outreach for Technology Commercialization
	06/29/02-06/29/03	\$190,000	

REI CONGRESSIONAL AGENDA**Project: Rural Economic Development and Technology Transfer**

Project Description: Continuance and expansion of rural economic development programs including:

- Financial Services
- Business Development/Business Incubators/Equipment Program
- Technology Services/Resources
- Rural Housing Financing
- International Trade Assistance

CONGRESSIONAL ACTION REQUIRED
(Earmark Existing)

Appropriate \$400,000 for this USDA-Cooperative Extension
rural economic development effort and technology transfer projects
in rural Oklahoma to facilitate the needs of small businesses

Need for Continued Funding

The demand from rural Oklahoma entrepreneurs and small businesses for the economic development services and programs listed above justifies the need for continued funding.

The demand is evidenced by total financing secured of \$20,910,253 for 62 Oklahoma small businesses in 2002 which helped to create/retain 659 jobs: the REI-managed business incubator program created 174 jobs in 2002; 10 pieces of needed equipment were secured for rural Oklahoma businesses to improve their operations which created/retained 28 jobs. Additionally, requests from entrepreneurs for engineering and technology assistance are on the rise which has resulted in an Oklahoma Cooperative Extension Service (OCES) engineer being housed at REI which is solidifying the need for a continued partnership with Oklahoma Cooperative Extension Services. REI and OCES have a memorandum of agreement to provide business and technical assistance to rural small businesses to help them improve competitiveness, profitability and sustainability, thus fostering economic growth throughout southeastern Oklahoma. REI also partners with the Oklahoma Alliance of Manufacturing Excellence and employees a Manufacturing Extension Agent. According to a year end report from the Alliance, the agent completed 35 projects for rural manufacturers resulting in an increase in sales for the manufacturers totaling \$14,651,000 and a total savings of \$1,499,726. Of these projects 128 jobs were created and 44 jobs were retained.

Economic Development Activities Fostered by USDA Support

Incubator services expanded
 Participation in New Product and Process Fair expanded
 Coordination of an Economic Development Summit
 Marketing assistance and marketing research
 Financial and technical assistance to start-up or expanding businesses
 Foreign trade assistance through General Purpose Foreign Trade Zone
 Partnership with Oklahoma Alliance for Manufacturing Excellence through
 Manufacturing Extension Agents to provide problem-solving assistance to small and mid-sized manufacturers
 Continuing to build on partnerships with extension offices of Oklahoma State University
 Reporting on progress of all program objectives on a quarterly basis

REI CONGRESSIONAL AGENDA

Project: Rural Business Incubator Program

Project Description: An initiative to construct and expand rural economic development through community business incubators.

CONGRESSIONAL ACTION REQUIRED

Appropriate \$1,800,000 from the U.S. Department of HUD for rural economic development incubators to facilitate the needs of rural communities and small businesses.

Need for Funding

Currently, REI manages 18 business incubators in 11 communities which helped to create 174 jobs in 2002 in southeastern Oklahoma. REI continues to receive requests from communities in northeastern and western Oklahoma for assistance in constructing and managing business incubators in these areas. The demand from rural Oklahoma entrepreneurs and small businesses for the economic development services and programs of REI justify the need for funding from HUD. These services and programs are Business Incubators, Financial Services, Business Development, and Equipment Program, Rural Housing, Rural Women's Business Center, Technology Services and International Trade assistance. The demand is evidenced by total financing secured of \$20,910,253 for 62 Oklahoma small businesses in 2002 which helped create/retain 659 jobs. REI also has an equipment program which provides businesses with the opportunity to lease/purchase equipment at below market rates. In 2002, this program secured 10 pieces of equipment which resulted in 28 jobs created/retained.

To further assist Oklahoma entrepreneurs and their workforce, REI is the Issuer of mortgage revenue bonds providing low and middle income families the opportunity to become home owners. Currently, over 1,037 rural Oklahoma working families have been assisted under this down payment and closing cost assistance program.

Economic Development Activities Fostered by HUD Support

Partnership with Oklahoma Alliance for Manufacturing Excellence through
 Manufacturing Extension Agents to provide problem-solving assistance to small and mid-sized manufacturers
 Continue partnerships with extension offices of Oklahoma State University
 Expand the services of the incubator program
 Financial, business and technical assistance to start up and expanding businesses
 Identify and promote innovative methods of job creation.
 Promote housing program
 Partnerships within the REI service area
 Foreign trade assistance through foreign trade zone
 Expand market outreach to entrepreneurs and businesses of services available

REI CONGRESSIONAL AGENDA**Project: REI Rural Business Resource Center at Seminole, OK**

Project Description: To meet the need of small businesses and entrepreneurs in this targeted area with an opportunity to obtain information, resources and business assistance.

CONGRESSIONAL ACTION REQUIRED

Appropriate \$250,000 from the U.S. Small Business Administration for the establishment of a REI Rural Business Resource Center at Seminole, OK

Need for Funding

Rural small businesses in the targeted area need time-saving and money-saving convenient access to business financing, international trade assistance, technical assistance and information and resources.

With over 20 years of experience in small business lending, we continue to see that unless business assistance is conveniently and consistently available, the capital was only the beginning of another and perhaps greater need. Rural business owners and entrepreneurs are so consumed with day-to-day operations, specifically cash flow management, they simply do not have the time nor the budget to travel to metro areas where business services are more readily available. Through the partnership with Seminole Community College, REI is now able to expand its outreach to entrepreneurs in Seminole County and surrounding areas.

The Rural Business Resource Center will also complement REI's Rural Women's Business Center established in December 2001. Currently, the Rural Women's Business Center is serving 253 women entrepreneurs with business plan assistance, cash flow management, marketing, financial statement analysis and other training opportunities. With the funding requested, REI will be able to bring all the services of the Rural Women's Business Center to the proposed Resource Center in Seminole.

A REI Rural Business Resource Center will include partnerships with Seminole Community College, the U.S. Small Business Administration, Oklahoma Department of Commerce, U.S. Department of Commerce, Oklahoma Department of Agriculture, Oklahoma Small Business Development Center, Oklahoma Alliance for Manufacturing Excellence and Oklahoma Cooperative Extension Service.

The Center will be staffed with an REI representative that will market the programs and services of REI and link entrepreneurs with appropriate resources and partners. The Center will also need to be equipped with computers and internet capability.

REI CONGRESSIONAL AGENDA**Project: Rural Technology Transfer and Commercialization Project**

Project Description: Provide rural Oklahoma small businesses and communities with access to technology commercialization opportunities to help them improve their business operations.

**CONGRESSIONAL ACTION REQUIRED
(Earmark Existing)**

**Appropriate \$300,000 from the National Aeronautics and Space Administration
for a REI Technology Commercialization Center**

Need for Continued Funding

Oklahoma's wage growth rate and ratio of high performance, technology based companies is well below the national average. High-wage, high skill jobs evolve from technology and knowledge based industries. "Intellectual capital" departs from areas not offering job opportunities to educated, college graduates.

Projects that have been made possible with NASA funding are iridium fuel cell development and processing, a hydrogen generator that produces hydrogen from the atmosphere and research on needle bearing development.

Continues funding will facilitate the partnerships already formed by REI with the ultimate result being high-wage, high skill jobs for rural Oklahomans.

Partnerships and Economic Development Activities Fostered by NASA Support

REI has performed contracts in the past with the National Aeronautics Space Administration (NASA) and worked with the NASA Mid-Continent Technology Transfer Center (MCCTC) at Texas A & M University supporting their mission of providing technology transfer and technology assistance within the Mid-Continent Regions of the United States.

REI and the Oklahoma Cooperative Extension Service currently have a memorandum of agreement to provide entrepreneurs engineering and technology assistance to improve their competitiveness, profitability and sustainability, thus fostering economic growth throughout rural Oklahoma.

The Oklahoma Technology Commercialization Center has been awarded a contract with the Oklahoma Center for Advancement of Science & Technology (OCAST) to provide a statewide Commercialization Center. REI is a rural link for the commercialization center as a satellite office. Through these partnerships, REI will provide the following services: (1) stimulation of deal flow, (2) identification of potential technology based projects, (3) facilitation of access to REI incubator space for technology based businesses, (4) consulting on rural business issues and (5) provision of a \$250,000 loan fund for client support.

REI CONGRESSIONAL AGENDA**Project: REI International Trade Assistance Center**

Project Description: To assist Oklahoma businesses in identifying international markets, develop a market entry strategy and facilitate the implementation of such strategies.

CONGRESSIONAL ACTION REQUIRED

Appropriate \$500,000 through the International Trade Administration with Commerce & State Justice for a REI International Trade Assistance Center

Need for Funding

Rural small businesses are lacking the resources and ability to connect with International concerns. The Center will serve as the "rural arm of assistance" for Oklahoma's other International assistance centers. By providing International services at the grass-roots level, the Center will help ensure that even the smallest businesses have the same opportunity as their counterparts in the metropolitan areas to expand their markets through international trade. The Center will further serve businesses currently in international trade that need additional assistance to expand their global markets.

REI is located within a Foreign Trade Zone (FTZ #227) and has a solid background in international trade assistance and finance. REI's International Trade Division currently helps many rural businesses with exporting and importing on a global level. It partners with the SBA, World Bank and EX-IM Bank to offer export-financing programs to rural businesses.

The International Trade Division also participates in trade missions promoting Oklahoma products and services. This allows Oklahoma businesses to market their products and services internationally without leaving home. The Division also links Oklahoma companies with foreign companies in locating needed suppliers and/or manufacturers.

Through partnerships with institutions of higher learning, REI hosts international student interns. The international interns gain knowledge and hands-on work experience they can apply to their fields of study and ultimately share with their native homeland. REI gains new insights on international trade activities and assistance with needed research.

REI CONGRESSIONAL AGENDA**Project: REI Vermi-culture composting system**

Project Description: To conduct research and development for vermi-culture and vermi-composting for rural agricultural communities

CONGRESSIONAL ACTION REQUIRED
(Earmark Existing)

Appropriate \$1,000,000 from the Environmental Protection Agency for the research and development of the vermi-culture and vermi-composting industry

Need for Funding

Rural Oklahoma agricultural communities are concentrated with pork and poultry industries. The animal waste of these industries create an environmental hazard for these communities, specifically in the water supply. Preliminary studies show that the vermi-culture (the raising or breeding of earthworms) and vermi-composting (conversion of animal waste material to organic fertilizer) have the potential to be part of the solution to this problem; however, funding is needed for research and development. This project also has the potential to help retain jobs in the swine and poultry industries.

The demand from rural Oklahoma entrepreneurs and small businesses for the economic development services and programs of REI justifies the need for an expansion of services to include R & D for vermi-culture and vermi-composting.

For more than 20 years, Rural Enterprises of Oklahoma, Inc. has served rural Oklahoma communities and entrepreneurs with economic development services. REI services include business financing, business incubators, an equipment program for manufacturers, international trade assistance, homebuyers assistance program and a Rural Women's Business Center targeting women and minority-owned businesses.

The business assistance programs of REI are crucial to small businesses specifically in the rural areas. The organization's services help to create jobs in these areas that are suffering from under-employment and dependency upon state and federal assistance programs as well as skilled labor in search of higher paying jobs.

REI CONGRESSIONAL AGENDA**Project: Northeast Oklahoma Rural Development Center at Talequah**

Project Description: To enhance the efforts of the REI/NSU Center for Rural Development at Northeastern Oklahoma State University in Talequah.

CONGRESSIONAL ACTION REQUIRED

Appropriate \$500,000 from the U.S. Department of Education to enhance and expand the efforts of the REI/NSU Center for Rural Development to provide a diversity of business assistance services for start-up and existing businesses in northeastern Oklahoma.

Need for Funding

This appropriation is needed to enhance and expand the efforts of the REI/NSU Center for Rural Development at Northeastern Oklahoma State University in Talequah, Oklahoma. In addition to the services offered by the center, REI will offer services such as business financing, business incubators, international trade assistance, homebuyers assistance program and other technical assistance services.

The need for funding is justified by the demand from the entrepreneurs and communities in northeastern Oklahoma. Examples include the financing for start-up or expanding businesses, the number of community inquiries about the development of business incubators, the constant need for technology resources and international trade assistance.

REI's services compliment the center's programs which include economic development, community development, applied technology and entrepreneurship.

REI has established credibility in the field of economic development through the following:

- Since 1981, the organization has secured financing of \$220,919,891 for Oklahoma entrepreneurs.
- In the past fifteen years, REI's incubator program has created/retained 577 jobs in rural Oklahoma.
- REI's homebuyers assistance program has help 1,037 families achieve their dream of home ownership.
- In 2002, REI established a Rural Women's Business Center to serve Oklahoma's enterprising women.
- In 1998, REI and the city of Durant accomplished a foreign trade zone to attract businesses engaging in international trade.

REI CONGRESSIONAL AGENDA

Project: Commerce Development Center – REI/OSU Okmulgee

Project Description: To enhance the efforts of the Commerce Development Center at OSU Okmulgee.

CONGRESSIONAL ACTION REQUIRED **(Earmark Existing)**

Appropriate \$300,000 from the U.S. Department of Education to enhance the efforts of the Commerce Development Center at Oklahoma State University- Okmulgee

Need for Funding

In addition to the services offered by the center, REI will offer services such as technology commercialization, business financing, international trade assistance, business and community development, homebuyers assistance program and other technical assistance.

The need for funding is justified by the demand from the entrepreneurs and communities in rural Oklahoma. Examples include the financing for start-up or expanding businesses, the number of community inquiries about the development of business incubators, the constant need for technology resources and international trade assistance.

REI's services compliment the center's programs which include economic development, community development, applied technology and entrepreneurship. Through our partnerships with OSU Cooperative Extension Service Application Engineers Program and the Oklahoma Alliance for Manufacturing Excellence, REI provides engineering and manufacturing assistance to help rural businesses improve competitiveness.

REI has established credibility in the field of economic development through the following:

- The impact from REI's partnership with the "Alliance" in 2003 resulted in 35 completed projects for rural manufacturers resulting in an increase in sales for the manufacturers totaling \$14,651,000 and a total savings of \$1,499,726. A total of 128 jobs were created and 44 jobs were retained.
- Since 1981, the organization has secured financing of \$220,919,891 for Oklahoma entrepreneurs.
- In the past fifteen years, REI's incubator program has created/retained 577 jobs in rural Oklahoma.
- REI's homebuyers assistance program has helped 1,037 families achieve their dream of home ownership.
- In 2002, REI established a Rural Women's Business Center to serve Oklahoma's enterprising women.
- In 1998, REI and the city of Durant accomplished a foreign trade zone to attract businesses engaging in international trade.

REI CONGRESSIONAL AGENDA

Project: REI/OSU Technology/Agri/Biosystems

Project Description: To assist rural communities in developing a model industrial cluster community through a partnership with Oklahoma State University's Technology/Agri/Biosystems Department

CONGRESSIONAL ACTION REQUIRED

Appropriate \$500,000 from the U.S. Department of Agriculture/Cooperative Research Extension Service to assist rural Oklahoma communities in developing industrial cluster communities.

Need for Funding

This appropriation is needed to research, develop and implement a model industrial cluster community for the rural areas of Oklahoma. The need is evidenced by the request of medium to large sized companies to have resources, vendors and suppliers in close proximity to their production facilities. This would meet their need for just-in-time deliveries, reduce shipping and handling costs and quality issues could be resolved more efficiently. This would ultimately result in improved delivery, increased production, cost savings, increase profit margin and reduce lead time. This would also be an opportunity to develop purchasing partnerships to buy in bulk and save on delivery costs. Ultimately, the industrial cluster will also bring in new jobs as more small businesses are brought in to accommodate and serve the larger businesses.

This industrial cluster community could be accomplished through the incubator concept. The company could create incubators within its production complex to accommodate vendors, suppliers, etc. This would also be a benefit to the incubator business which would receive tax incentives, graduated rent and technical assistance.

REI's services compliment this project through its partnerships and programs. These services include business and community development, business financing, international trade and business recruitment efforts.

REI has established credibility in the field of economic development through the following:

- Currently REI manages 18 business incubators in 11 rural Oklahoma communities which helped to create 174 jobs in 2002.
- In the past fifteen years, REI's incubator program has created/retained 577 jobs in rural Oklahoma.
- Since September 1996, REI's equipment lease/purchase program helped to create/retain 200 jobs and total equipment financed since inception totals \$890,692
- Since 1981, the organization has secured financing of \$220,919,891 for Oklahoma entrepreneurs.
- REI's homebuyers assistance program has helped 1,037 families achieve their dream of home ownership.

REI CONGRESSIONAL AGENDA**Project: Rural Economic Development and Technology Transfer**

Project Description: Continuance and expansion of rural economic development programs including:

- Financial Services
- Business Development/Business Incubators/Equipment Program
- Technology Services/Resources
- Rural Housing Financing
- International Trade Assistance

CONGRESSIONAL ACTION REQUIRED

(Earmark Existing)

Appropriate \$400,000 for this USDA-Cooperative Extension rural economic development effort and technology transfer projects in rural Oklahoma to facilitate the needs of small businesses

Need for Continued Funding

The demand from rural Oklahoma entrepreneurs and small businesses for the economic development services and programs listed above justifies the need for continued funding.

The demand is evidenced by total financing secured of \$20,910,253 for 62 Oklahoma small businesses in 2002 which helped to create/retain 659 jobs: the REI-managed business incubator program created 174 jobs in 2002; 10 pieces of needed equipment were secured for rural Oklahoma businesses to improve their operations which created/retained 28 jobs. Additionally, requests from entrepreneurs for engineering and technology assistance are on the rise which has resulted in an Oklahoma Cooperative Extension Service (OCES) engineer being housed at REI which is solidifying the need for a continued partnership with Oklahoma Cooperative Extension Services. REI and OCES have a memorandum of agreement to provide business and technical assistance to rural small businesses to help them improve competitiveness, profitability and sustainability, thus fostering economic growth throughout southeastern Oklahoma. REI also partners with the Oklahoma Alliance of Manufacturing Excellence and employees a Manufacturing Extension Agent. According to a year end report from the Alliance, the agent completed 35 projects for rural manufacturers resulting in an increase in sales for the manufacturers totaling \$14,651,000 and a total savings of \$1,499,726. Of these projects 128 jobs were created and 44 jobs were retained.

Economic Development Activities Fostered by USDA Support

Incubator services expanded
 Participation in New Product and Process Fair-expanded
 Coordination of an Economic Development Summit
 Marketing assistance and marketing research
 Financial and technical assistance to start-up or expanding businesses
 Foreign trade assistance through General Purpose Foreign Trade Zone
 Partnership with Oklahoma Alliance for Manufacturing Excellence through
 Manufacturing Extension Agents to provide problem-solving assistance to small and mid-sized manufacturers
 Continuing to build on partnerships with extension offices of Oklahoma State University
 Reporting on progress of all program objectives on a quarterly basis

REI CONGRESSIONAL AGENDA**Project: Rural Business Incubator Program**

Project Description: An initiative to construct and expand rural economic development through community business incubators.

CONGRESSIONAL ACTION REQUIRED

Appropriate \$1,800,000 from the U.S. Department of HUD for rural economic development incubators to facilitate the needs of rural communities and small businesses.

Need for Funding

Currently, REI manages 18 business incubators in 11 communities which helped to create 174 jobs in 2002 in southeastern Oklahoma. REI continues to receive requests from communities in northeastern and western Oklahoma for assistance in constructing and managing business incubators in these areas. The demand from rural Oklahoma entrepreneurs and small businesses for the economic development services and programs of REI justify the need for funding from HUD. These services and programs are Business Incubators, Financial Services, Business Development, and Equipment Program, Rural Housing, Rural Women's Business Center, Technology Services and International Trade assistance. The demand is evidenced by total financing secured of \$20,910,253 for 62 Oklahoma small businesses in 2002 which helped create/retain 659 jobs. REI also has an equipment program which provides businesses with the opportunity to lease/purchase equipment at below market rates. In 2002, this program secured 10 pieces of equipment which resulted in 28 jobs created/retained.

To further assist Oklahoma entrepreneurs and their workforce, REI is the Issuer of mortgage revenue bonds providing low and middle income families the opportunity to become home owners. Currently, over 1,037 rural Oklahoma working families have been assisted under this down payment and closing cost assistance program.

Economic Development Activities Fostered by HUD Support

Partnership with Oklahoma Alliance for Manufacturing Excellence through

Manufacturing Extension Agents to provide problem-solving assistance to small and mid-sized manufacturers

Continue partnerships with extension offices of Oklahoma State University

Expand the services of the incubator program

Financial, business and technical assistance to start up and expanding businesses

Identify and promote innovative methods of job creation.

Promote housing program

Partnerships within the REI service area

Foreign trade assistance through foreign trade zone

Expand market outreach to entrepreneurs and businesses of services available

REI CONGRESSIONAL AGENDA

Project: REI Rural Business Resource Center at Seminole, OK

Project Description: To meet the need of small businesses and entrepreneurs in this targeted area with an opportunity to obtain information, resources and business assistance.

CONGRESSIONAL ACTION REQUIRED

Appropriate \$250,000 from the U.S. Small Business Administration for the establishment of a REI Rural Business Resource Center at Seminole, OK

Need for Funding

Rural small businesses in the targeted area need time-saving and money-saving convenient access to business financing, international trade assistance, technical assistance and information and resources.

With over 20 years of experience in small business lending, we continue to see that unless business assistance is conveniently and consistently available, the capital was only the beginning of another and perhaps greater need. Rural business owners and entrepreneurs are so consumed with day-to-day operations, specifically cash flow management, they simply do not have the time nor the budget to travel to metro areas where business services are more readily available. Through the partnership with Seminole Community College, REI is now able to expand its outreach to entrepreneurs in Seminole County and surrounding areas.

The Rural Business Resource Center will also complement REI's Rural Women's Business Center established in December 2001. Currently, the Rural Women's Business Center is serving 253 women entrepreneurs with business plan assistance, cash flow management, marketing, financial statement analysis and other training opportunities. With the funding requested, REI will be able to bring all the services of the Rural Women's Business Center to the proposed Resource Center in Seminole.

A REI Rural Business Resource Center will include partnerships with Seminole Community College, the U.S. Small Business Administration, Oklahoma Department of Commerce, U.S. Department of Commerce, Oklahoma Department of Agriculture, Oklahoma Small Business Development Center, Oklahoma Alliance for Manufacturing Excellence and Oklahoma Cooperative Extension Service.

The Center will be staffed with an REI representative that will market the programs and services of REI and link entrepreneurs with appropriate resources and partners. The Center will also need to be equipped with computers and Internet capability.

REI CONGRESSIONAL AGENDA**Project: Rural Technology Transfer and Commercialization Project**

Project Description: Provide rural Oklahoma small businesses and communities with access to technology commercialization opportunities to help them improve their business operations.

CONGRESSIONAL ACTION REQUIRED
(Earmark Existing)

**Appropriate \$300,000 from the National Aeronautics and Space Administration
for a REI Technology Commercialization Center**

Need for Continued Funding

Oklahoma's wage growth rate and ratio of high performance, technology based companies is well below the national average. High-wage, high skill jobs evolve from technology and knowledge based industries. "Intellectual capital" departs from areas not offering job opportunities to educated, college graduates.

Projects that have been made possible with NASA funding are iridium fuel cell development and processing, a hydrogen generator that produces hydrogen from the atmosphere and research on needle bearing development.

Continues funding will facilitate the partnerships already formed by REI with the ultimate result being high-wage, high skill jobs for rural Oklahomans.

Partnerships and Economic Development Activities Fostered by NASA Support

REI has performed contracts in the past with the National Aeronautics Space Administration (NASA) and worked with the NASA Mid-Continent Technology Transfer Center (MCCTC) at Texas A & M University supporting their mission of providing technology transfer and technology assistance within the Mid-Continent Regions of the United States.

REI and the Oklahoma Cooperative Extension Service currently have a memorandum of agreement to provide entrepreneurs engineering and technology assistance to improve their competitiveness, profitability and sustainability, thus fostering economic growth throughout rural Oklahoma.

The Oklahoma Technology Commercialization Center has been awarded a contract with the Oklahoma Center for Advancement of Science & Technology (OCAST) to provide a statewide Commercialization Center. REI is a rural link for the commercialization center as a satellite office. Through these partnerships, REI will provide the following services: (1) stimulation of deal flow, (2) identification of potential technology based projects, (3) facilitation of access to REI incubator space for technology based businesses, (4) consulting on rural business issues and (5) provision of a \$250,000 loan fund for client support.

REI CONGRESSIONAL AGENDA**Project: REI International Trade Assistance Center**

Project Description: To assist Oklahoma businesses in identifying international markets, develop a market entry strategy and facilitate the implementation of such strategies.

CONGRESSIONAL ACTION REQUIRED

Appropriate \$500,000 through the International Trade Administration with Commerce & State Justice for a REI International Trade Assistance Center

Need for Funding

Rural small businesses are lacking the resources and ability to connect with international concerns. The Center will serve as the "rural arm of assistance" for Oklahoma's other international assistance centers. By providing international services at the grass-roots level, the Center will help ensure that even the smallest businesses have the same opportunity as their counterparts in the metropolitan areas to expand their markets through international trade. The Center will further serve businesses currently in international trade that need additional assistance to expand their global markets.

REI is located within a Foreign Trade Zone (FTZ #227) and has a solid background in international trade assistance and finance. REI's International Trade Division currently helps many rural businesses with exporting and importing on a global level. It partners with the SBA, World Bank and EX-IM Bank to offer export-financing programs to rural businesses.

The International Trade Division also participates in trade missions promoting Oklahoma products and services. This allows Oklahoma businesses to market their products and services internationally without leaving home. The Division also links Oklahoma companies with foreign companies in locating needed suppliers and/or manufacturers.

Through partnerships with institutions of higher learning, REI hosts international student interns. The international interns gain knowledge and hands-on work experience they can apply to their fields of study and ultimately share with their native homeland. REI gains new insights on international trade activities and assistance with needed research.

REI CONGRESSIONAL AGENDA

Project: REI Vermi-culture composting system

Project Description: To conduct research and development for vermi-culture and vermi-composting for rural agricultural communities

CONGRESSIONAL ACTION REQUIRED
(Earmark Existing)

Appropriate \$1,000,000 from the Environmental Protection Agency for the research and development of the vermi-culture and vermi-composting industry

Need for Funding

Rural Oklahoma agricultural communities are concentrated with pork and poultry industries. The animal waste of these industries create an environmental hazard for these communities, specifically in the water supply. Preliminary studies show that the vermi-culture (the raising or breeding of earthworms) and vermi-composting (conversion of animal waste material to organic fertilizer) have the potential to be part of the solution to this problem; however, funding is needed for research and development. This project also has the potential to help retain jobs in the swine and poultry industries.

The demand from rural Oklahoma entrepreneurs and small businesses for the economic development services and programs of REI justifies the need for an expansion of services to include R & D for vermi-culture and vermi-composting.

For more than 20 years, Rural Enterprises of Oklahoma, Inc. has served rural Oklahoma communities and entrepreneurs with economic development services. REI services include business financing, business incubators, an equipment program for manufacturers, international trade assistance, homebuyers assistance program and a Rural Women's Business Center targeting women and minority-owned businesses.

The business assistance programs of REI are crucial to small businesses specifically in the rural areas. The organization's services help to create jobs in these areas that are suffering from under-employment and dependency upon state and federal assistance programs as well as skilled labor in search of higher paying jobs.

REI CONGRESSIONAL AGENDA**Project: Northeast Oklahoma Rural Development Center at Talequah**

Project Description: To enhance the efforts of the REI/NSU Center for Rural Development at Northeastern Oklahoma State University in Talequah.

CONGRESSIONAL ACTION REQUIRED

Appropriate \$500,000 from the U.S. Department of Education to enhance and expand the efforts of the REI/NSU Center for Rural Development to provide a diversity of business assistance services for start-up and existing businesses in northeastern Oklahoma.

Need for Funding

This appropriation is needed to enhance and expand the efforts of the REI/NSU Center for Rural Development at Northeastern Oklahoma State University in Talequah, Oklahoma. In addition to the services offered by the center, REI will offer services such as business financing, business incubators, international trade assistance, homebuyers assistance program and other technical assistance services.

The need for funding is justified by the demand from the entrepreneurs and communities in northeastern Oklahoma. Examples include the financing for start-up or expanding businesses, the number of community inquiries about the development of business incubators, the constant need for technology resources and international trade assistance.

REI's services compliment the center's programs which include economic development, community development, applied technology and entrepreneurship.

REI has established credibility in the field of economic development through the following:

- Since 1981, the organization has secured financing of \$220,919,891 for Oklahoma entrepreneurs.
- In the past fifteen years, REI's incubator program has created/retained 577 jobs in rural Oklahoma.
- REI's homebuyers assistance program has help 1,037 families achieve their dream of home ownership.
- In 2002, REI established a Rural Women's Business Center to serve Oklahoma's enterprising women.
- In 1998, REI and the city of Durant accomplished a foreign trade zone to attract businesses engaging in international trade.

REI CONGRESSIONAL AGENDA

Project: Commerce Development Center – REI/OSU Okmulgee

Project Description: To enhance the efforts of the Commerce Development Center at OSU Okmulgee.

CONGRESSIONAL ACTION REQUIRED
(Earmark Existing)

Appropriate \$300,000 from the U.S. Department of Education to enhance the efforts of the Commerce Development Center at Oklahoma State University- Okmulgee

Need for Funding

In addition to the services offered by the center, REI will offer services such as technology commercialization, business financing, international trade assistance, business and community development, homebuyers assistance program and other technical assistance.

The need for funding is justified by the demand from the entrepreneurs and communities in rural Oklahoma. Examples include the financing for start-up or expanding businesses, the number of community inquiries about the development of business incubators, the constant need for technology resources and international trade assistance.

REI's services compliment the center's programs which include economic development, community development, applied technology and entrepreneurship. Through our partnerships with OSU Cooperative Extension Service Application Engineers Program and the Oklahoma Alliance for Manufacturing Excellence, REI provides engineering and manufacturing assistance to help rural businesses improve competitiveness.

REI has established credibility in the field of economic development through the following:

- The impact from REI's partnership with the "Alliance" in 2003 resulted in 35 completed projects for rural manufacturers resulting in an increase in sales for the manufacturers totaling \$14,651,000 and a total savings of \$1,499,726. A total of 128 jobs were created and 44 jobs were retained.
- Since 1981, the organization has secured financing of \$220,919,891 for Oklahoma entrepreneurs.
- In the past fifteen years, REI's incubator program has created/retained 577 jobs in rural Oklahoma.
- REI's homebuyers assistance program has helped 1,037 families achieve their dream of home ownership.
- In 2002, REI established a Rural Women's Business Center to serve Oklahoma's enterprising women.
- In 1998, REI and the city of Durant accomplished a foreign trade zone to attract businesses engaging in international trade.

REI CONGRESSIONAL AGENDA

Project: REI/OSU Technology/Agr/Biosystems

Project Description: To assist rural communities in developing a model industrial cluster community through a partnership with Oklahoma State University's Technology/Agr/Biosystems Department

CONGRESSIONAL ACTION REQUIRED

Appropriate \$500,000 from the U.S. Department of Agriculture/Cooperative Research Extension Service to assist rural Oklahoma communities in developing industrial cluster communities.

Need for Funding

This appropriation is needed to research, develop and implement a model industrial cluster community for the rural areas of Oklahoma. The need is evidenced by the request of medium to large sized companies to have resources, vendors and suppliers in close proximity to their production facilities. This would meet their need for just-in-time deliveries, reduce shipping and handling costs and quality issues could be resolved more efficiently. This would ultimately result in improved delivery, increased production, cost savings, increase profit margin and reduce lead time. This would also be an opportunity to develop purchasing partnerships to buy in bulk and save on delivery costs. Ultimately, the industrial cluster will also bring in new jobs as more small businesses are brought in to accommodate and serve the larger businesses.

This industrial cluster community could be accomplished through the incubator concept. The company could create incubators within its production complex to accommodate vendors, suppliers, etc. This would also be a benefit to the incubator business which would receive tax incentives, graduated rent and technical assistance.

REI's services compliment this project through its partnerships and programs. These services include business and community development, business financing, international trade and business recruitment efforts.

REI has established credibility in the field of economic development through the following:

- Currently REI manages 18 business incubators in 11 rural Oklahoma communities which helped to create 174 jobs in 2002.
- In the past fifteen years, REI's incubator program has created/retained 577 jobs in rural Oklahoma.
- Since September 1996, REI's equipment lease/purchase program helped to create/retain 200 jobs and total equipment financed since inception totals \$890,692
- Since 1981, the organization has secured financing of \$220,919,891 for Oklahoma entrepreneurs.
- REI's homebuyers assistance program has helped 1,037 families achieve their dream of home ownership.

TESTIMONY OF

Michael Sawkiw, Jr.

President

Ukrainian Congress Committee of America

Before the

**Subcommittee on Commerce, Justice,
State, and Judiciary**

Of the Committee on Appropriations

U.S. HOUSE OF REPRESENTATIVES

Wednesday, April 11, 2003

Mr. Chairman and members of the House of Representatives Appropriations Subcommittee on Commerce, Justice, State, and Judiciary, thank you for the opportunity to address this Subcommittee on issues regarding programs of interest to Ukraine for FY 2004.

The Ukrainian Congress Committee of America (UCCA), the representative organization of the Ukrainian American community, would like to express its gratitude to the Subcommittee for your previous support of sustained levels of programs to Ukraine that accentuate the need for continued economic reform and democratic principles in Ukraine. As much as these programs promote democratic principles throughout the world, on behalf of the Ukrainian American community, the UCCA expresses its support of the U.S.-led coalition forces around the globe in the fight against international terrorism. We hope for the speedy resolution of the Iraqi conflict with the least amount of casualties, as well as the safe return of our American soldiers.

U.S. Global Leadership through the International Affairs Budget

As in previous years, the Ukrainian American community strongly supports the Commerce, Justice, State budget that promotes U.S. national security interests and leadership throughout the world. Albeit comprising a small percentage of the total federal budget, these programs are crucial to promoting expansion of democracy and building lasting peace throughout the world. U.S. global leadership has become even more critical in the context of the terrorist attacks on September 11, 2001. The relatively small investment by the United States in the form of direct assistance through U.S. embassy programs or radio broadcasting plays a key role in preventing the spread of terrorism and combating existing terrorist groups.

Since the fall of the Soviet Union in 1991, the UCCA continues to work in order to ensure that the United States remains involved in the political and economic development of the independent states of Central and East Europe and assists them in their difficult transformation into democratic states with vibrant market economies.

A Decade of Reform in Ukraine

Throughout its thousand-year history, the traditional values of the Ukrainian people have always included self-reliance and individual responsibility. Thus, it is extremely important to the Ukrainian American community that U.S. programs in the region promote the goals of global integration and economic competitiveness, as well as a democratic form of governance. After a series of prime ministers, two presidents, scandals, successes, economic disaster, and subsequent renewal, Ukraine has finally begun to abandon its communist legacy and move forward in such areas as economic globalization and political self-determination. Ukraine has labored to find its place in the world, giving new opportunities to its citizens. As a nation torn between old eastern ties and new western possibilities, Ukraine has stood up for its own interests, with mixed results.

For the past twelve years, the United States has implemented a large number of projects aimed at building democracy in Ukraine and encouraging the development of a free market economy. Many of those projects were successful, as evidenced by the recovery and continued development of the Ukrainian economy; and the formation of an active civic society in Ukraine. This post-communist newly-formed Ukrainian civic society exists to ensure that democratic reforms prevail and the transition to a free market economy, based in the traditions of Western, Euro-Atlantic principles, is completed in the shortest possible time.

International Broadcasting

To understand what the future will bring Ukraine, one must understand the path it has taken. Indeed, fundamental programs and system-wide reforms have begun to bear fruit in Ukraine. It is under this caveat that the recent decision of the Broadcasting Board of Governors (BBG) to reduce funding for the Ukrainian services of Voice of America (VOA) and Radio Free Europe/Radio Liberty (RFE/RL) is a source of great concern to the Ukrainian American community. Given the current situation in Ukraine, the warming of relations between the United States and Ukraine, and the upcoming Ukrainian presidential elections in October 2004, the services rendered by international broadcasters such as VOA and RFE/RL remain extremely valuable, necessary, and timely.

Though tempered, democratic development is continually gaining momentum in Ukraine, in part due to the efforts of international radio broadcasting programs such as VOA and RFE/RL. In a February 3, 2003 announcement by the BBG, its Chairman Kenneth Tomlinson stated: "The budget means an end to most Voice of America (VOA) and Radio Free Europe/Radio Liberty (RFE/RL) broadcasting to the democracies of Eastern Europe where free speech is practiced and where the process of joining the NATO alliance is under way." As a transitional democracy, Ukraine requires further assistance in establishing an independent objective mass media, which would serve as a conduit for public dialogue of various political perspectives.

Currently, the majority of Ukrainian media is dominated by oligarchic structures and serves as a promotional vehicle for particular political parties or blocs. Foreign broadcasters such as Voice of America and Radio Free Europe/Radio Liberty play an important role in presenting an objective analysis to the Ukrainian public. Having an audience of nearly two million in Ukraine, these radio stations are an integral source of objective, professional political analysis in all regions in Ukraine. Whereas unlike the United States where access to the Internet and printed press is readily available, many Ukrainians, specifically in the rural areas, rely on radio programs such as Voice of America and Radio Free Europe/Radio Liberty as their source of independent political analysis.

As this Subcommittee is well aware, international broadcasting programs such as the Voice of America and Radio Free Europe/Radio Liberty provide coverage of the U.S. policy toward Ukraine and analysis of the current situation in Ukraine. Additional coverage includes issues rarely covered by the Ukrainian media such as a profile of U.S. and Ukrainian NGOs working to improve the health care system, environmental issues, business opportunities, local governance issues, and other areas of importance in Ukraine. Through their programs, these radio stations

foster an understanding between the nations of Ukraine and the United States by covering American societies, culture, and democratic institutions.

The Broadcasting Board of Governors decision to reduce funding comes at precisely the wrong time given the political dynamics in Ukraine. Currently, Ukraine is facing an historical decision. The results of the presidential elections in Ukraine in 2004 will determine the course of Ukraine's future for the first full decade in the 21st century. Ukraine has the opportunity to enter the community of Western democratic states as an equal member-state, or fall under the realm of Russian regional hegemony and influence. The Voice of America and Radio Free Europe/Radio Liberty can be very instrumental in this process. Informing the Ukrainian electorate of their options and providing a balanced coverage of the election campaign is a direct approach to ensure that the presidential elections in Ukraine will be free, fair, and transparent.

Many Ukrainian media outlets cannot perform the same role and function as the Voice of America and Radio Free Europe/Radio Liberty. In fact, in a letter to the Broadcasting Board of Governors on March 10, 2003, the Congressional Ukrainian Caucus stated: "The Voice of America and Radio Free Europe/Radio Liberty Ukrainian services must continue to play a fundamental role in facilitating positive changes in Ukraine. We are convinced that now is not the time to cut broadcasts, staff, or operating costs at the Ukrainian services."

Recommendations

Reducing funding for the Ukrainian service of Voice of America and Radio Free Europe/Radio Liberty would reduce airtime and affect coverage of important issues in Ukraine. In combination with the current conditions in the Ukrainian media, such changes would deplete the influx of objective and diverse information to the Ukrainian public. Additionally, the reduction in services would significantly decrease the chances for Ukraine's population to make informed decisions at the election polls.

Ukraine has indeed demonstrated its clear commitment to democracy on the grass roots level, though, as a strategic partner of the United States, sustained international broadcasting programs would help to solidify that what has already been accomplished. At an October 2002 Washington, D.C. conference entitled "*Ukraine's Quest for Mature Nation Statehood: Roundtable III – Ukraine and Euro-Atlantic Structures*," Sarah Lenti, National Security Council (NSC) Director for Europe and Eurasia, remarked: "There exists a clear and growing community of people in Ukraine, who are committed to democracy, free markets and security. These are people in the private sector. There are farmers, teachers, regional leaders, and governmental workers. These are hard working parents and committed students. There is much to laud, and much to suggest that Ukraine, *the nation*, is well on the road to European integration – and this [Bush] Administration finds great hope in this."

As Ukraine integrates into Euro-Atlantic structures, the Ukrainian Congress Committee of America recommends that the members of the Subcommittee reconsider the BBG's proposal to reduce the Voice of America airtime to one hour a day, as well as cutbacks in the operational financing of Radio Free Europe/Radio Liberty. Maintaining the current levels of funding to the

Ukrainian service of the radio programs will ensure the promotion of democratic principles in a transitional country. Such a cutback in services will compromise the democratic nature of the presidential elections and the progress of Ukraine on its way to a stable and well-developed democracy. Another otherwise would be contrary to the strategic interests of the United States in the region and the current warming in the relationship between Ukraine and the United States.

**Testimony prepared by Richard A. Anthes, President of the
University Corporation for Atmospheric Research (UCAR)
Submitted April 11, 2003, to the**

**Subcommittee on Commerce, Justice, State and Judiciary
U.S. House of Representatives Appropriations Committee regarding
FY 2004 Appropriations for the National Oceanic and Atmospheric Administration (NOAA)**

On behalf of the **University Corporation for Atmospheric Research (UCAR)** and the university community involved in weather and climate research and related education, training and support activities, I submit this written testimony for the record of the U.S. House of Representatives Committee on Appropriations, Subcommittee on Commerce, Justice, State and the Judiciary. This testimony pertains to the FY 2004 budget request for the **National Oceanic and Atmospheric Administration (NOAA)**. UCAR is a consortium of 66 universities that manages and operates the National Center for Atmospheric Research (NCAR) and additional atmospheric and related sciences programs. In addition to its member universities, UCAR has formal relationships with approximately 100 additional undergraduate and graduate schools including several historically black and minority-serving institutions, and 40 international universities and laboratories. The National Science Foundation (NSF) and other federal agencies, including NOAA, support UCAR.

Introduction. As one of the world's foremost scientific and environmental agencies, NOAA has responded to the needs of the nation in designing its budget and program to protect citizens, the environment and the economy. Last year the NOAA leadership conducted a nationwide program review, asking for input from NOAA's many stakeholders. Those responses are reflected in the subsequent strategic plan, "New Priorities for the 21st Century." We applaud the NOAA leadership for its vision, and urge the Committee to support the critical, evolving work of this agency. Within the NOAA FY04 budget request, I would like to comment on the following offices and programs:

Office of Oceanic and Atmospheric Research (OAR):

The OAR supports a network of scientists and environmental research laboratories in order to provide the sound science upon which decision makers can frame effective regulations to solve environmental problems and upon which economic growth can be managed in an environmentally sound manner. The President's request for OAR overall is down 2 percent from the FY03 final appropriation. However, since the FY04 request, which preceded the FY03 final numbers, was based on the FY03 request and reflected a major increase for OAR, we believe that the Administration is demonstrating strong commitment to the work of OAR. *Therefore, I ask the Committee to provide OAR with a five percent increase and fund the Office at \$384.0 million in FY04.*

U.S. Weather Research Program (USWRP). USWRP is an interagency program that is dedicated to making forecasts of high-impact weather more specific, accurate, and reliable, thereby saving lives and property, and helping regional economies. *I urge the Committee to support the FY04 request of \$4.0 million for the USWRP Base and \$1.3 million for THORPEX, an international program focused on extending weather predictability from the current 7 days to two weeks and double the rate of improvements in forecast skill by 2012, and to support the request of \$7.3 million for the High Impact Weather Program component of the USWRP.*

U.S. Weather Research Program – Collaborations Fund. Through the Office of Oceanic and Atmospheric Research (OAR) and the National Weather Service (NWS), NOAA bears a great responsibility for advancing the nation's weather research and the application of that research to improve weather forecasts and warnings. The best way to accomplish this is to form working alliances, or partnerships, between the scientific expertise that exists within NOAA and the country's broad expertise within the university and private sector communities. Competitive proposals and a peer review process through the establishment of a Collaborations Fund would ensure that the best research results and technologies are achieved for the resources available. *I urge the Committee to establish the USWRP Collaborations Fund with a new allocation of \$20 million in NOAA's Office of Oceanic and Atmospheric Research, in order to leverage the research and research applications expertise of this country toward accelerated implementation of the USWRP goals.*

Climate and Global Change Program. The climate variability predictions provided by the Climate and Global Change Program are absolutely critical to related national and international policy formulation and to efforts to adapt to and mitigate the effects of long-term climate change. The Program is an integral part of the interagency U.S. Global Change Research Program (USGCRP) that is the major U.S. contributor to the world's understanding of the global climate system. The President's request for this program is \$73.0 million, down 2.3 percent from the FY03 final appropriation. ***I urge the Committee to provide the Climate and Global Change Program \$74.7 million at the very least, the level at which this program is funded for FY03.***

Phased-Array Radar. NOAA requests \$1 million to develop new technologies for forecasting and detecting tornadoes and other forms of severe weather and to disseminate this information to emergency managers, the media, and the general public for appropriate action. This initiative will provide the meteorological research community with the first dedicated phased-array radar facility to collect real-time data around the clock. When fully implemented, tornado warning lead times could be doubled from 11 to a life-saving 22 minutes. ***I urge the Committee to support the \$1 million request for the Phased-Array Radar.***

Climate Observations and Services Program. ***I urge the Committee to fund the \$55.3 million FY04 request for Climate Observations and Services.*** A robust observing system is perhaps the most critical tool for the development of more accurate weather and climate models. The increase for this program will build the climate observing system required to support the research, modeling, and decision support activities for the Administration's Climate Change Research Initiative (CCRI). ***I further urge the Committee to support the President's FY04 request of \$42.0 million for CCRI, our nation's key research contribution to the global issue of climate and environmental change.***

Laboratories and Joint Institutes

The 12 NOAA Research Laboratories, located across the country with field stations around the world, conduct an integrated program of fundamental research, technology development, and services to improve understanding of the Earth and its oceans and inland waters, the lower and upper atmosphere, and the space environment. The Laboratories have established formal collaborative agreements with universities and non-profit research institutions to form 11 Joint Institutes to study the earth's oceans, inland waters, intermountain west, atmosphere, arctic, and solar-terrestrial environment. I would like to comment on the FY04 request for the following laboratories:

Forecast Systems Laboratory (FSL). The FY04 request terminates the nation's Wind Profiler Network, 35 stations that provide hourly wind profiles from the ground to 53,000 feet to operational weather forecasters and weather models. These data provide invaluable support in the forecasting of tornadoes, winter storms and flash floods. ***I strongly urge the Committee to restore \$4.1 million for the Wind Profiler Network and to thereby fund the Forecast Systems Laboratory \$11.5 million for FY04.***

Boulder Facilities Operations. Six of the 12 NOAA Research Laboratories, one NESDIS Data Center, one of OAR's 11 Joint Institutes, and the Denver Forecast Office of the National Weather Service (NWS) are all housed in Boulder at the David Skaggs Research Center. The FY03 Omnibus Bill eliminated rent, maintenance, utility, and security charges assessed by the General Services Administration for this building. ***It is critical that the Committee support Boulder Facilities Operations at \$4.5 million as requested for FY04.***

Adjustments to Base. Failure to fund unavoidable increases to the base budget, such as inflationary costs, changes in costs for salaries, and good and services, can have a significant impact on the operations of an agency, and affect productivity over time when those increases have to be funded out of research programs. ***I urge the Committee to restore the \$4.5 million that was cut from Adjustments to Base in the FY03 Omnibus Bill, thereby increasing the FY04 request to \$10.0 million.***

Space Environment Center (SEC). The SEC is the national and world warning center for disturbances that can affect people and equipment working in the space environment. It provides real-time monitoring and forecasting of solar and geophysical events, conducts research in solar-terrestrial physics, and develops techniques for forecasting solar and geophysical disturbances. SEC's Space Weather Operations Center is jointly operated with the U.S. Air Force because DOD's smart weapons' accuracies, as well as the ability of

ships, planes and special forces units to fix their positions using GPS, are adversely affected by space weather events. The FY043 Omnibus Bill cut the SEC by \$2.25 million, an amount that seems to have been restored in the FY04 request. *I urge the Committee to fund the FY04 request of \$8.3 million for the Space Environment Center.*

National Weather Service (NWS):

As the nation's vulnerability to weather related hazards rises because of increasing population, enhanced infrastructure, and population movement toward cities in threatened regions such as coastal areas, the NWS strives to mitigate impacts through improved forecasts and warning systems for the protection of life and property. There are few agency programs that impact our daily lives and the health of our economy as profoundly as does the NWS. *I urge the Committee to support the FY04 NWS overall request of \$820 million.* Within NWS, I would like to comment on the following programs:

NWS Adjustments to Base. As the largest and most labor-intensive service within NOAA – 70% of its budget dedicated to labor – the NWS depends on full funding of personnel cost increases in order to sustain current service levels. In the past, reductions in ATBs resulted in cutbacks in NWS research grants and forecaster training programs. *It is critical that the Committee support the \$20.1 million to fund adjustments to base.*

NOAA Center for Weather and Climate Prediction. The Department of Commerce, the State of Maryland, and academic community advisors have all agreed on a shared vision to build a Center of Excellence for Environmental Research, Education, Applications and Operations in order to meet NOAA operational requirements to create research synergy in weather and climate prediction; to accelerate transition of new science and technology into operations; and to enhance recruitment opportunities. *I ask that the Committee support the request of \$10.4 million for this new state-of-the-art facility.*

Advanced Hydrologic Prediction System (AHPS). Seventy-five percent of all Presidential Disaster Declarations involve flood damages. AHPS will provide emergency managers with critical data with which to save lives and property, manage energy and water resources more efficiently, and enable a more rapid infusion of scientific advances into the system. *Within the NWS Operations, Research, and Facilities account, I urge the Committee to support the FY 2004 request of \$6.1 million.*

Aviation Weather. Weather is the cause of approximately 200 U.S. general aviation pilot fatalities per year and over 70 percent of U.S. commercial airline delays that result in tremendous cost to customers and companies. The Aviation Weather program increases the number of aviation weather observations; transitions research into operations more efficiently; and develops and implements new training programs for forecasters, pilots, and air traffic controllers. *I urge the Committee to support the NWS Aviation Weather initiative at the requested \$2.5 million for FY04.*

NWS Weather and Climate Supercomputing and Backup (Systems Acquisition). The critical nature of the separate request for NWS supercomputing backup cannot be exaggerated. The NWS forecast computing capabilities are located at a single facility which means that the nation's severe weather watches and warnings all emanate from one location that could fail for a number of reasons including faulty technology, power supply problems, or terrorism. The redundancy, provided by supercomputing backup, covers those risks and is a critical component of the Department of Commerce Homeland Security Initiative. When not in emergency use, the backup provides needed computing time for weather and climate research. *I urge the Committee to support the FY 2004 request of \$19.3 million for NWS Weather and Climate Supercomputing and \$7.2 million to implement the backup computer system.*

Radiosonde Replacement Network. There is little doubt that the obsolete infrastructure for this principle data source on upper air for all weather forecasts and models will fail by 2005 if it does not receive adequate modernization funding now. *I urge the Committee to support the FY04 request of \$6.9 million for the Radiosonde Replacement Network in the NWS Procurement, Acquisition and Construction (PAC) account.*

Advanced Weather Interactive Processing System (AWIPS). This interactive computer system integrates all meteorological and hydrological data, and all satellite and radar data. AWIPS is a fundamental source of data for the research community and, when combined with NEXRAD radar, it enables the NWS to issue far

more effective weather warnings and forecasts for the entire country. *In the NWS Operations, Research and Facilities (ORF) account, I urge the Committee to support the FY 2004 proposed amount of \$37.6 million for AWIPS. In the NWS Procurement, Acquisition and Construction (PAC) account, I urge the Committee to fund AWIPS at the \$16.3 million request at least, an amount level with FY03.*

Cooperative Observer Network. The network's 11,000 weather observation sites are used to maintain the country's climate record and to provide data to NWS local field offices and to university laboratories. *I urge the Committee to support the request of \$1.9 million, the same as the FY 2003 enacted level, for Cooperative Observer Network maintenance.*

Central Forecast Guidance. The NWS Central Forecast Guidance line provides most of the funding for the National Centers for Environmental Prediction (NCEP), nine centers within the NWS that all work together toward the common goal of using data for weather predictions and seasonal forecasts in order to save lives; protect property, and create economic opportunity. Forecasts that reach the public via media outlets originate at NCEP. In recent years, the centers have not been supported adequately to process weather data and transfer it into operations. In order to address this problem, *I urge the Committee to support the FY 2004 request of \$45.1 million, a 3.7 percent increase over the FY 2003 enacted level.*

National Environmental Satellite, Data and Information Service (NESDIS)

NESDIS operates this country's space-based component of the global environment observing system, and manages the world's largest collection of atmospheric, geophysical, and oceanographic data representing 85 percent of the data used by the NWS for forecasting activities. Society depends on NESDIS for data that affect numerous activities including distributing energy supplies, maintaining satellite communications, developing global food supplies, increasing aviation safety, managing natural resources, protecting citizens from natural hazards, and transporting our nation's armed forces. *I urge the Committee to support the FY 2004 request of \$91.2 million for NESDIS Environmental Satellite Observing Systems, an increase of \$5 million over the FY 2003 enacted level.*

The rich data collected by the NESDIS satellite systems are acquired, processed, analyzed, archived and disseminated through the **Data Information Management Systems** to commerce, industry, agriculture, science and engineering, the general public, and government at all levels. While the Satellite Systems function collects data, the Data Centers and Information Services function makes those data useful and available, so I am disturbed to see that the data management function is recommended for a \$5.3 million decrease. *An increase in funding for the observing systems that collect data obviously should be coupled with an increase in funding for the management systems that make the collected data useful and accessible. I urge the Committee to appropriate, at the very least, \$5.3 million above the request in order to restore the NESDIS Data Centers and Information Services to the FY03 enacted level of \$64.4 million in FY04.*

Educational Partnership Program with Minority Serving Institutions

Under-representation of minorities in earth science disciplines in this country is a serious issue that must be addressed by multiple programs across multiple agencies and institutions. *I urge the Committee to support the \$15.0 million request for NOAA's Educational Partnership Program with Minority Serving Institutions.*

On behalf of the UCAR community, I want to thank the Committee for the important work you do for U.S. scientific research, infrastructure, education, and training. We understand and appreciate that the nation is undergoing significant budget pressures at this time, but a strong nation in the future depends on the investments we make in science and technology today. We appreciate your attention to the recommendations of our community concerning the FY 2004 budget of the National Oceanic and Atmospheric Administration.



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January 22, 2003

The Honorable Frank R. Wolf
 Chairman, Appropriations Subcommittee on
 Commerce, Justice, State, the Judiciary and Related Agencies
 H-309 Capitol Building
 Washington, DC 20515

Dear Chairman Wolf:

As the Chief Executive Officer of Yellowstone Boys and Girls Ranch (YBGR) in Billings, Montana, I am writing to request an opportunity to testify before your Subcommittee regarding federal support of Yellowstone's youth facilities renovation project in the OJJDP account of the FY 2004 VA, HUD Appropriations Bill.

Yellowstone Boys and Girls Ranch has a rich history in Montana. Since our humble beginnings in 1957 with a handful of students and staff, to a multi-service agency serving more than 400 children and their families daily, Yellowstone has successfully transformed countless lives of disadvantaged and troubled youth.

As the issues confronting our youth have become more complex, Yellowstone has experienced an extreme growth in its student population and their needs. Beginning in 1995, Yellowstone had to increase its program and services capacity. As a result, Yellowstone has experienced a financial strain to keep up.

Therefore, we seek your assistance in securing a time to testify to discuss a federal investment that will help us jumpstart our immediate capital and program funding needs.

Please fax your response to 202-783-4804 and 406-656-0021. Correspondence may also be sent to my address. Thank you again for your kind assistance with this request.

Sincerely,

A handwritten signature in cursive script that reads "Loren".

Loren Soft
 CEO

"It sure makes a difference when you know somebody cares"

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