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COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS FOR 2010

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

ALAN B. MOLLOHAN, West Virginia, *Chairman*

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

JOHN BLAZEY, DIXON BUTLER, ADRIENNE SIMONSON,
TRACEY LATURNER, DIANA SIMPSON, and DAREK NEWBY
Subcommittee Staff

PART 8

STATEMENTS OF MEMBERS OF CONGRESS AND OTHER INTERESTED INDIVIDUALS AND ORGANIZATIONS

Printed for the use of the Committee on Appropriations

PART 8—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS FOR 2010

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COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS FOR 2010

TESTIMONY OF MEMBERS OF CONGRESS AND OTHER INTERESTED INDIVIDUALS AND ORGANIZATIONS

THURSDAY, APRIL 2, 2009.

NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM AND TIAHRT AMENDMENT

WITNESS

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

OPENING STATEMENT

Mr. MOLLOHAN. The hearing will come to order.

This morning we have outside witnesses and we welcome each and every one of you. And we welcome first our colleague, Carolyn McCarthy.

Carolyn, thank you for appearing here today. You continue your tradition of representing your constituency well by appearing everywhere and being involved and active in every issue. And we welcome you here this morning for your testimony.

Mrs. MCCARTHY. Thank you, Mr. Chairman.

And I also thank Ranking Member Wolf and the members of the Commerce, Justice Appropriations Subcommittee.

I appreciate you allowing me to testify today in support of including full funding for the fiscal year 2010 Commerce, Justice, Science appropriations bill under the Department of Justice's community-oriented policing service to implement H.R. 2640, "The NICS Improvement Act," Public Law number 10–180.

I thank the Committee for including ten million for NICS improvements in 2009. This is a good start, but there is more needed to make a difference.

H.R. 2640 was signed into law on January 8th, 2008 after having passed both the House and the Senate unanimously. I know the budget is tight, Mr. Chairman, but fully funding this program is so important because currently the National Instant Criminal Background Check System or NICS is deeply flawed.

NICS is a national database system that flags individuals precluded under current law from purchasing and possessing firearms. Millions of criminal records are currently missing from the data-

bases that make up the NICS due to funding restrictions and technology issues at the state level. Many states have not automated individual records concerning mental illness, restraining orders, or misdemeanor convictions for domestic violence.

Simply put, NICS must be updated on the state level so that it can properly function on the federal level. This point is underscored by the circumstances surrounding the shootings of Virginia Tech in 2007 and also with what occurred in the First Baptist Church in Maryville, Illinois this year.

Both of these shootings remind me of the similar shootings that took place in my district at Our Lady of Lord's Peace Church in Lynbrook, New York in 2002.

Peter Troy purchased a 22 caliber semiautomatic rifle. He had a history of mental health illnesses and his own mother had a restraining order against him as a result of his violent background.

Four days later, Mr. Troy walked into Our Lady of Peace Church in Lynbrook, New York and opened firing, killing two people. It was illegal for him to purchase a gun, but for many reasons, he was able to slip through the NICS system.

Similarly, in the Virginia Tech shooting, the NICS system allowed the shooter's record to slip through the cracks and he was able to purchase two handguns and used them to brutally murder 32 individuals.

He passed a Brady background check because NICS did not have the necessary information. Sadly this scenario happens too frequently.

"The NICS Improvement Amendments Act" requires all states to provide NICS with the relevant records needed to conduct efficient background checks. It is the state's responsibility to ensure this information is current and accurate. They must update their records to ensure violent criminals do not have access to firearms and then they must share the information with NICS.

However, I recognize many state budgets are already overburdened. This law provides grants to states to update their records while providing those records to NICS.

States will receive the funds they need to make sure relevant records are up to date. "The NICS Improvement Act of 2007" corrects the primary flaws and will prevent thousands of individuals precluded from purchasing firearms.

Approximately 916,000 individuals were precluded from purchasing a firearm for failing a background check between November 30, 1998 and NICS began operating on December 31, 2004.

During this same period, nearly 49 million Brady background checks were processed through NICS. These numbers provide that NICS works and will continue to work. However, since NICS is only as good as the information it contains, we must ensure that NICS has the most up-to-date records to stop criminals, those adjudicated as mentally ill and those under restraining order from purchasing firearms.

It has been estimated that approximately 40 million records are missing from the various databases that makes up NICS. By providing this funding, we will move one step closer to bringing the records of millions of barred individuals into NICS. This law imposes no new restrictions on gun owners and does not infringe on

2nd Amendment rights of law-abiding citizens. It simply makes improvements to a program to save lives.

The NRA, the Brady Campaign, Mayors Against Illegal Guns, and a number of towns and cities have supported full funding for NICS. I respectfully request that you include 375 million in fiscal year 2010 Commerce, Justice, Science bill under the Department of Justice's community-oriented policing services in order to fully fund "The NICS Improvement Act."

On another matter, I want to express my continued strong opposition to the provision in the bill known as the Tiahrt Amendment. I fully support eliminating the Tiahrt language. Short of this, I support efforts to continue to improve the language so that law enforcement can have the tools it needs to fully investigate and prosecute gun crimes.

Trace data is how you find the store purchases and problematic gun dealers. It is time that the ATF was able to fully share crime gun trace data to work hand in hand with state and local law enforcement. That full partnership could help stem the flow of illegal guns into Mexico and it could deter illegal guns trafficking into American cities as well.

I thank you for your time and I would be happy to answer any questions.

[Written statement by Congresswoman Carolyn McCarthy follows:]

Testimony before the House Appropriations CJS Subcommittee
Rep. Carolyn McCarthy
4/2/09

- Thank you Chairman Mollohan, Ranking Member Frelinghuysen, and Members of the Commerce, Justice, Science Appropriations Subcommittee.

- I appreciate your allowing me to testify today in support of including full funding in the Fiscal Year 2010 Commerce Justice Science Appropriations bill under the Department of Justice Community Oriented Policing Services to implement H.R. 2640, the NICS Improvement Amendments Act of 2007, Public Law Number 110-180.

- I thank the Committee for including $10 million for NICS Improvements in FY09. This is a good start but there is More needed to truly make a difference.

- H.R. 2640 was signed into law on January 8, 2008, after having passed both the House and Senate unanimously.

- I know the budget is tight, Mr. Chairman, but fully funding this program is so important because currently the National Instant Criminal Background Check System, or NICS, is deeply flawed.

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

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

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

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

- This point is underscored by the circumstances surrounding the shootings at Virginia Tech in 2007 and also with what occurred at First Baptist Church in Merryville Illinois this year.

- Both of those shootings remind me of a similar shooting that took place in my district at Our Lady of Peace Church in Lynbrook NY in 2002.

- Peter Troy purchased a twenty-two caliber semi-automatic rifle. He had a history of mental health problems and his own mother had a restraining order against him as a result of his violent background.

- 4 days later, Mr. Troy walked into Our Lady of Peace Church in Lynbrook New York and opened fire, killing Reverend Lawrence Penzes.

- It was illegal for him to purchase a gun, but for many reasons he was able to slip through the NICS system.

- Unfortunately, flaws in the NICS system allowed his record to slip through the cracks and he was able to purchase two handguns, and used them to brutally murder THIRTY TWO individuals.

- He passed a Brady background check because NICS did not have the necessary information.

- Sadly, this same scenario happens every day.

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

- It is the state's responsibility to ensure this information is current and accurate. They must update their records to ensure violent criminals do not have access to firearms. And then, they must share the information with NICS.

- However, I recognize many state budgets are already overburdened.

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

- States will receive the funds they need to make sure relevant records are up-to-date.

- The NICS Improvement Amendments Act of 2007 corrects the primary flaw and will prevent thousands of individuals precluded from purchasing firearms from doing so.

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

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

- These numbers prove that NICS works and will continue to work. However, since NICS is only as good as the information it contains, we must ensure that NICS has the most up-to-date records to stop criminals, those adjudicated as mentally ill, and those under a restraining order from purchasing firearms.

- It has been estimated that approximately 40 million records are missing from the various databases that make up NICS.

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

- This law imposes no new restrictions on gun owners and does not infringe on the 2nd Amendment rights of law-abiding citizens. It simply makes improvements to a program that saves lives.

- The NRA, Brady Campaign, Mayors Against Illegal Guns, and a number of towns and cities have supported full funding for NICS.

- I respectfully request that you include $375 million in the Fiscal Year 2010 Commerce Justice Science bill under the Department of Justice Community Oriented Policing Services in order to fully fund the NICS Improvement Amendments Act of 2007.

- On another matter, Mr. Chairman, I wanted to express my continued, strong opposition to the provision in the bill known as the "Tiahrt Amendment". I support fully eliminating the Tiahrt Amendment language. Short of this, I support efforts to continue to improve the language so that law enforcement can have the tools it needs to fully investigate and prosecute gun crimes.

- Trace data is how you find the straw purchases and problematic gun dealers. It is time that ATF be able to fully share crime gun trace data to work hand-in-hand with state and local law enforcement. That full partnership could help stem the flow of illegal guns into Mexico – and it could deter illegal gun trafficking into American cities as well.

- Thank you for your time and I would be happy to answer any questions you may have.

Mr. MOLLOHAN. Thank you, Carolyn. I have no questions, but thank you very much for your testimony, Carolyn.

Mrs. MCCARTHY. Thank you.

Mr. MOLLOHAN. Thank you.

Next the Committee would like to welcome Elbridge Coochise, Independent Tribal Courts Review Team, testifying on their behalf.

The Committee is going to ask the witnesses to keep their oral testimony to five minutes because we have a lot of witnesses and, you know, one day. We appreciate very much your respecting that request. And we will maybe give you, if some folks get carried away and that is understandable because you are passionate about your testimony, we will give you a little reminder maybe.

Welcome, Mr. Coochise.

THURSDAY, APRIL 2, 2009.

INDEPENDENT TRIBAL COURTS REVIEW TEAM

WITNESS

ELBRIDGE COOCHISE

Mr. COOCHISE. Thank you, Mr. Chairman. Thank you for allowing me to appear before you——

Mr. MOLLOHAN. Thank you for being here.

Mr. COOCHISE [continuing]. To address the serious issue of funding of tribal judicial systems in Indian Country.

I represent the Independent Review Team that was formed about three years ago, and we have 156 tribes with courts that we are going to review. We have done about 50.

And so our request is from our findings that the Committee appropriate 58.4 million as was authorized twice now in "The Indian Tribal Justice Act."

In our findings, we have noted that tribal judicial systems out there are really hampered and hindered with the limitation of funding in dealing with like even hiring and training and the salaries of the court staff, including judges.

Even appellate judges, since we reviewed a court a couple weeks ago, they have an appellate court, but they are limited to four hours per month and they are backlogged 29 cases. And they are law trained judges. They get paid $25.00 an hour to hear appeals.

And so that is what we have. On the other hand, there are court systems that are operating in condemned buildings. And an example, like I said, two weeks ago, two of my team members went in to talk to the clerk and get the information on it because of the speedy trial issue. In 40 minutes, they came out. Both of them were sick and they could not function until the next day when they got some of that cleared.

And there are a number of courts that are operating in condemned buildings or buildings that are not useable because they are infested with rats or other issues and the electricity does not hold up.

There is really a need for state-of-the-art such as computers and software at these tribes and in order to maintain a record system, many of them are still doing it manually.

And we appreciate the money, that 25 million that was put in Department of Justice to help with the facilities, but part of the problem with that is that they are grants. And many of the poorest tribes and courts that are operating do not have grants writers. So they are really not in a position to compete for those grants. And then because the grants end after a year or three years, they are back in the same boat when those grants run out.

One of the courts we reviewed in South Dakota, they were operating until the grants ended and then they were back to one judge and one and a half clerks to operate the system. But they did not have the software to maintain their record system.

There is a total of 11.9 million that the 156 tribes share and we found that only 26 percent of those courts being funded are federal dollars. The others are from the tribes themselves where they can fund them.

And so two things came out in our review in the past two, three years is there is no written fiscal policy manuals for the court systems because they do handle different money flow coming through the system. And the second is written court procedures that is geared to the tribe's own court system. Many of them are trying to use procedures in training materials that they attended in how the courts operate, but none of those are in place.

And so in the three years that we have been reviewing courts, they are still in pretty dire need of funds just to operate. And as I said, facilities are not the best accommodations.

And our concern is that if the justice system is going to work, several things have to happen. Of course, certainly funding, but the personnel. The salaries are so low that most of them cannot even attract any qualified people to sit in those positions.

And so in looking at the system, our reviews have been systemic and we are finding because of our directive from OMB to look at what federal funds they get, how are they spending. We have only found one of the fifty tribes where it was questionable that they were spending money elsewhere.

And then toward the end of last year, we also got a directive to look at the speedy trial issues because that article in either Wall Street or New York Times about no justice because it was not allowed. Well, we reviewed fifteen and only one was there a violation at the tribal court.

So those that do not have any criteria or measurement, we relied on the federal standard of the speedy trial and found that 14 of the 15 were in compliance with that issue.

So even with the limited funding, they are still doing it. And certainly with only 70 jails in Indian Country and five or six are condemned or no longer operable, that for the courts, we do not have a resource once it goes through the system.

So we are requesting that money to be appropriated so the justice systems have sufficient resources to operate.

[Written statement by Elbridge Coochise, Chief Justice, Retired follows:]

INDEPENDENT REVIEW TEAM

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ORAL TESTIMONY OF ELBRIDGE COOCHISE, CHIEF JUSTICE, RETIRED
INDEPENDENT TRIBAL COURTS REVIEW TEAM
BEFORE THE HOUSE COMMERCE, JUSTICE, SCIENCE RELATED AGENCIES APPROPRIATIONS SUBCOMMITTEE FOR THE FISCAL YEAR 2010
DEPARTMENT OF JUSTICE – TRIBAL COURTS
APRIL 2, 2009

Thank you for the opportunity to testify today and address the serious funding needs that have limited and continue to hinder the operations of Tribal judicial systems in Indian Country. I am the Leader of the Independent Tribal Court Review Team. **I am here today to request funding for Tribal Courts in the Department of Justice, Office of Justice Programs for the Tribal Courts Assistance Program.**

Budget Priorities, Request and Recommendations

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

We Support an Increase in Funding for:

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

forced to develop codes, without funding, or have the state assume jurisdiction. (States have never properly overseen law enforcement in a Tribal jurisdiction.)

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

For the past 3 years, the Independent Court Review Team has been traveling throughout Indian Country assessing how Tribal Courts are operating. During this time, we have completed some 50 court reviews. There is no one with more hands-on experience and knowledge regarding the current status of Tribal Courts than our Review Team.

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

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

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

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

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

elsewhere. This while operating at a disadvantage with already overstrained resources and underserved needs of the Tribal members. The assessment suggests that the smaller Courts are both the busiest and most underfunded.

We thank this Committee for additional funding in FY 2008. These funds were a Godsend to Tribes. Even minimal increases were put to good use:

- In 2006, a fire destroyed the White Mountain Apache Court. A previously condemned building, it went up like a tinder box. An extra $200,000 bought the White Mountain Apache Tribe a modern digital tape recording machine, a video surveillance security system, a telephone system, new computers and helped restore a building so the Court had somewhere to go. The Chief Judge even did some of the carpentry work in the two newer Courtrooms. **That's what additional funding does.**
- In Fort Yates and the Standing Rock Sioux Tribe, a Tribal official wept when we told her the Tribe would receive an extra $300,000. Law Enforcement was increased from 7 to perhaps 30. The Court ran every day of the week, including Sunday, to account for the new cases. Law enforcement response time to a phone call for assistance went from five hours, if anyone came at all, to fifteen minutes. Once again there was law and order in Standing Rock. **That's what additional funding does.**

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

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

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

The Shoshone-Bannock of Fort Hall, Idaho holds Court in a condemned building, built in 1888, full of so much mice droppings and bat guano that you cannot use the lower floor. They recently had a building closed because of the threat of Hanta Virus. They have been unable to hire a Tribal Prosecutor for two years because of their remoteness and inability to pay a competitive salary. Still, they operate a Court as best they can and dream of the day they will

complete their detention center which, after years of waiting, they are paying for themselves. ***Their need exceeds 100%.***

The Cheyenne River Sioux Tribe in Eagle Butte, South Dakota (like several other places we have reviewed) is fortunate to have dedicated Court Clerks who work for salaries below the poverty level, most at less than $10 an hour. ***Their need exceeds 100%.***

Turtle Mountain Chippewa Tribe of North Dakota must operate even when the Courts' electricity is periodically turned off because they can't pay their light bill. ***Their need exceeds 100%.***

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

And, there are Tribes like the isolated Havasupai, located in the bottom of the Grand Canyon. They can only afford a Judge one day a month. Their computers only work sporadically because of the fine layer of dust that appears to cover everything. They have a single, underpaid clerk, who remains dedicated to her job, even though her employment experience means she could make twice as much working out of the Canyon away from home. When she goes to pick up her children at school, the Court must close, because she is the only one there. ***Their need exceeds 100%.***

Tribal Courts have other serious needs. Tribal Appellate Court Judges are mostly Attorneys who dedicate their services for modest fees that barely cover costs for copying and transcription fees. Tribal Courts offer Jury Trials. In many Courts, one sustained Jury Trial will deplete the available budget. The only place to minimize expenses is to fire staff. Many Tribal Courts have Defense Advocates. These advocates are generally law trained and do a good job protecting an individual's rights (including assuring speedy trial limitations are not violated.) However, this is a large item in Court budgets and if the defense advocate, or Prosecutor, should leave, the replacement process is slow.

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

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

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

Mr. MOLLOHAN. We will follow-up with you on these issues.

Mr. COOCHISE. Huh?

Mr. MOLLOHAN. We will follow-up with you on these issues.

Mr. COOCHISE. Okay. And I appreciate it. If you have any questions, I would be glad to answer.

Mr. MOLLOHAN. Thank you, Justice Coochise.

Mr. COOCHISE. And here is a copy, I will leave it, our final fiscal year report on the reviews——

Mr. MOLLOHAN. Okay.

Mr. COOCHISE [continuing]. That we have done. And it covers some of the areas that I mentioned.

Mr. MOLLOHAN. All right. Thank you very much for your testimony.

Mr. COOCHISE. Thank you very much for your time.

Mr. MOLLOHAN. Thank you for your appearance. Thank you, Justice.

Next the Committee would like to welcome David Bean testifying on behalf—I am not going to do it justice, so you tell me how you pronounce it, please.

Mr. BEAN. Puyallup, Puyallup Tribe, Puyallup Tribe.

Mr. MOLLOHAN. Puyallup Tribe of Washington.

Mr. BEAN. Good job.

Mr. MOLLOHAN. Thank you for your appearance here today, Councilman Bean. You may proceed.

THURSDAY, APRIL 2, 2009.

PUYALLUP TRIBE OF WASHINGTON

WITNESS

DAVID BEAN, COUNCILMAN

Mr. BEAN. Good morning, Mr. Chairman.

Mr. MOLLOHAN. Good morning.

Mr. BEAN. My name is David Bean. I am a member of the Puyallup Tribal Council. And with me today is fellow council member Nancy Gaines, Nancy Shipenpower Gaines in the back here.

Mr. MOLLOHAN. Welcome.

Mr. BEAN. On behalf of the Puyallup Tribe, we would like to thank you and Ranking Member Wolf for your continued support to tribal issues.

We have some detailed written testimony to the Subcommittee and we look forward to working with the 111th Congress to ensure that adequate funding for important Department of Justice programs are included in the fiscal year 2010 budget.

We come from the Puyallup Reservation which is located in a major metropolitan area. Our reservation is 18,000 acres. It encompasses the cities of Tacoma, Fife, Milton, Puyallup, Edgewood, and Federal Way. We provide services to our 4,000 members and 25,000 plus Native Americans and Alaskan Natives from over 355 federally recognized tribes.

While there are many Department of Justice programs that are in need of increased funding such as tribal courts, community-oriented policing services, tribal youth programs, meth hotspot pro-

gram, and "The Violence Against Woman Act" programs, we would like to talk to you today about the condition of the tribe's detention facility.

We currently operate a law enforcement division, has a Chief of Police, 26 commissioned officers, and two reserve officers. We have nine detention officers due to limited federal funding for law enforcement in Indian Country. Only two officers are funded through our BIA 638 contract. The remaining personnel, facility operations, and maintenance are funded through tribal monies earned within our tribal economy totaling $5.7 million per year.

The Puyallup Tribe works closely with the state and local law enforcement authorities and has been engaged in intergovernmental agreements with Fircrest County and the City of Tacoma for many years.

Our tribal police officers are cross-deputized so that arrests can be made under city and county jurisdictions. The offenders are then turned over to the local authorities.

The importance of cross-deputization is highlighted by the impact of gangs on the Puyallup Reservation. Currently there are 28 active gangs on our reservation. Gang activities include drug trafficking, weapon sales, turf wars which result in drive-by shootings.

Interstate 5 runs through the middle of our reservation and it is known as a major drug corridor. With continuing increase in population, gang-related activities and the impact of manufacturing of methamphetamines in the region that services the Puyallup Nation law enforcement division are exceeding maximum levels.

The tribe successfully operated a regional detention facility for many years, but was forced to close the facility, resulting from damages from the 2001 Nisqually earthquake.

This required us to relocate our detention services to temporary modular facilities. Over time, our ability to effectively and safely incarcerate inmates due to the deteriorated condition of the temporary facilities has been severely impacted.

A recent inspection by the BIA Office of Professional Standards has verified these conditions and included a recommendation that no further funds should be allocated to bring the facility up to any standard.

To address this issue, we have initiated design and construction of a 28,000 square foot justice center at an estimated cost of $15 million. The justice center will provide necessary facilities for the delivery of judiciary services, including a tribal court, a court clerk, prosecution, probation, a public defender, emergency preparedness, and law enforcement services. It includes a police headquarters and a 7,000 square foot, 28-cell adult detention facility.

The pro-rated cost of a detention facility is $5.25 million. The justice center will not just be a facility to lock up Indians.

In addition to being designed to DOJ and BIA standards, the justice center will provide holistic healing towards rehabilitation of our inmates. Counseling services will be provided in the areas of drug and alcohol addiction, mental health wellness, and domestic violence.

Regional support has been provided by Mayor Bill Baarsma of the City of Tacoma; Fircrest County Executive Pat McCarthy; Paul Pastor, the Fircrest County Sheriff. Support has also been positive

with the Washington State Congressional Delegation. We have met with Senator Murray, Senator Cantwell, Congressman Smith, and Congressman Dicks. And their staff at all offices were encouraged by the tribe's project and cooperation with the local jurisdictions.

The Department of Justice programs established to address detention facilities in Indian Country have been historically underfunded and proposed for elimination by the past Administration.

It has been estimated in an Interior Department report entitled Master Plan for Justice Services in Indian Country that 8.4 billion is needed over the next ten years to bring tribal and BIA detention centers up to current standards and relieve overcrowding.

The Puyallup Tribe is requesting the Committee's support for special appropriations funding for the detention facility component of the new justice center in the amount of $5.25 million.

We would like to thank the Committee for your support and we look forward to working with you on the tribe's request.

[Written testimony by Puyallup Tribe of Indians follows:]

TESTIMONY OF THE PUYALLUP TRIBE OF INDIANS BEFORE THE HOUSE SUBCOMMITTEE ON COMMERCE, JUSTICE, AND SCIENCE AND RELATED AGENCIES FISCAL YEAR 2010

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

U.S. Department of Justice - Office of Tribal Justice - The Puyallup Tribe submits the following detailed written testimony to the House Subcommittee on the Commerce, Justice, and Science and Related Agencies F.Y. 2010 Appropriations. We look forward to working with the 111th Congress to insure that funding levels for programs necessary for the Puyallup Tribe to carry-out our *sovereign responsibility of self-determination and self-governance* for the *benefit of the 4,004 Puyallup tribal members and the members from approximately 355 federally recognized Tribes who utilize our services* are included in the F.Y. 2010 budget. The following provides a brief review of the Puyallup Tribe's priorities and special appropriation requests for FY 2010;

Summary: The Puyallup Tribe is requesting Committee support for a special appropriations funding for a new Justice Center to provide components of policing, court, emergency preparedness and detention for the Puyallup Reservation in the State of Washington. This new Center, designed to U.S. Department of Justice and Interior standards, will benefit and enhance the criminal justice infrastructure for agencies (tribal/non-tribal) in the State's 6th and 9th Congressional Districts. The requirement for a safe and secure facility to meet current and future needs is essential to the Puyallup Tribal community and surrounding communities. The requested special appropriations will be used for the construction of the "Detention Facility" component of the Justice Center. This will include the construction of a 7,000 square foot, twenty-eight (28) cell adult detention facility, with a prorated project cost of $5.25 million. The Puyallup Tribe also is requesting funding increases for Tribal Courts, Community Oriented Policing Services, Tribal Youth Program, Meth Hot Spot Program and Violence Against Women Act programs.

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

The Puyallup Nation Law Enforcement Division currently has a Chief of Police, twenty-six (26) commissioned officers and two (2) reserve officers to cover 40 square miles of reservation in addition to the usual and accustomed areas. The officers are charged with the service and protection of the Puyallup Reservation seven days a week, twenty-four hours a day. Due to limited federal funding for law enforcement in Indian Country, only two (2) officers are funded with P.L. 93-638 funds. The remaining twenty-six (26) officers and nine (9) detention officer positions are funded by the Tribe. The total cost of justice services, including facilities operations and maintenance, exceeds $5.7 million per year. As stated earlier, these costs are paid for with Tribal earned income.

The Tribe works closely with state and local law enforcement authorities. We recognize that in this day and age, such inter-jurisdictional cooperation is essential. We are fortunate to have a good working relationship with the state, county and city agencies. The Puyallup Tribe has had intergovernmental agreements with Pierce County and the City of Tacoma for many years. Puyallup Tribal Police officers are cross-deputized, so that arrests can be made under city or county jurisdictions, then offenders are turned over to the local authorities to be processed. The importance of the cross-deputization is highlighted by the impact of gangs on the Puyallup Reservation. Currently, there are twenty-eight (28) active gangs on the Reservation. Gang

activities include, drug trafficking, weapons sales and turf wars which result in drive-by shooting. Inter-date 5 runs through the Puyallup Reservation and is known as a drug corridor. With the continuing increase in population, increase in gang related activities on the Puyallup Reservation and the impact of the increase in manufacturing of meth amphetamines in the region, the services of the Puyallup Nation Law Enforcement Division are exceeding maximum levels.

A major area of concern is the status of the ***Tribes Regional Detention 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. Since the relocation to the modular facilities the Tribe's ability to effectively and safely incarcerate detainee's has been compromised due to the condition of the temporary detention facilities. These conditions have been verified by a recent inspection by the B.I.A. with a recommendation that no further funds be allocate to bring the facility up to any standard.

In an effort to protect the safety and welfare of the native community the Puyallup Tribe has initiated the design and construction of a 28,000 square foot "Justice Center" to be located on the Puyallup Indian Reservation. The Justice Center will provide necessary facilities for the delivery of judiciary services including a Tribal Court, Court Clerk, Prosecution, Probations, Public Defender and Law Enforcement services, including Police Headquarters and a 7,000 square foot 28 cell "Adult Detention facility". To accommodate the future needs of these service providers, a detailed Space Needs Analysis was developed for each provider. Based on this information, space adjacencies were developed in order to begin the development of preliminary massing and building concepts. A preliminary phasing plan has been developed in order to meet budgetary constraints. Phase I would involve the initial construction of approximately 28,000 square feet at a cost of $15 million. This would include all public safety, police and detention facilities. The prorated project cost of the "detention facility" is $5.25 million. The planning and development of the new Justice Center will provide the Puyallup Tribal community and surrounding communities with the facilities required to carry out our responsibilities in overseeing and administering the Tribe's justice system. Moreover, effective regional cooperation and coordination with contiguous jurisdictions will be enabled. As stated earlier, the new Justice Center will benefit and enhance the criminal and justice infrastructure for agencies (tribal/non-tribal) in the State of Washington 6th and 9th Congressional Districts. Regional support for this project has been provided by Mayor Bill Baarsma, City of Tacoma; Pierce County Executive Director and Paul Pastor, Pierce County Sheriff. Congressional support for the new Justice Center has also been secured with the Washington State Congressional delegation. We have met with Senator Patty Murray, Senator Maria Cantwell, Congressman Adam Smith and Congressman Norm Dicks and their staff and all offices were encouraged by the Tribe's project and the cooperation with local jurisdictions.

The Department of Justice program established to address detention facilities in Indian country has been historically underfunded and proposed for elimination by past Administrations. *It has been estimated in the Interior Department Shubnum Report entitled "Master Plan for Justice Services in Indian Country" that $8.4 billion is needed over the next ten (10) years to bring tribal and B.I.A. detention centers up to current standards and relieve overcrowding.* In FY 2009, the enacted level for this program is $10 million. ***We respectfully request congressional support***

- ***Fund the Department of Justice - Detention Facilities Construction in Indian Country program for FY 2010 at a minimum of $30 Million for new construction.***

- ***Support from the Subcommittee on the Tribes request for funding to design and construct an Adult & Juvenile Detention Facility on the Puyallup Reservation, in the amount of $5.25 million.***

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 ten (10) 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 4,004+ Tribal Members and the 25,000+ Indians is extremely costly. Sufficient funding is needed for the salaries of the Court Administrator, Judges, Prosecutor, Public Defender, Children's Court Counselor and Clerical. The Tribal Court System lacks basic resources most court systems take for granted, such as; the Federal Digest, the Federal Rules decisions, Washington State Reporters and access to the Lexus Data Base. A frame work is in place for an adequate court system, however we lack sufficient finding 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:***

- ***Request Subcommittee support to fund the Office of Tribal Justice - Tribal Court System at no less than $9 million for FY2010.***

Community Oriented Policing Services (COPS): The enacted level in F.Y.2009 for the COPS for Indian Country was $20 million. This program provides an essential service to the public safety and welfare in Indian County and assists tribal efforts to increase the number of law enforcement officers. Today, there are 1.3 law enforcement officers per 1,000 citizens in Indian 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. This demand is further impacted by the existing and growing "gang problem" within the boundaries of the Puyallup Reservation. These gangs are different than other reservations due to our urban setting (Puget Sound region of the State of Washington), five other city boundaries next to our exterior boundaries, six separate local jurisdictions and Interstate 5 traversing through the reservation. In an effort to combat these gang activities, the Puyallup Tribal Council created a Gang Task Force from the Tribal Police Department, representatives from various Tribal Services Divisions and community members. The Gang Task Force developed a gang policy that includes a four prong approach to gang related activities. They are; enforcement; intelligence; education; and physical-mental health. These programs are currently being implemented or being designed for use with supplies and staff being provided by the Tribe. What is needed to move forward is funding in each pronged approach. ***We seek Congressional support and endorsement:***

- ***Request Subcommittee support to fund the Office of Tribal Justice - COPS at $20 Million for FY 2010.***
- ***Request Subcommittee support in funding the Tribal Youth Program at no less than $25 million for FY 2010.***

- ***Request Subcommittee support in funding the "Meth Hot Spots" Program to fund cleanup of meth labs at no less than the enacted level in F.Y. 2009 and request that the Subcommittee issue directive language to the Department of Justice to include this amount in their FY 2011 budget.***

- ***Request Subcommittee support to fully fund programs authorized under Violence Against Women Act (VAWA), including $1 million for the National Tribal Sex Offender and Order of Protection Registry and $ 1 million for the baseline study of violence against Indian women.***

Mr. MOLLOHAN. Thank you, Councilman Bean. Thank you very much for your testimony here today.

Mr. BEAN. Thank you.

And I would just like to close with saying we fully support the efforts of Mr. Bill Frank of the Northwest Indian Fish Commission who will be offering testimony here in a few short moments.

So thank you.

Mr. WOLF. Mr. Chairman, could I just ask one question?

Mr. MOLLOHAN. Sure.

Mr. WOLF. Have you asked the FBI to come in with regard to the gangs? The FBI is a gang intelligence operation. Have you asked them to come in and look at it?

Mr. BEAN. We have not, but I will take that under advisement and bring that back to our law enforcement agency.

Mr. WOLF. Thank you.

Mr. MOLLOHAN. Thank you, Councilman Bean.

Mr. BEAN. Thank you.

Mr. MOLLOHAN. Thank you very much.

Next the Committee would like to welcome Ron Hawley testifying on behalf of SEARCH.

Welcome, Mr. Hawley. Your written statement will be made a part of the record and if you can summarize orally.

THURSDAY, APRIL 2, 2009.

SEARCH

WITNESS

RON HAWLEY, EXECUTIVE DIRECTOR

Mr. HAWLEY. Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear here today. I am Ron Hawley, Executive Director of SEARCH.

SEARCH is a criminal justice organization organized by the states and compromised of members appointed by each of the states' governors. Our mission is to promote the effective use of information and identification technology by criminal justice agencies nationwide. We have requested a $2 million earmark for the SEARCH National Technical Assistance and Training Program.

For many years, the SEARCH National Technical Assistance and Training Program has been the only no-cost service for small- and medium-sized justice agencies to assist them in building, enhancing, upgrading, and integrating information systems.

We have assisted with making sure that these systems are compatible with local systems, state systems, regional systems, national systems, and we have even done work in the tribal nations. We have developed and delivered high-tech anti-crime training and we have provided computer forensics technical assistance support.

The program has reached directly and personally over 27,000 criminal justice officials and many, many more, countless more in terms of the teams that we have supported over the years. The program is authorized under " The Department of Justice Reauthorization Act." The need for funding is more critical than ever.

Since September 11th, the need to share information has grown exponentially. Given current recent congressional activities, large amounts of money will be expended over the next few years to implement and improve these sorts of systems. It is our concern that the stimulus and the fiscal year 2009 funds for these purposes will reach criminal justice agencies who are ill equipped and ill prepared to effectively and efficiently use this money. It is the technical assistance program that supports these folks in making good decisions in the expenditure of those dollars.

We provide agencies with the knowledge, skills to effectively plan, organize, and implement such initiatives. However, as we do that, we also think about things like privacy and the importance of our civil liberties.

And so I certainly encourage you to recognize that as this money gets spent from the stimulus and from fiscal year 2009, these local law enforcement entities need support, need an entity they can turn to to answer the questions they have about how to effectively and efficiently do that.

Let me share with you a couple areas in which we have done specific support that illustrates my point. In Cherry Hill, New Jersey, a small rural department, they were sort of overwhelmed with the need to change their automation system and we know how important it is that every single department ship this information nationwide, make it available, make it interoperable.

We went in and helped them from the ground up, helped them understand what it was they needed to do, helped them understand the national standards, and helped them implement in such a way that they could effectively meet their needs. They did not have anyone on staff capable of doing that.

These are law enforcement officers, law enforcement agencies. That is their mission. Our mission is to help them in these support sorts of things.

Another example. In Virginia, we assisted through our training in cyber technology efforts officers who were struggling with bringing forensic evidence off of a running computer. So we actually assisted them and stepped them through the process of recovering that information that became very valuable for them from an evidentiary standpoint.

In Ohio, they were trying to do a statewide integration effort and we helped them from the ground up create the governance mechanism, understand what the objectives, the right outcomes should be in terms of their information sharing initiative, and bring together the wherewithal to make sure that as they moved forward, they had the foundation necessary to be successful.

And finally I would mention to you that in the area of social networking, it was actually our trainers who suggested that law enforcement make themselves available in the My Space arena by allowing their agencies to become an individual member's number one friend. Within days of getting that established in Dade County, a pedofile was taken off the street as a result of that service.

The funding is absolutely essential to us. As a result of cutbacks over the last several years, we have had to lay off people and reduce hours of the others. Our training has been impacted by the inability to ship the necessary technical equipment and now with

this economic crisis, it is even more difficult for officers to attend our courses.

Before I close, I would like to take a minute to speak to the Byrne Competitive Grant Program. We certainly support that program. It is laudable to competitively compete these funds, but we encourage you to think about making the money level necessary to make it worthwhile for the agencies that apply for it.

And in conclusion, the use of this money will make sure that the other dollars that are absolutely going to be spent will, in fact, be spent more effectively and more efficiently. And I would be glad to answer any questions you have.

[Written statement by Ronald Hawley, Executive Director of SEARCH, The National Consortium for Justice Information and Statistics follows:]

SEARCH
The National Consortium for Justice Information and Statistics

Francis X. Aumand III
Chairman

Ronald P. Hawley
Executive Director

Prepared Testimony of
Ronald P. Hawley, Executive Director
SEARCH, The National Consortium for Justice Information and Statistics

I. Introduction

Mr. Chairman and members of the subcommittee, I am Ron Hawley, Executive Director of SEARCH. Thank you, Mr. Chairman and members of the Subcommittee for your support. The efforts of your outstanding subcommittee staff are also greatly appreciated. SEARCH has requested a $2.0 million earmark from the Department of Justice, Byrne Discretionary Grant Program to be included in the Commerce, Justice, Science, and Related Agencies Appropriation bill. Due to the dramatic funding decrease in recent years for national programs, including SEARCH, this amount of funding will restore the level of outreach available through the SEARCH National Technical Assistance and Training Program so that local and state criminal justice agencies that are truly in need may benefit from SEARCH's services.

SEARCH is a state criminal justice support organization comprised of governors' appointees from each state. SEARCH's mission is to promote the effective use of information and identification technology by criminal justice agencies nationwide. For more than 20 years, the SEARCH National Technical Assistance and Training Program has been the only no-cost service for small- and medium-sized criminal justice agencies to assist them in: (1) enhancing and upgrading their information systems; (2) building integrated information systems that all criminal justice agencies need; (3) ensuring compatibility between local systems and state, regional and national systems; (4) developing and delivering high-tech anti-crime training; and (5) providing computer forensic technical assistance support.

In the Department of Justice Reauthorization Act (Public Law 109-162), the Congress expressly and specifically authorized SEARCH's National Technical Assistance and Training Program. Chapter 5, Subsection C, 1184 of that provision reads:

> (a) IN GENERAL. – Pursuant to subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Attorney General may make grants to SEARCH, the National Consortium for Justice Information and Statistics, to carry out the operations of the National Technical Assistance and Training Program.
> (b) AUTHORIZATION OF APPROPRIATIONS. – There are authorized to be appropriated to the Attorney General to carry out this section $4,000,000 for each of fiscal years 2006 through 2009.

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Federal funds are increasingly available to individual state and local criminal justice agencies to improve communications interoperability and information sharing. SEARCH is concerned about the level of waste that would result if Stimulus and FY09 funds reach criminal justice agencies that are ill-equipped to manage and complete technology projects. In order to mitigate the potential for the inefficient use of taxpayer dollars, the National Technical Assistance and Training Program provides individuals at these agencies with the knowledge and skills to effectively plan, organize and implement these initiatives.

Because the National Technical Assistance and Training Program is national in scope, SEARCH is able to replicate successful implementation strategies in one state or locality and disseminate and transfer those strategies to other states and localities. This unique program not only helps state and local agencies work more efficiently and effectively through the use of advanced information technologies, but it also creates a foundation for a national information infrastructure for interoperable justice systems. In short, the automated sharing of information is a critical component of effective justice. Better information means better decisions, and better decisions mean improved public safety. Creating information sharing capabilities among state and local public safety agencies that consistently conform to national and international standards efforts and that provide tangible benefits and outcomes will strengthen the foundation for successful nationwide information sharing to help prepare and respond to major national incidents and terrorist attacks.

Simultaneously, SEARCH is actively focused on helping states develop privacy policies governing the collection of information in various state criminal justice systems to protect individual privacy and civil liberties in the growing information sharing environment. SEARCH conducts research to examine emerging trends and issues that have the potential to impact the collection, maintenance and exchange of justice information, while advocating policies that ensure effective privacy protection for the subjects of those records. The technical assistance provided by SEARCH has always been sensitive to the privacy implications of the effective use of information systems.

This program has reached over 27,000 criminal justice officials in every state. The criminal justice agencies that SEARCH has assisted have found our services invaluable. SEARCH's National Technical Assistance and Training Program has received rave reviews, not only from those local, regional and state law enforcement and criminal justice agencies that have received its services, but also from the Bureau of Justice Assistance (BJA), which administers the grants to SEARCH.

II. Use of Past Funding

SEARCH was pleased to receive a $500,000 earmark in the 2009 Omnibus Appropriations Act, Pub. L. 111-8, as well as additional language in support of the program:

> *SEARCH National Technical Assistance and Training Program.* –The Department is encouraged to support efforts to assist States in the development and use of information through criminal justice information systems to accelerate the automation of their

fingerprints identification processes and criminal justice data identification processes so that State and local law enforcement which are compatible with the FBI's Integrated Automated Fingerprint Identification System.[1]

Although national programs such as SEARCH did not receive earmarks in FY08 or FY07, SEARCH's National Technical Assistance and Training Program received a $2 million earmark out of the Byrne Discretionary Grant Program in the Office of Justice Programs in FY06 and in prior years. In FY06 alone, the SEARCH National Technical Assistance and Training Program reached out to 48 states, as well as the District of Columbia.

In an average year, SEARCH undertakes approximately 40 on-site and 250 in-house technical assistance efforts. SEARCH's technical assistance customarily includes helping a state or local law enforcement agency establish an automated justice information system; evaluate and plan for integration of existing information systems; or enhance, expand or implement a computerized criminal justice record system. Although the form of assistance varies based on the specific needs of the request, a typical technical assistance activity takes approximately six weeks and is staffed by experts that provide an initial consultation and data gathering, appropriate follow-up including recommendations and guidance, as well as tools for the criminal justice agency to move forward. Each of these technical assistance activities cost approximately $50,000.

SEARCH is helping state policymakers and technical and operational stakeholders in numerous jurisdictions develop standards-based, high technology data sharing solutions so that critical law enforcement, court, corrections, prosecutor, and other justice agency information is rapidly shared to provide the foundation for accurate and appropriate decision-making. For example, the Maryland State Police Licensing Division sought assistance in undertaking an initiative to replace its licensing software. SEARCH's assistance involved an evaluation of its current software system, an assessment of its current and projected needs, and the development of a document to define the project charter and high-level requirements for the system.

With respect to communications interoperability, in this past year, SEARCH has provided critical assistance to multiple states completing statewide communications interoperability plans and investment justifications. For example, Texas' public safety communications response to Hurricane Gustav in August 2008 was enhanced significantly through the All-Hazards Type III Communications Unit Leader (COML) training that was delivered with assistance from SEARCH. Because the hurricane was bearing down as the class was underway in Houston, instructors worked with state emergency managers to coordinate a conference call to receive the governor's emergency briefing and then began real-life planning with students for the emergency communications response to the impending disaster. Several students were deployed directly from the class to begin using what they learned to coordinate interoperable communications for first responders.

[1] 2009 Omnibus Appropriations Act, Joint Explanatory Statement, Division B. This language was also included in the 2008 Omnibus Appropriations Act, Joint Explanatory Statement, Division B.

Meanwhile, SEARCH provides direct operational support to law enforcement in its cybercrime investigation program. Criminal activity via the Internet is growing at an alarming pace, but the ability of law enforcement to handle these types of crimes is not keeping up. Through SEARCH cybercrime training classes and technical workshops, investigators are taught methods to prevent, detect and investigate the rising tide of cybercrime, such as fraud, email threats, online stalking and child exploitation. In one-on-one work with law enforcement investigators and prosecutors, SEARCH provides immediate operational assistance and critical operational guidance to practitioners on emerging technological issues in high-tech crime.

SEARCH, for example, was an integral part of the 2008 Crimes Against Children Conference in Dallas, Texas where SEARCH presented multiple workshops on cellular device and social networking site investigations to hundreds of attendees. In a real-life application of SEARCH's hands-on technical assistance, in Montgomery County, Virginia law enforcement investigators were able to successfully view and parse data recovered from a running computer during an ongoing investigation. SEARCH walked the investigator thorough the process and procedure of the computer random access memory (RAM) dump, which contained a wealth of information of evidentiary value to investigators.

III. Intended Use of Funding for Fiscal Year 2010

For FY10, SEARCH is requesting $2.0 million for the National Technical Assistance and Training Program. This request reflects vastly increasing demand for training and technical assistance, and will allow the National Technical Assistance and Training Program to respond to requests from hundreds of state and local criminal justice agencies.

If SEARCH is provided with the requested funding, SEARCH intends to utilize the funds to address goals in both the information sharing and high-tech crime investigation aspects of the program. In the information sharing space, SEARCH intends to: (1) significantly increase the number of criminal justice agencies supported by our teams; (2) support through training and technical assistance the adoption of national law enforcement and public safety information technology standards; (3) contribute to the development of new and emerging law enforcement and public safety standards; (4) develop specific information sharing requirements for the re-entry of prisoners into society following incarceration; and (5) improve agencies' ability to measure and manage their information sharing initiatives. The high-tech goals include: (1) expanding the number of law enforcement investigators trained in high tech crime investigation generally; (2) developing added hands-on training courses and resources for investigators to use during active investigations; and (3) encouraging a nationwide approach to cybercrime training by developing a model statewide cybercrime training plan that offers a comprehensive methodology and standard delivery of training and cybercrime education to law enforcement agencies in each state.

Due to the lack of funding over the last few fiscal years, SEARCH has been forced to reduce the number and hours of existing SEARCH staff.[2] SEARCH has also reduced the availability of training sessions all across the country due to the cost of shipping lab equipment. Training sessions provided at SEARCH headquarters are not being fully utilized as many

[2] Four SEARCH employees were laid off in 2008.

criminal justice officers are unable to travel during these difficult economic times, and reductions in criminal justice forces further exacerbates the problem for agencies that must find the time and resources to send the appropriate officials to a 1-2 day training event. SEARCH is exploring eLearning alternatives, but SEARCH lacks the start-up funding to fully implement web-based solutions that could potentially reach a much larger segment of the criminal justice community. Without the requested $2.0 million, SEARCH will have no choice but to further reduce the availability of valuable technical assistance and training resources to those criminal justice agencies in need across the country.

IV. Byrne Competitive Grant Program

Before concluding my testimony, let me take a moment to ask for enhanced funding for the Byrne Competitive Grant Program. Through the Chairman's leadership, the FY08 Omnibus Appropriations Act established the competitive grant process for programs of national significance to prevent crime, improve the administration of justice, and assist victims of crime. The process is administered by the Office of Justice Programs (OJP) to those national programs that previously have received earmark funding under the Byrne discretionary program. However, the total amount of grant funding provided to all of the competing national programs during the initial year of the program was set at only $16 million. The FY09 Omnibus Appropriations Act rightly expands the program to $30 million, however, we believe that funding in the range of at least $65 million is the minimum necessary to permit a workable and effective competitive grant program on a national scale.

SEARCH supports the laudable goal of distributing funds on a competitive basis to those national programs that can demonstrate the most compelling uses for those funds. However, the outstanding leadership of the Subcommittee in creating this program is undermined by the harsh reality of a woefully inadequate amount that is meant to provide funding for the many national programs that successfully assist criminal justice and law enforcement efforts across the country. Dividing an under-funded competitive pot among dozens of national programs will result in drastic reductions in the level of funding provided to these programs or no funding at all for many deserving organizations. National programs seeking to compete for these funds should have a chance at receiving a meaningful grant amount and, thereby, continue to provide their vital criminal justice services.

V. Conclusion

Congressional support for the SEARCH National Technical Assistance and Training Program is vital. The federal investment of $2 million can be leveraged many times over by contributing to the ability of state and local criminal justice agencies to provide timely, accurate and compatible information throughout the nation.

On behalf of SEARCH, its governors' appointees, and the thousands of criminal justice officials who participate in the SEARCH network and who benefit from SEARCH's efforts, I thank you for your time. It has been a pleasure appearing here today.

Mr. MOLLOHAN. Thank you, Mr. Hawley, for your testimony here today. We appreciate very much your appearance.

Next the Committee would like to welcome a colleague, Congressman Vern Ehlers.

Vern, welcome to the Committee. We appreciate your coming here to testify again today.

Why don't you just fold these name tags over, if you would, please. Just fold them over. Thank you.

Welcome.

THURSDAY, APRIL 2, 2009.

NATIONAL SCIENCE FOUNDATION, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

WITNESS

HON. VERNON J. EHLERS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. EHLERS. Thank you very much and thank you for allowing me to testify once again. This has become an annual event, but I also appreciate the efforts that all of you in this Subcommittee have put in over the years to satisfy my requests.

The core of our technological innovation capacity in the United States depends on basic research. And as far as I know, everyone on this Subcommittee agrees with that. To that end, I ask you to give high priority to scientific research and development and math and science education in fiscal year 2010 by funding the National Science Foundation at $7.0 billion, National Institute of Standards and Technology at $907 million, and the National Oceanic and Atmospheric Administration at $5 billion. These are large numbers, but I think they are reasonable numbers if you look at the history of it.

Since 2006, the Administration and many members of Congress have sought to put the scientific research agencies on a budget doubling path and, in fact, we passed "The American Competes Act," which was intended to put these agencies on a doubling path.

I appreciate the House and Senate strongly endorsing fundamental research in education in the fiscal year 2009 appropriation bills and the stimulus bill added to those funds. Shovel-ready science afforded by the stimulus will help immensely with long-deferred infrastructure projects, but we cannot expect it to produce immediate discoveries.

Long-term, stable funding which builds on the fiscal year 2009 Omnibus levels is necessary to ensure that the investments being made today will result in transformational technologies needed in the future.

Let me just mention each of the institutions in turn. The National Science Foundation is a national treasure. We set a standard for the world when we established NSF some 50 years ago and it has continued to lead the world.

The National Institute of Standards and Technology which, as you know, primarily deals with standards, measurements, and certification services, but interestingly enough, this little institution

which we call NIST has contributed tremendously to basic research.

They have won three Nobel Prizes in the last just a bit more than a decade. I do not know of any other institution with that low a budget which has won three Nobel Prizes anywhere in the world. And that shows the quality of the work they do. They have become the international standard and they affect our lives in so many ways.

I always find it amusing because people often ask me when I did my thesis research, I was doing very, very precise measurements and using the time standard that NIST had developed, the Cesium clock standard, and really depended on it, and people want to ask me why do we need to know time to millions of a nanosecond.

And I said, well, do you enjoy watching color TV. Oh, sure. I said do you remember when color TV first came out, you would sit there, you would adjust the set, you would set the hue, the tint and everything, sit down, and ten seconds later, you had to jump up and set the tint and the hue again. Oh, yeah, yeah. We do not have to do that anymore. I said it is because of NIST.

The time standard allowed establishment of frequency accuracy in the TV system, broadcast system so that they could put aside that which ultimately controlled the color. If we had not done research at NIST, you know, and people never imagine a connection between NIST and color TV——

Mr. MOLLOHAN. We would still be jumping up and adjusting our TV.

Mr. EHLERS. We would still be jumping up and——

Mr. MOLLOHAN. That makes it relevant to everybody.

Mr. EHLERS [continuing]. And adjusting the TV. But that is just one minor example, you know. Basic research established this great time standard which the world uses, but it has very direct applications, particularly, of course, when going into space, that they are very dependent on accurate time standards too.

So NIST, I think we get a lot for our money from NIST. And I hope you can provide the 907 million that I am recommending. I did not pick these numbers out of the sky. I think they are reasonable based on the historical funding and I would certainly appreciate your support of that.

NOAA, similarly, five billion. NOAA has peculiar problems because they have what in many ways you would regard as a normal, not terribly expensive budget, and then they have the satellites which cost billions of dollars.

But these other weather satellites which we depend heavily on, but they provide a lot of data about the earth, and just the money we save on hurricane preparation as a result of those satellites pays for itself. But, yet, it is a big, big chunk on their budget and far bigger than anything else. But we have to keep those satellites up there. We need a new generation up there and they are getting them up there.

So the budget is sort of lopsided, a lot of it on satellites, but you cannot neglect the wet part of it, all the fisheries and everything else they do.

So I have just sort of run through this quickly because I know I do not have much time here. But NSF is key for basic research,

absolutely key. They have been for years. They do a fantastic job with the money. They are a model for every other nation on this planet. And I do not know of any members of Congress who are critical of NSF or the work they do, but also NIST and NOAA as well.

So I would very much appreciate whatever you can do.

[Written statement by Congressman Vernon J. Ehlers follows:]

STATEMENT OF

THE HONORABLE VERNON J. EHLERS
MEMBER
U.S. HOUSE OF REPRESENTATIVES

Hearing on the FY 2010 Commerce, Justice and Science Subcommittee
Committee on Appropriations
Thursday, April 2 at [TBD]
H-309 Capitol Building

Thank you, Chairman Mollohan and Ranking Member Wolf, for the opportunity to testify before you today. As ranking member of the Subcommittee on Research and Science Education and as a member of the House Committee on Science and Technology, I work with my colleagues to support and strengthen several agencies of great importance to our nation's technological innovation capacity. The core of that capacity depends on basic research, and I believe a vigorous research base is crucial to our national economic security. To that end, **I ask you to give high priority to scientific research and development and math and science education in fiscal year 2010 by funding the National Science Foundation (NSF) at $7.0 billion, the National Institute of Standards and Technology (NIST) at $907 million, and the National Oceanic and Atmospheric Administration (NOAA) at $5.0 billion.**

Since 2006, the Administration and many Members of Congress have sought to put the scientific research agencies on a budget doubling path. The timeline of this doubling has varied from five to ten years, but there has been common agreement that sustained funding increases for science and engineering are key to our national economic competitiveness. President Obama has also registered his support for doubling the budgets of these agencies in his campaign as well as his preliminary fiscal year 2010 budget request.

The Science and Technology Committee crafted authorization bills for the NSF and NIST that set these agencies on a pathway to double their budgets by the year 2017. This work culminated in the passage of the 2007 COMPETES Act. In conference, I was pleased that the pathway for the NSF doubling was accelerated to a seven instead of ten-year pathway. I appreciate that the House and Senate strongly endorsed fundamental research and education in the fiscal year 2009 appropriations bills, and that stimulus added to those funds. "Shovel-ready science" supported by the stimulus will help immensely with long-deferred infrastructure projects, but we cannot expect it to produce immediate discoveries. Long-term, stable funding which builds on the fiscal year 2009 omnibus levels is necessary to ensure that the investments being made today will result in transformational technologies needed in the future.

Supporting the NSF is critical to maintaining our pre-eminence in science and technology. NSF investments are aimed at the frontiers of science and engineering, where advances in science and technology underpin our ability to meet many of the challenges that America faces today, including securing the homeland, preventing terrorism, fostering

innovation and economic development, and educating our children to be able to compete in the knowledge-based, global economy.

For these reasons, I urge you to fund the NSF in fiscal year 2010 at $7.0 billion, which concurs with the request of the Administration. The funding will allow for new innovative technologies to be developed by NSF scientists and engineers and support the scientific literacy of our nation. As a testament to the importance of NSF, **more than 50 of my colleagues co-signed a letter endorsing this request,** and it is my hope that you will seriously consider funding NSF at this level.

Next, NIST is one of our nation's most critical science organizations. Almost every federal agency and U.S. industry sector uses the standards, measurements, and certification services that NIST labs provide. The future of many cutting-edge technologies depends on the research and technical expertise of NIST. Emerging fields such as nanotechnology, quantum computing, and bioengineering will not mature into U.S. job-creating industries and markets without the existence of scientifically-based industrial standards. There is no other U.S. organization, public or private, with the knowledge and skills necessary to provide these highly technical services in a non-discriminatory manner.

I ask that you provide $907 million in fiscal year 2010 for NIST, which is the authorized level of funding provided for NIST in the COMPETES Act. This sum includes the authorized level of funding of $132 million for the important Manufacturing Extension Partnership (MEP) program and $141 million for the Technology Innovation Program (TIP). These last two programs help our small companies compete in the global economy and depleting them would represent a blow to innovation. I know that this Committee worked to include funding for these programs in the stimulus, but unfortunately neither was included in the final bill.

Finally, I ask that you consider funding NOAA at $5 billion for fiscal year 2010. NOAA is faced with several challenges in the near term that justify the need for increasing the fiscal year 2010 appropriation to $5 billion. NOAA has a mandate to maintain its satellite capabilities, which are essential for weather forecasting and other earth observing needs. The costs for such satellites and sensors will continue to increase over the next few fiscal cycles. This increase should not come at the cost of shifting funding from non-satellite programs across the agency. Sufficient funding is also necessary to support improvement in "wet" programs of NOAA, including the restoration of the Great Lakes. I am a co-chair of the House Oceans Caucus, and many of my colleagues have signed on a Dear Colleague letter to you endorsing this request.

In summary, I respectfully urge you to give high priority to scientific research and development and math and science education in fiscal year 2009 by funding the NSF at $7.0 billion, NIST at $907 million, and NOAA at $5.0 billion.

My staff and I would be happy to help answer any further questions you have about these priorities as you prepare the subcommittee's appropriations bill. I appreciate your leadership in these areas and on the difficult funding decisions facing the Congress this year. I look forward to continuing to work with you on these issues. Thank you again for allowing me to testify today.

Mr. MOLLOHAN. Well, we all recognize your expertise and your advocacy for science and science funding. We appreciate very much your testimony here today, Vern.

Mr. EHLERS. Thank you.

Mr. MOLLOHAN. Thank you.

Mr. EHLERS. I appreciate it very much. Thank you.

Mr. MOLLOHAN. Thank you. Thanks for being here again.

Next the Committee would like to welcome another colleague, Congressman Sam Farr from California.

Sam.

THURSDAY, APRIL 2, 2009.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

WITNESS

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

Mr. FARR. Hope you did not mind me taking off my coat.

Mr. MOLLOHAN. Welcome.

Mr. FARR. I am warm in here.

Mr. MOLLOHAN. It is too warm in here and we have tried to make it cooler unsuccessfully. And it is not even that hot a hearing.

Mr. FARR. That speaks a lot for people that control the atmosphere budget.

Mr. MOLLOHAN. Well, so much for your testimony.

Mr. FARR. Mr. Chairman, thank you very much in allowing us to come before your Committee. And I do this annually because I am so impressed by the responsibility that your Committee has for sort of the map behind you in both land and with the responsibilities of State and Commerce.

And lots of people do not realize that in Commerce is NOAA, kind of an awkward organizational chart place to be. And most of the Commerce budget, I think a little over half of it goes to NOAA.

I mean, it seems to me that is the area where if America is going to be a world leader, we have to have the ability to have the world information on the environment. And we kind of break it up between the, you know, the air side, the atmosphere, the weather issues, which is a very expensive part because you are dealing with a lot of satellite technology and costs for that. And I know in the President's budget, he has asked for a big increase on that.

But the other side of it is if you understand weather, you have got to also understand the oceans because that is where weather is born. And so these big storms and things that happen, global warming obviously has the—affect the oceans which cover 71 percent of the—so I have always come in and you have been very good at it. Just to remind people that let us not drop the O out of NOAA. I mean, that is the ocean part. And in past Administrations, that happened.

We have a lot to do. I mean, exploration, we know more about the planets and the back side of the moon than we know about the floor of the ocean. And just recently Google did their Google—Tivvy Earl was great telling Google that, look, you cannot call it

Google.earth because you do not know anything about the oceans. So you have got to call it Google.dirt.

And Google came out with their ocean mapping, but because we do not know most of the ocean, we do not know about it. So I asked them, well, how do you do that. And they said, well, we just made it flat. We cannot show you any canyons and mountains in most of the ocean.

So we have a lot of ocean exploration to do because in that is where I think a lot of these energy issues of the future are going to be of how you use wave motion and tidal motion and things like that that are just, you know, constant acts of nature like wind and sun, that we have alternative energies to pull out of the ocean. But we have got to do it in the right place and all of that. We will not know that without doing the research.

We have implemented an incredibly good strategy in fishing and it has now got to be funded. And in essence what we are trying to do, and we are a long way from it, is get a sustainable fishery out there. You know, it is very hard to even know what that means because—but if we do not do it, the ocean, because we have been dumping everything around the world that we do not like, just dump it in the oceans, including our country having a history of dumping nuclear waste in the ocean, and at the same time, we are feeding a lot of the world.

And when you get to the fact that a tuna will sell, as 90 Minutes pointed out, for $250,000 for one fish in the Tokyo fish market and the struggling economies of the agrarian countries and coastal countries around the world where every small fisherman has the dream of catching that, you know, gold mine of a catch, and so we are going to have to spend a lot more time on essentially trying to educate and understand how we kind of farm the ocean constructively as we have done on our land. And that is going to take a lot of effort and it is absolutely essential because if the ocean dies, we die. Mankind cannot survive without the ocean, not just from feeding, but just from what the ocean does with carbon and so on.

So I am here, and I was very pleased. I always listen to Dr. Ehlers speak and he is one of the co-signors of the letter that we sent to you along with 69 other members from the House Oceans Caucus asking for a five—I think we were asking for five million or billion, what is it, for the NOAA's—five billion for the NOAA budget and then in that, that the oceans get treated equally with the atmosphere.

So I would be glad to answer any questions you might have, but I really appreciate it and I think you have got a lot of members of this House on both sides of the aisle, some who are not even from coastal states, who realize the importance of oceans and the health of oceans is important to their constituency because so many people could have taken vacation on the coast and eat products that come out of the ocean.

[Written statement by Congressman Sam Farr follows:]

April 2, 2009

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

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

I come here today not only on my own behalf, but also as one of three co-chairs of the House Oceans Caucus. The other co-chairs of this bipartisan leadership on ocean issues are Reps. Vernon Ehlers (R-MI) and Jay Inslee (D-WA). Together we championed an effort to send a letter to this subcommittee in support of programmatic funding increases for the National Oceanic and Atmospheric Administration (NOAA), garnering over 50 co-signers.

It is undeniable that our oceans and coasts are among our greatest natural resources. Over half of the US population lives in coastal states. Coastal and marine waters support over 2.8 million jobs and the coastal economy generates half of the nation's GDP. The culture, economy, and security of our Nation depend on the health and sustainability of these assets, yet we are not sufficiently managing and protecting them. Though the budget this year is more constrained than ever, I respectfully urge you to make oceans a funding priority. An increased and sustained investment now will enhance the benefits we reap in the future. This need was highlighted by the U.S. Commission on Ocean Policy report, and the Joint Ocean Commission report issued in 2004 and 2006, respectively.

In February of last year, the Joint Ocean Commission Initiative (JOCI)—lead by Admiral James Watkins (Ret.) of the U.S. Commission on Ocean Policy and the Honorable Leon Panetta, then of the Pew Ocean Commission—released its 2007 U.S. Ocean Policy Report Card. The Report Card measures the effectiveness of federal and state government in achieving a condensed list of policy priorities for our oceans. The grade given for "New Funding for Ocean Policy and Programs" was a D+. This improvement from the F given the previous year for funding is an encouraging sign; still more so was the FY09 Omnibus Appropriations Bill, which allocated $4.37 billion to the National Oceanic and Atmospheric Administration (NOAA), the lead federal agency for ocean-related management and activities. The preceding years of inadequate funding for NOAA have led to a serious erosion of capabilities and NOAA is still not receiving the funds they need to respond to the 10 priority policy recommendations JOCI made to Congress *at our request.*

Along those lines, I want to emphasize the invaluable services and programs of NOAA. Among these are the National Marine Sanctuary Program, the Integrated Ocean Observing Program, the National Sea Grant College Program, the National Estuarine Research Reserve System, and the Coastal and Estuarine Land Conservation Program, not to mention the National Weather Service, which, while not an 'ocean' agency *per se*, provides the weather data that virtually all Americans rely on. Combined, the many NOAA activities support necessary ocean protection, research, exploration, and education, facilitating America's trade and commerce, leisure and recreation, and putting seafood on our tables. Therefore, it is important that we make significant progress toward increasing NOAA's funding to $5 billion in the very near term. The president's FY10 budget request outline, while providing increased funding to the Department of Commerce and allocating $1.3 billion to NOAA's satellite capabilities, does not explicitly stipulate necessary budget increases for NOAA's many other vital programs. But it does indicate the President's commitment to some, identifying the need to support research to further our understanding of ocean acidification and to fully implement the Magnuson-Stevens Act in order to end overfishing. It is critical that NOAA's many other important programs and responsibilities be funded at a level commensurate with their value to the American people.

As a Member of California's coastal delegation, I am intimately connected to and an advocate for the oceans. Several of the programs under NOAA's jurisdiction and other private/state entities are represented in my district and help make it one of the most dynamic coastal destinations in the country. For instance, it includes the Monterey Bay National Marine Sanctuary—the Nation's second largest marine sanctuary supporting one of the world's most diverse marine ecosystems—the National Marine Protected Area Center and Science Institute, and the Monterey Bay Aquarium. In addition, it houses several top ocean research laboratories and education institutions (e.g., University of California at Santa Cruz, Moss Landing Marine Lab, California State University at Monterey Bay, and Stanford's Hopkins Marine Station), where key studies/programs are conducted related to highly migratory species like sharks and tuna, protected species like salmon, ocean observing, data collections on fish stocks and ocean economics, and basic research to increase our understanding of the ocean. Of course, these are also several attractive areas that support a high influx of coastal tourism annually.

I cannot emphasize enough the need to show our ocean stewardship now, so we can turn the tide on the dire threats facing our ocean. Therefore, I would appreciate your support in funding NOAA and its programs that are of critical importance to my district and to our nation. Please consider this written testimony for the record. I do understand the requested investment is sizable; however, it has to be done to protect our largest public trust. Let's follow on the positive start in 2009's budget and make the necessary strides in the 2010 cycle to give this agency the resources to fully realize its mission, to effectively provide its many products and services to the American people, and to understand and manage the ocean that we all rely on.

Mr. MOLLOHAN. Well, thank you for your testimony, Sam.

Mr. FARR. Thank you.

Mr. MOLLOHAN. We appreciate it very much and look forward to working with you as always.

Next the Committee would like to welcome Gabrielle Martin. Ms. Martin will be testifying on behalf of the National Council of EEOC Locals No. 216.

Welcome to the Committee, Ms. Martin, President Martin.

THURSDAY, APRIL 2, 2009.

NATIONAL COUNCIL OF EEOC LOCALS NO. 216

WITNESS

GABRIELLE MARTIN, PRESIDENT

Ms. MARTIN. Thank you. And thank you for having me, Chairman Mollohan, Ranking Member Wolf, other members, Mr. Fattah.

I am the President of the National Council of EEOC Locals and we represent the employees that work at the EEOC. This is a group of dedicated federal employees who handle employment discrimination matters.

As our economy falters and people struggle for jobs, our mission becomes even more important. And you guys live here in Washington. I come from the great State of Colorado, but the Washington Post has covered our plight, I think, rather extensively lately.

Last year, we had a record high 95,000 plus charges and an extremely high backlog of 73 plus thousand charges. Each of those backlogged charges represents a person, a person who may be in the workplace, continuing to suffer from discrimination, and a person who in many ways has to rely on his or her colleagues to help establish their case.

When their cases wait, the employees may suffer additional discrimination or retaliation. The witnesses they may need, they are chilled because they see that person filed a charge and a year later, they are still sitting here under all of those pressures.

So the work that the Commission does is very important and it impacts everyone who has a job, wants a job, has a dream for their future.

So we come again asking for additional funding for EEOC. Our ask is that we get $378 million which is an increase. This Committee last year was gracious enough to grant us an additional $15 million. But given our record high backlog, something else has to happen.

We appreciate the money, but as the economy falters, as we will be taking on two new laws, we actually started "The Americans With Disabilities Act" amendments the beginning of this year and we will be taking on the GINA, which is "The Genetic Information Nondiscrimination Act," so there will be additional charges coming in.

We need at least 500 more employees, so we are asking the Subcommittee to raise our ceiling to 3,000. That number represents the number of employees EEOC had in about 1994 which was the last

time we saw this record number of charges. So it has been a while. The cases have piled up and it harms the working public.

The EEOC did a survey back in the fall where members of the public who use us said they just need more staff. This is not just EEOC's employees saying we are overwhelmed, which they are and I do not mean to belittle that, but they are also dedicated people who serve the public and the public is saying, you know, they need more people. I filed my charge ten months ago. I am at work. I am being harassed. Can't you do something else for us.

So this convergence of high receipts, taking on new laws, low staff, and this record backlog means additional funds will be needed.

What will those funds do? They will help us, one, reduce the backlog by hiring additional staff. They will help us process those cases more timely so that people who file have a sense that EEOC will be there, they will be responsive, and they will not be waiting additional time.

Last summer, EEOC reduced its goal of processing cases within six months to saying we are going to only try to process 48 percent in eight months. To the public that is waiting, that is a drastic 60 days. And that money will help us address that.

There are a couple of other things that EEOC needs and we appreciate this Committee and the language which came out of the Omnibus bill which said EEOC needs to be reporting back as to what they are doing with additional monies. We think the priority needs to be hiring and we would ask for continued oversight for fiscal year 2010 to make sure that priorities go to hiring, raising our budget.

The EEOC restructured in 2006. They got through part of it. They split some states, so you have one state, half the state reports to another state because of the way they drew jurisdictional line. The other half of the state reports somewhere. And to the extent that those were major population areas where jobs are concentrated, we think at some point, there needs to be oversight in terms of what happens there. Do we restore that so that those states are whole and they are not reporting in two different jurisdictions?

And then the other priority for this money in terms of hiring is not only investigators, but it is also dealing with the agency's ability to get charges in. It currently moved the call center in-house because Congress shut down the outside one for its failures. They have replicated that failure.

Last year when we were here, Chairman Mollohan, you talked to us about what are these credentialed people, who are they, and we said they just hire 60 people and say handle all the calls from the country. It is impossible. Those people are trying to handle calls. They are trying to handle forms that come in on internet as well as e-mail traffic. So you have got another group besides investigators who have overwhelming caseloads that they cannot get to.

[Written statement by Gabrielle Martin, National President, National Council of EEOC Locals, No. 216 follows:]

STATEMENT OF GABRIELLE MARTIN, NATIONAL PRESIDENT
NATIONAL COUNCIL OF EEOC LOCALS, NO. 216, AFGE/AFL-CIO
TO
THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES
ON
FY 2010 APPROPRIATION FOR EEOC,
INCLUDING INCREASING FUNDING AND REPLENISHING STAFFING
April 2, 2009

Chairman Mollohan, Ranking Member Wolf, and members of the Subcommittee, my name is Gabrielle Martin and I am the President of the National Council of EEOC Locals, No. 216, AFGE/AFL-CIO. The Council is the exclusive representative of the bargaining unit employees at the Equal Employment Opportunity Commission (EEOC), including investigators, attorneys, administrative judges, mediators, paralegals, and support staff located in offices in 53 cities around the country. I want to thank you for the opportunity to express our views to the Subcommittee on the proposed FY10 budget for the EEOC from the perspective of EEOC's frontline workers. The bottom-line concern for the Council is that staffing is woefully inadequate to handle: the record high 95,402 charges of discrimination that were filed in FY08; the additional enforcement responsibilities of two new laws; and the mushrooming backlog of 73,941 cases. This backlog most directly affects the public, e.g., when investigations suffer because witnesses have moved or a harassed worker hangs on waiting indefinitely for EEOC's help. As the nation struggles towards an economic recovery it will be critical for a revitalized EEOC to ensure a level playing field for employees and job applicants. The Council thanks this Subcommittee for acknowledging these issues and increasing EEOC's FY09 budget. However, to revitalize the agency after the damage caused by five years of frozen budgets, more is needed for FY10. Specifically, the Council urges the inclusion of bill and report language in the FY10 funding measure which: (1) increases funding to $378,000,000, i.e., the amount originally called for in FY08 Senate CJS Appropriations Bill (Senate Report 110-124); (2) raises the staff ceiling to 3,000 FTE's, i.e., the same level as 1994, the last time that EEOC's charge receipts were close to FY08's record high; (3) maintains oversight of headquarters and field restructuring; and (4) requires EEOC to hire and train "higher credentialed" employees for the call intake function.

Introduction:
The EEOC was created by the Civil Rights Act of 1964. The EEOC's mission is to enforce this nation's laws, which protect against discrimination in employment based on race, color, religion, sex, national origin, age, and disability. As of 2009, EEOC is also responsible for enforcing the Americans with Disabilities Act Amendments Act (ADAAA) and the Genetics Information Nondiscrimination Act (GINA). From its earliest days, EEOC has had dedicated employees, excited about the opportunity to change things, to make our nation a better place, to make sure that discrimination no longer is a barrier to people getting and keeping jobs. As our economy has stumbled, the employees of EEOC have been pressed to keep up with the increasing workloads. Record high charge filings will continue due to higher unemployment and enforcement of two new laws. Action must be taken to revitalize EEOC in order to build a better future for working Americans.

The Council Thanks This Subcommittee for the FY09 Report and Omnibus Act Language: The Council first wishes to thank this Subcommittee for listening and responding to the concerns of our members this past year. Most significantly, for FY09 this Subcommittee broke the five year cycle of frozen budgets and finally increased EEOC's funding by $15 million. This Subcommittee's Report Language had even tried to increase it by $20 million. Both the funding level in the Report Language and that contained in the final Omnibus Act exceeded the former administration's request, which demonstrate that this Subcommittee was receptive to the Council's concerns and took action. Also, the FY09 Omnibus conference report language called for hiring permanent frontline field staff to reduce the agency's swelling backlog, including addressing the large number of unfilled existing frontline staff positions. Additionally the Omnibus Act Bill language retained oversight, which prevents EEOC from taking any action to restructure without first coming to the Subcommittee.

EEOC Must Hire Staff to Process Record High Charge Receipts and Reduce the Backlog: EEOC's asymmetrical problem of diminished staff dealing with a growing workload reached a crisis in FY08. Specifically, since 2001, EEOC has lost over one quarter of its employees, with most of the losses being to the ranks of frontline staff. The EEOC ended FY08 with only 2,174 employees on board nationwide. Only a portion of this figure represents frontline positions that deal directly with the public. For instance, EEOC has only about 600 available investigators. In 2008, this remaining skeleton crew received 95,402 new charges of discrimination, the highest number ever received in agency history. In addition, for the second year in a row the backlog of cases jumped 35% to a deplorable 73,941. The workers who file these charges, which become part of the backlog, are left stranded.

EEOC's investigators have seen their inventories of cases climb to as high as 250 cases, as the work of retiring employees is redistributed to the remaining staff. These unreasonably high caseloads do not allow investigators to do an effective job of interviewing witness, reviewing documents, attempting conciliation, etc.[1] Fewer attorneys have meant a drop-off in case filings.

As work increases and staff decreases the inevitable result is that cases are bottlenecked. EEOC's backlog has grown from 39,000 in FY06 to 54,000 in FY07 and to 73,941 in FY08. In its FY09 budget submission, the EEOC anticipated that at the end of FY08 the backlog would be 66,976 and would grow to 75,000 in FY09. Instead, FY08's backlog leapfrogged to the worse statistic forecasted for FY09. Imagine all of these cases stacked in an enormous pile. This pile represents people who believe they were discriminated against on the job, still waiting for help. In a September 8, 2008, EEOC Customer Satisfaction Survey, one worker responding stated, "they need more staff to get these things done faster, it's been 10 months." Another survey respondent conveys the adverse impact of having to wait for EEOC, "I do not feel that they are acting on it and I am being harassed at work." More troubling is that once an EEOC investigator can get to these cases, witnesses have probably moved on and memories have grown stale.

[1] Additionally, on March 23, 2009, an arbitrator ruled that EEOC willfully violated the Fair Labor Standards Act by engaging in a nationwide pattern that results in suffered and permitted overtime for its own employees. The decision demonstrates that the agency has tried to balance its budget and staffing shortfalls on the backs of its employees, by refusing overtime to employees who management knows are compelled to work extra hours to keep up with their high caseloads.

Another clear marker of inadequate staffing is that the amount of time it takes to process a case has increased to 229 days. In one year, the wait for help faced by victims of discrimination has worsened from almost 7 months to almost 8 months. Things are so dire that in the summer of 2008, EEOC scrapped its requirement that 72% of its charges be processed within 180 days. The requirement is now that only 48% of charges be processed within 180 days. For the public, that means that more than one-half of the people who file charges will wait the 8 month average.

Now at a time when EEOC obviously cannot handle its current workload, it is taking on new demands, but without additional resources. In 2007, EEOC began a renewed focus on systemic (class cases). This year, EEOC begins enforcement of two new laws, the Genetic Information Non Discrimination Act (GINA) and the Americans with Disabilities Amendments Act. Moreover, while additional staff have not been hired to assist with the new work, existing staff have not been trained on the complexities of the new laws.

In order to effectively enforce its mission and reduce the backlog, the Council requests that Congress raise EEOC's staff ceiling to 3,000 FTE's, i.e., the same level as 1994, the last time that EEOC's charge receipts were close to FY08's record high. To ensure hiring keeps up with attrition, the Council suggests including report language requiring hiring throughout the year to achieve a net increase of at least 500 FTE's (in addition to the 2,554 which should be on board in FY09) and a total of no less than the requested 3,000 FTE's. It should also be specified that these slots are intended to be used for permanent frontline field positions, including support staff to free up its professional staff to do their work.

For the Current Fiscal Year, Oversight Is Needed to Ensure Hiring is Prioritized:
EEOC should prioritize replenishing lost staff and maintaining existing employees, in order to reduce the backlog. Instead, the former two EEOC Chairs intentionally kept staffing levels as low as possible, and then locked in those staffing losses by reducing office space. "Separation savings" were used in a manner inconsistent with mission priorities, such as wasting millions on the former outsourced call center failure.

As a result of its misdirected spending, in recent years EEOC had consistently refused to fill authorized positions. For instance in both FY07 and FY08, the agency ended the year over 200 employees short of the authorized 2,381 FTE's. Now for FY09, EEOC requested 2,554 FTE's. Congress funded EEOC $2 million above the level it requested to support that number of employees. Moreover, in its responses to this Subcommittee's questions for the record (QFR), EEOC claimed that it expected to be able to fund the FTE published in the President's FY09 budget. *(QFR, No. 4, p. 671)*. However, well into the second quarter of FY09, EEOC's total staffing still remains at 2,195, well below the FY09 authorized level.[2] Therefore, for the current fiscal year 2009, the Council urges this subcommittee to exercise oversight to ensure that EEOC does in fact hire to its staff ceiling of 2,554 FTE's.

Congress Should Raise EEOC's Budget to $378M, To Revitalize the Damaged Agency:
If EEOC is to be revitalized, it needs more funding. Five years of frozen budgets and questionable management decisions have left the agency too resource starved to effectively

[2] The small net gain of twenty employees this fiscal year, through February 2009, has been concentrated in Washington, instead of field offices around the country.

manage its growing workload. The chart included with this testimony illustrates EEOC's troubling customer service trends from FY01 through FY08.

This Subcommittee demonstrated its understanding of EEOC's critical situation by supporting the Omnibus Appropriations Act, which finally provided EEOC a $15 million increase, and including an even greater amount in the Report Language. This increase is a desperately needed down payment towards fully revitalizing the EEOC. Unfortunately, EEOC's FY09 budget request did not account for the 15% increase in charge receipts, the greater than anticipated growth to the backlog, or the resources necessary to enforce the passage of the GINA and ADAAA legislation. Therefore, the Council respectfully requests that this Subcommittee adopt the increase to $378 million, the amount originally called for by the Senate's FY08 CJS Appropriations Bill. This funding is needed now more than ever for backlog reduction, increased charge receipts, and to support the enforcement of new legislation.

Subcommittee Should Retain Bill Language Regarding Oversight of EEOC Restructuring: On January 1, 2006, as part of a nationwide field restructuring, EEOC downsized a dozen offices. The restructuring added bureaucratic layers, but no frontline staff. EEOC should now revisit the restructuring to fix its worst inefficiencies, such as states that were split between two districts. The EEOC should also keep its promise to reduce top heavy offices to a 1:10 supervisor to employee ratio. Only 16% of EEOC employees responding to a Union survey indicated that their offices met the agency's alleged 1:10 goal. Redeployed supervisors can help the frontline without added cost.

The final phase of EEOC's repositioning is the delayed restructuring of headquarters, which has been promised for three years. The intent of the headquarters restructuring should be to reduce redundancies and layers of management. These resources should be utilized to aid the frontline work in the field offices. The Council urges the Subcommittee to retain bill language regarding oversight of this restructuring. Additionally, Congress should assure a transparent process for public and internal stakeholders to have an opportunity to provide feedback of a draft plan.

Oversight of EEOC's Call Center Will Avoid Replication of the Failed Contract Center: Recently, the former Chair, Naomi Earp, bragged to the *Daily Labor Report* about making EEOC's new in-house call center "a complete mirror of what we had at the outsourced center," despite Congress shutting down that failure in 2007. In fact, EEOC did replicate the worst problems of the contract center by not hiring staff, who with proper training could provide substantive help to the public and to EEOC investigators. Instead, EEOC limits what these employees can do to answering the phones and directing callers to the EEOC's website to fill out newly available online questionnaires. However, the general benefit of expanding access is negated, because there are not adequate staff to process these new cases. The call center staff in no way completes any of the substantive work that continues to pile up in offices. Employees are overwhelmed and cannot keep up with the calls, the investigations or the incoming online questionnaires. Each piece of paper that piles up and each phone call that is not handled represent a real person who deserves better. Without increased skill levels and additional staff, the call center will continue to inundate offices with online questionnaires. Overall, case processing times will continue to grow and the backlogs will continue exploding.

The Report accompanying House Committee Print, HR No. 110 related to House appropriations for FY09, called on EEOC to conduct a "cost benefit analysis of hiring higher credentialed employees for the call intake function, which might provide more substantive assistance to callers and resolve a greater number of calls at the first point of contact." The Council supports this plan. Better trained and higher credentialed staff could not only resolve more calls, but could assist in processing the intake questionnaires that they send the public to submit.[3] In turn, investigative staff, who would be relieved from some of these intake responsibilities, could focus on processing cases already in the system. EEOC could then work to reduce the backlog.

EEOC Must Comply With the Regulatory Process On Federal Sector Reform:
Finally, I would like to bring to your attention that a recent Federal sector reorganization proposal would add additional layers of management at the cost of frontline positions. Growing Federal sector backlog and longer average case processing times instead should lead to proposals that increase frontline staff. Other controversial proposed changes would affect the rights to discovery and a hearing for Federal employees claiming discrimination in certain employment actions. The Council asks this Subcommittee to ensure that EEOC comply with the regulatory process, including posting a notice in the Federal Register, before proceeding with any changes to Federal Sector EEO process. Any Federal sector reorganization should be vetted through an EEOC vote and the House and Senate CJS Appropriations Subcommittees.

Conclusion:
In closing, I want to again thank the Chairman, Ranking Member and the Subcommittee for inviting me to testify. I hope my statement will give you insight into the difficult challenges facing EEOC. I urge the Subcommittee to include bill language in the FY10 funding measure which: (1) increases funding to $378,000,000, i.e., the amount originally called for in FY08 Senate CJS Appropriations Bill (Senate Report 110-124); (2) raises the staff ceiling to 3,000 FTE's, i.e., the same level as 1994, the last time that EEOC's charge receipts were close to FY08's record high; (3) maintains ongoing oversight of headquarters and field restructuring; and (4) requires EEOC to hire and train "higher credentialed" employees for the call intake function.

CHART: EEOC'S TROUBLING CUSTOMER SERVICE TRENDS[4]

		FY01	FY02	FY03	FY04	FY05	FY06	FY07	FY08
1	Full Time Employees	2,924	2,787	2,617	2,462	2,349	2,250	2,137	2,174
2	Backlog	32,481	29,041	29,368	29,966	33,562	39,946	54,970	73,941
3	Charge Receipts Filed	80,840	84,442	81,293	79,432	75,428	75,768	82,792	95,402
4	Resolutions	90,106	95,222	87,755	85,259	77,352	74,308	72,442	81,081
5	Avg. Charge Processing	182	171	160	165	171	193	199	229

[3] The higher credentialed intake staff would also be an excellent feeder position to fill investigator vacancies.
[4] National Academy of Public Administration report, 2/2/03; EEOC Budget Requests; www.eeoc.gov.

Mr. MOLLOHAN. We will follow-up with you on these issues and particularly all of your testimony, but we will follow-up on some of these issues. And we very much appreciate your testimony here.

Ms. MARTIN. Thank you for having me again.

Mr. MOLLOHAN. Thank you, Madam President.

Next the Committee would like to welcome Ms. Mary McQueen, testifying on behalf of the National Center for State Courts.

Welcome, Ms. McQueen.

THURSDAY, APRIL 2, 2009.

NATIONAL CENTER FOR STATE COURTS

WITNESS

MARY McQUEEN, PRESIDENT

Ms. MCQUEEN. Mr. Chairman, I come before you today to request that the House Appropriations Committee fund the threat assessment component of "The Court Security Improvement Act" and also request that we fully fund the State Court System grants under the National Instant Criminal Justice Background Check System that you heard earlier testified regarding.

I come representing the Conference of Chief Justices of all the Supreme Courts in the state and their Chief Executive Officers, the Conference of State Court Administrators, COSCA.

All of us in the nation's court systems were very gratified when Congress approved and the President signed "The Court Security Act of 2007." I think all of us will remember that year when Federal Judge Lefkow's family was murdered as well as the Nichols cases in Atlanta that resulted in judges and court staff being killed in the courthouse.

Over five million people somewhere today will enter a courthouse and that is not just judges and court personnel and lawyers and public defenders. It is also the public who goes there to have their rights enforced, to deal with foreclosure issues, family, property, all those types of issues. And we are seeing across the country more and more violence against courts.

In Oregon two years ago, there was a disgruntled litigant who actually was a federal litigant in a contracts case that packed his car full of explosives, drove up to the front of the Federal Courthouse, but because federal courts are so adequately funded, well, I do not think that they would say adequately, but do have a unified security system, there was a setback and he could not drive his truck into the courthouse.

He went around the corner, saw a sign that said courthouse, happened to be the local county courthouse, the Superior Court, drove his car up the front steps into the foyer, and blew his automobile up in the county courthouse.

There is an integrated justice system in this country. We call them federal and state courts, but a judge is a judge and a court is a court. And 98 percent of the litigation in this country occurs at the State Court level.

When we came before you to ask for the passage of the National Court Security legislation, one of the challenges facing state courts

was the lack of an integrated way to share and to track incident reports.

It is not as if every state court system has a security force similar to the U.S. Marshal Service. In most states, it is provided by local law enforcement agency and that could be the county Sheriff or it could be the local police department.

But there is not a unified way of sharing those threat assessments to determine whether or not someone that you would see in a District Court one day, for instance, in Vancouver, Washington, shows up the next day in Portland, Oregon.

And so by fully funding this Court Security Threat Assessment Program, we would be able to identify and have already been working with the Chief Justices and the State Court Administrators to develop with the Bureau of Justice Assistance the minimum reporting requirements for the system. So we ask that you consider that.

Secondly, I would like to just speak very briefly, if I could, about the National Instant Criminal Background Checking System that you heard about this morning.

And I served as the Chief Executive Officer for the Supreme Court in the State of Washington for 25 years before coming to the National Center. And one of the challenges that we continue to face and that you continue to hear about background check and criminal history reporting is we cannot link arrest to dispositions. Courts do not receive arrest information. It is a charge. And sometimes every arrest does not result in a charge.

And so we have to find a way to identify these arrests, relate them to the charges because in courts, we do know a disposition of every charge. And it is critical that we are able to map for each state how that information is identified between arrest and charging to get the dispositions.

Certainly we believe that the state courts play an important role because of the disposition information in ensuring that the database has reliable information to be able to make sure that people that are inappropriate do not receive firearms and that includes both the outstanding mental health orders as well as the criminal and misdemeanor, domestic violence protection orders.

And so there are two funding sources under the NICS improvement grants, one for state systems and one for state court systems. And we ask that you would really consider fully funding the state court systems grant provisions.

I guess the way that I would like for you to, if I could end my testimony with a visual, is that in the past, courts saw cases and so you would have five different cases, but it could be one individual. And now we are moving to person databases where you can have one person come before the court and the court can see that there are a variety of different cases that that person is involved in.

And if you think about an hourglass with sand in the top flowing through a very small aperture in the middle and sand in the bottom, if we continue to just put money in the top, in law enforcement, or in the bottom is in corrections, those cases still have to go through that small aperture one at a time called state courts.

So I thank you very much for your time today and would be glad to answer any questions.

[Written statement by Mary McQueen, President, National Center for State Courts follows:]

CONFERENCE OF STATE COURT ADMINISTRATORS

TESTIMONY

by

Mary McQueen
President, National Center for State Courts

On

Outside Witnesses Hearing: Funding for the Threat Assessment Database Program of the Court Security Law and the NICS Improvements Act

Submitted to the

**HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
UNITED STATES HOUSE OF REPRESENTATIVES**

Subcommittee Hearing
Thursday, April 2, 2009

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Mr. Chairman, I come before you today to request that the House Appropriations Committee fund the Threat Assessment component of the Court Security Improvement Act (PL 110-177) at the authorized level of $15 million for FY 2010. We also request that the Committee fully fund the State Court System Grants under the National Instant Criminal Check System (NICS) Improvement Amendments Act (PL 110-180) for FY2010.

ABOUT COSCA

Thank you, Chairman Mollohan, Ranking Member Wolf, and members of the House Appropriations Subcommittee on Commerce, Justice, Science for hearing our testimony today. My name is Mary McQueen and I am testifying on behalf of the Conference of State Court Administrators (COSCA). I am also the former state court administrator for the state of Washington.

Before I begin my remarks, I would like to provide some background on our COSCA and its membership. The National Center for State Courts, of which I am President, serves as secretariat to COSCA. COSCA was organized in 1955 and is dedicated to the improvement of state court systems. Its membership consists of the principal court administrative officer in each of the fifty states, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the Territories of American Samoa, Guam, and the Virgin Islands. The state court administrators are responsible for implementing policy and programs for the state judicial systems. COSCA is a nonprofit corporation endeavoring to increase the efficiency and fairness of the nation's state court systems. As you know, state courts handle 98% of all judicial proceedings in the country. The purposes of COSCA are:

- To encourage the formulation of fundamental policies, principles, and standards for state court administration;
- To facilitate cooperation, consultation, and exchange of information by and among national, state, and local offices and organizations directly concerned with court administration;
- To foster the utilization of the principles and techniques of modern management in the field of judicial administration; and
- To improve administrative practices and procedures and to increase the efficiency and effectiveness of all courts.

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I also would like to tell you about the Conference of Chief Justices (CCJ), a national organization that represents the chief justices of the 58 states, commonwealths, and U.S. territories. Founded in 1949, CCJ, along with COSCA, speaks for state courts before the federal legislative and executive branches and works to promote reforms to improve the administration of justice. COSCA works very closely with CCJ on policy development and administration of justice issues.

THREAT ASSESSMENT DATABASE

All of us in the nation's state courts system were very gratified when the Congress approved and the President signed the Court Security Improvement Act of 2007 (PL 110-177). We thank the Congress for its diligent desire to ensure that our courthouses provide a safe and neutral forum to conduct the business of justice. This law makes a difference to the judges, prosecutors, public defenders, lawyers, law enforcement officers, court personnel, court reporters, jurors, witnesses, victims, and members of the general public who enter courthouses every day.

When the Congress was considering court security legislation, concern was expressed about the state courts' ability to document and track security incidents and threats made to judicial officers, non-judicial court personnel, and court facilities. Members of the House and Senate Judiciary Committees asked about the extent of the problem of attacks on court personnel and in our court facilities. We were able to provide anecdotal information and data from some jurisdictions, but were not able to fully respond to questions about the number, frequency, and increase/decrease of attacks against state court judges and court personnel. Setting up a national threat assessment/incident reporting system would enable state courts to answer these important questions and develop strategies to protect state court personnel and court facilities.

Threat assessment/incident reporting was a priority issue at the "National Summit on Court Safety and Security", which was convened by the National Center for State Courts and the National Sheriff's Association in Washington, DC on April 5, 2005. After the Summit, we reported to the House and Senate Judiciary Committees that, while some states had robust threat assessment and incident reporting systems, the vast majority did not. We requested that the court security legislation include a grant program to assist state courts to develop a threat assessment/incident reporting system, patterned after the U.S. Marshalls Service system, to capture national data on threats directed towards the state courts.

The Congress responded by creating a state court Threat Assessment program within the Department of Justice (Title III, Section 303 of the Act). Specifically the law authorizes the Attorney General to award grants to the highest courts in each state for the

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purpose of establishing and maintaining threat assessment databases. The Attorney General would also be required to define a core set of data elements to insure the collection of uniform data and to facilitate sharing of the information between the states and with the Department of Justice. The law authorized $15 million annually from 2008 to 2011 for this program. No funds were appropriated in either FY 2008 or FY 2009. It is clear from the authorizing language that the funds for threat assessment databases should go to state courts.

Given the limited number of states having mechanisms in place to document and track security incidents and threats made to judicial officers, non-judicial court personnel, and court facilities, the federal funds would be used to assist states to develop and implement threat assessment databases using uniform data elements and facilitate the exchange of the threat data between states.

In anticipation of the funding and creation of this program, we have been having discussions with staff of the DOJ's Office of Justice Programs (OJP) Bureau of Justice Assistance (BJA) division. We have discussed the data elements that such an incident reporting/threat assessment system would contain. We have also shared with BJA model incident reporting/threat assessment systems that have been developed by the CCJ/COSCA Security and Emergency Preparedness Committee. This committee has determined that threat assessment is only one of 10 essential elements for effective courtroom security.

NICS IMPROVEMENT ACT

We also support full funding for the State Court System Grants under the NICS Improvement Amendments Act (PL 110-180). The State Court System Grants are authorized for $125 million for FY 2010 and FY 2011. No funds were appropriated in FY 2009 for the State Courts program. Currently, NICS Improvement Act reporting requirements are in place but state courts have not been appropriated funds for these purposes.

As you know, the NICS Improvement Amendments Act was signed into law by President Bush on January 8, 2008. This Act strengthens the Brady National Instant Check System by providing grants to states and state courts to assist them in reporting mandatory data to the National Instant Criminal Background Check System (NICS).

The Brady law mandates that federally licensed firearms dealers perform background checks on prospective gun purchasers. The Brady law has been effective in keeping guns out of the hands of individuals with prior criminal records and disqualifying mental health records. However, the Brady background check is only as good as the

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records it can search. State courts are challenged in providing the mandated data to the NICS system.

The intent of the NICS Improvement Amendments Act was to prevent thousands of prohibited buyers from buying guns because their names are not in the NICS database. State courts have a key role in contributing to the NICS database because our disposition/adjudication data is a key part of the overall NICS system.

The NICS Improvements Act created two funding streams: a State systems grant and a State Court System grant. The purpose of the two new grant programs is to assist states to improve the automation and transmittal of arrest and conviction records, court orders, and mental health adjudications or commitments to NICS and State record repositories. The Act provided both incentives (the new grants) and penalties (loss of a percentage of Byrne-JAG funds) for compliance with data transmittal requirements.

The State Court grant will assist state court systems to set up all-in-one criminal records management information systems. The goal is to have a system that combines full criminal case data, including dispositions, sentences; and warrant information. A key feature of this turnkey system is the ability to depict all sentences and dispositions associated with a defendant on one screen. Some state court systems still have separate (stove pipe) systems that do not interface with each other.

We do appreciate the difficult funding faced by Congress this year, however, having a robust criminal instant check background system will help prevent the incidents of gun violence that have been far too common in this country. State courts are struggling to comply with the federal reporting requirements. We sincerely hope that you will fully fund the NICS Improvements Act State Court Systems grants as you produce your appropriations bill for FY 2010 in order to enhance compliance by state courts and to achieve the overall objectives of the legislation.

Thank you for the opportunity to testify on these important matters. I will be happy to answer any questions you may have.

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Mr. MOLLOHAN. Thank you, Ms. McQueen. We appreciate—President, McQueen, we appreciate your testimony here today and look forward to working with you. Thank you.

Next the Committee would like to welcome Mr. Steve Berg. Mr. Berg will testify on behalf of the National Alliance to End Homeliness. Did I say that right? Homelessness. Thank you.

Mr. BERG. Cannot do anything about homeliness. I am sorry.

THURSDAY, APRIL 2, 2009.

NATIONAL ALLIANCE TO END HOMELESSNESS

WITNESS

STEVE BERG

Mr. BERG. Good morning, Chairman Mollohan, Ranking Member Wolf, Mr. Fattah. Thank you very much for having me here this morning.

I want to talk very briefly about the connection between criminal justice and homelessness and how certain key federal programs make a big difference there.

I feel I need to start by saying that people who are working on the issue of homelessness around the country over the last several years have made some pretty substantial progress in actually changing the way we work with that issue. We are moving from a system that really is about sort of maintaining people in their homelessness and sort of trying to manage the problem to one that is really about solving the problem of homelessness.

And I feel compelled to say that because that very much builds on work that came out of the Appropriations Committee and the HUD Subcommittee during the time, Mr. Mollohan, when you were the Ranking Member on that ten and eight years ago.

We are now facing a situation with the recession where rapidly expanding unemployment is threatening to sweep those gains away and we are already seeing many communities where the number of homeless people is expanding rapidly as joblessness expands.

People working in this field are trying to take the lessons that we have learned over the last several years and put those to work to try to prevent another sort of run-away homelessness situation like we saw in the early 1980s, the last time the economy was this bad in terms of unemployment.

One of the things we feel we have learned over the last several years is, as I said, the connection between homelessness and the correction system. A very, very particular piece of emerging research is about people leaving institutional settings, people with difficult backgrounds leaving institutional settings, coming into a situation where unemployment is very high.

And many people in that situation, this happened in the 1980s and we see the beginnings of it happening again, basically getting stuck in sort of a dysfunctional relationship with both the job market and the housing market. And this is very much the case with people leaving prison, leaving juvenile justice institutions.

In general, of course, there is a lot of overlap between corrections and homelessness with terrible outcomes for both systems.

But the other thing we have learned is that good reentry kinds of programs and good diversion programs can have a very positive impact. We know that people who leave prison and go directly into homelessness, who do not have a place to live are many, many times more likely to commit a new offense, go back to prison compared with people who have stable housing when they get out.

And I think some of the programs I am going to talk about have started to make a real impact there. I want to focus on two sets of programs in particular.

The first is "The Second Chance Act" programs. I think everybody is familiar with "The Second Chance Act." It passed last year, a remarkable coming together of people from both parties, from the whole sort of ideological spectrum, from everyone who is involved in the criminal justice system really around the idea that reentry, doing something positive about reentry is very important. And this statute is what we should be doing.

We are very grateful that the statute passed very late in the appropriations process last year and this Subcommittee was still able to find some money to do a small appropriation for those programs.

Those grant applications have just been announced by the Justice Department. There is a lot of excitement around the country, a lot of people calling up, showing very much that this is exactly what people need under these circumstances.

So we are favoring full funding at the appropriated amount of 165 million for those programs. I think those can do a lot of good.

The other set of programs that you will see in my written testimony is a range of juvenile justice funding lines that we know have had the impact of diverting young people whose main problems are mental health, substance abuse, diverting them out of the criminal justice system and into a system that can help deal with those issues before they go down this path of homelessness that often turns into long-term homelessness, diversion and also reentry from the juvenile justice system.

We have done a lot of work on young people leaving foster care, leaving the state child welfare system and ending up homeless. We have not done as much work on the much larger group of young people who leave juvenile justice programs. The little work we have done has shown really shocking results of young people leaving the system, ending up homeless, ending up sort of going down a path that keeps them homeless for a long time.

So, again, I would like to thank the members of this Subcommittee for their interest in these issues in the past and urge good funding for these programs this year.

[Written Statement by Steven Berg, Vice President of Programs and Policy, National Alliance to End Homelessness follows:]

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Testimony
of
Steven Berg
Vice President of Programs and Policy
National Alliance to End Homelessness

to the
House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies

Hearing: April 2, 2009

The National Alliance to End Homelessness (the Alliance) is a nonpartisan, mission-driven organization committed to preventing and ending homelessness in the United States. The Alliance analyzes policy and develops pragmatic, cost-effective policy solutions as we work collaboratively with the public, private, and nonprofit sectors to build state and local capacity to help homeless individuals and families make positive changes in their lives. We provide data and research to policymakers and elected officials in order to inform policy debates and educate the public and opinion leaders nationwide.

The Alliance urges Congress to provide $165 million in FY 2010 for the Second Chance Act, including:

- $55 million for the Adult and Juvenile Offender State and local Reentry Demonstration Projects;
- $15 million for the Mentoring Grants to Nonprofit Organizations.

In addition, the Alliance urges Congress to increase federal funding to the Juvenile Justice and Delinquency Prevention Act (JJDPA), and particularly to provide for the following programs:

- $95 million to the Title V Incentive Grants;
- $80 million to the Juvenile Mentoring Programs;
- $89 million to the Title II State Formula Grants; and
- $250 million to the Juvenile Accountability Block Grant.

The Alliance appreciates the passage of the Second Chance Act and Congress' continued support of the Juvenile Justice and Delinquency Prevention Act programs.

The Alliance believes that, with adequate planning and resources, the criminal justice and juvenile justice systems can be improved to ensure adults and youth released from detention or placement can return to their communities and avoid recidivism and homelessness. In communities around the country, model programs have proven, positive outcomes in assisting adults and youth to gain employment and secure housing to avoid repeated incarceration.

Adults and juveniles leaving incarceration are at great risk of homelessness in the best of times. During a period when jobs are hard to come by, this risk is greatly increased, and with homelessness comes a greater risk of new offenses and re-incarceration. To prevent homelessness and the accompanying cost to taxpayers and the individuals involved, it is essential that the criminal and juvenile justice system receive the funding necessary to offer diversion to incarceration, improved discharge planning, and links to reentry services, with help finding and retaining housing as an essential aspect of the services provided. We offer this testimony to urge Congress to fully fund the Second Chance Act and the Juvenile Justice and Delinquency Prevention Act programs as a significant step toward addressing these goals.

Appropriations to Second Chance Act programs:

In 2007, federal and state prisons released 725,000 people back into their communities. Nine million more were released from local jails. Most released adults face challenges in employment and housing, and research confirms that over half will be re-incarcerated within three years of their release. By providing resources under the Second Chance Act to coordinate re-entry services at the state and local levels, Congress will help dismantle the revolving door in and out of prisons and jails.

Research confirms that comprehensive, coordinated services can help formerly incarcerated adults find stable employment and housing, thereby reducing recidivism. For example:

- In Maryland, the Maryland Reentry Partnership Initiative provides prisoners with reentry services. A 2007 evaluation found the clients committed fewer crimes than prisoners in a control group that did not receive the same reentry services.
- In Illinois, The Safer Foundation's Transitional Employment Program resulted in 61 percent lower recidivism rates for adults who completed the program.
- In Kansas, the Kansas Department of Correction's pilot program offered services to targeted adults with mental health problems and substance abuse disorders which resulted in only 32 percent returning to prison as compared to 82 percent for those adults who did not participate in the program.
- In New York, La Bodega de la Familia provided services to adults with substance abuse disorders, and to their families. Its clients were less likely to use any illegal drug than the companion group, and less likely to be arrested and convicted within six months from the release.

The Second Chance Act passed with bipartisan support and deserves investment in proven programs to expand reentry programs, reduce recidivism and offer communities improved public safety. These programs, if fully funded, will improve coordination and reentry services and policies at the state and local levels. The Alliance urges Congress to appropriate $165 million for Second Chance Act programs for FY2010, including $55 million for the Adult and Juvenile Offender State and Local Reentry Demonstration Projects, and $15 million for the Mentoring Grants to Nonprofit Programs.

Appropriations to the Juvenile Justice and Delinquency Prevention Act Programs

Homeless youth often come into contact with the juvenile justice system as status offenders, i.e. engaging in activities that would be legal if engaged in by adults. This can include activities such as curfew violations that are essentially unavoidable for homeless youth.[1] Conversely, many juveniles who were living with their families before becoming involved with the juvenile justice system are not welcome or able to return to their families upon discharge from correctional systems. Without family support adequate community-based resources or appropriate housing (adult housing is often not available to or appropriate for youth), they too often become homeless. Therefore, the Alliance urges Congress to increase appropriations to JJDPA programs for two purposes. The first is to keep youth out of the corrections system by diverting those with mental health or substance abuse disorders into community-based programs. The second is to support reentry programs that prevent youth from entering a cycle of homelessness and recidivism.

Involvement in juvenile corrections is all too frequent an occurrence for homeless youth (living on their own or with their families). Research studies of homeless street youth in 1989[2] and 1996[3] showed that a disproportionate number had a history of juvenile detention and most of those had multiple detentions. Studies of homeless youth in Minnesota (2003 and 2006) found that one-third of all homeless youth had a history of juvenile justice placements.[4] A study of homeless youth conducted by Covenant House in New York reported that 30 percent had been previously detained or incarcerated.[5]

This involvement leaves the juvenile justice system well positioned to have a positive impact on youth. The JJDPA programs offer a wide range of coordinated services and resources for state and local programs that are designed to reduce risks of delinquency, enhance prevention efforts for youth at risk of entering the juvenile justice system, and provide intervention for first-time and non-serious offenders. JJDPA's programmatic framework expands community programs to support youth fleeing abuse and neglect to avoid engaging in criminal activity, diverts youth from incarceration and deepening

[1] National Law Center on Homelessness and Poverty and the National Network for Youth. 2003. Alone Without a Home: A State-by-State Review of Laws Affecting Unaccompanied Youth. Washington, D.C.
[2] Robertson, M. 1989. Homeless youth in Hollywood: Patterns of alcohol use. Report to the National Institute on Alcohol Abuse and Alcoholism. Berkley: Alcohol Research Group.
[3] Clark, R. and Robertson, M. 1996. Surviving the Moment: A report on homeless youth in San Francisco. Berkley: Alcohol Research Group.
[4] Owens, G. 2007 Overview of Homelessness in Minnesota 2006, Wilder Research Center, St. Paul, Minnesota.
[5] Covenant House, 2001.

involvement with the juvenile justice system, and offers opportunities to provide reentry services for youth transitioning back to their families and communities.

Despite the importance of these programs and the evidence-based outcomes they offer to juveniles and communities, many funds suffered drastic cuts since FY2002: JABG funding was reduced 71 percent; Title V Incentive Grants were reduced 35 percent; and Title II State Formula Grants were reduced 16 percent.

The Alliance is concerned that without sufficient investment in diversion and community-based alternatives to juvenile justice detention and incarceration, many runaway youth will be caught up in a cycle of incarceration and homelessness which can extend into their adult years. It is important to interrupt this cycle through prevention efforts. It should also be noted that many of these programs emphasize strengthening families, a powerful approach for preventing homelessness as well as preventing delinquency.

Specifically, the Alliance asks Congress to consider the following levels of funding:

- **$95 million to the Title V Incentive Grants**. The Title V Incentive Grants program funds collaborative, community-based delinquency prevention efforts to reach youth in high-risk environments to build skills and make positive choices. Title V funds have been used for home visitation, mentoring, after-school activities, tutoring services, truancy and drop out reduction programs. Youth who are involved with a mentor are 52 percent less likely to skip a day of school and 46 percent less likely to begin using drugs. A growing body of research indicates that early investment in youth development and prevention programs reduces youth crime and violence.

- **$80 million to the Juvenile Mentoring Programs**. The Juvenile Mentoring Program (JUMP) supports community-based mentoring services to children and their families that encourage positive behavior and involvement with activities to promote positive youth development. An evaluation of the Big Brother/Big Sisters mentoring program showed that BBBSA youth were: 46% less likely to use drugs, 27% less likely to initiate alcohol use, almost one-third less likely to hit someone, and less likely to exhibit poor academic behavior, attitudes, and performance than youth in a control group that did not receive mentoring.

- **$89 million to the Title II State Formula Grants**. State Formula grants from OJJDP provide funds directly to states to help them implement comprehensive state juvenile justice plans based on detailed studies of local needs. While homeless youth are only a fraction of all youth in juvenile justice placements, their unique needs warrant special planning and coordination in state juvenile justice plans and sufficient funding should be offered to encourage local planning and accountability to meet the diverse needs of homeless youth and other special need populations.

- **$250 million to the Juvenile Accountability Block Grant (JABG).** The JABG Program provides state and local governments with resources to expand programs and promote accountability in the juvenile justice system. Funds are available for many purposes including: building or expanding detention facilities; training personnel; hiring additional judges, prosecutors, probation officers, and court-appointed defenders; and funding pre-trial services. Additionally, eligible activities include substance abuse programs, mental health screening, gang prevention, and reentry services. By preventing homelessness youth, or re-housing those who are already homeless, this program helps prevent their incarceration.

Evidence-based programs offering community mentoring, family counseling, mental health services, respite shelter, youth housing models, and reentry services (as eligible activities under Title V and JABG) provide an opportunity to divert youth from detention, recidivism, and homelessness in their young adult years. The Second Chance Act and JJDPA programs support a critical network of services which have the potential to improve community safety and mitigate youth homelessness.

The Alliance is deeply grateful for Subcommittee's leadership and support of the Second Chance Act and JJDPA programs and resources, and thanks you for the opportunity to submit testimony. The Alliance looks forward to working with Congress to secure vital federal investment in today's young generation.

Mr. MOLLOHAN. Well, thank you. And thank you for your good work on this issue for a long period of time. We look forward to working with you, Mr. Berg.

Mr. BERG. Thank you.

Mr. MOLLOHAN. Thank you. And next the Committee, we would like to welcome Corryne Deliberto, testifying on behalf of World Vision.

Did I pronounce that correctly or close?

Ms. DELIBERTO. You did, you did.

Mr. MOLLOHAN. Oh, thank you. Welcome.

Ms. DELIBERTO. People usually don't get it on the first try, so I appreciate it.

Mr. MOLLOHAN. Thank you. Welcome.

THURSDAY, APRIL 2, 2009.

WORLD VISION

WITNESS

CORRYNE DELIBERTO, DOMESTIC POLICY ADVISOR, ADVOCACY AND GOVERNMENT RELATIONS, WORLD VISION

Ms. DELIBERTO. Good morning, Chairman Mollohan, Ranking Member Wolf, and Representative Fattah.

Thank you for the opportunity to testify this morning before the subcommittee regarding fiscal year 2010 appropriations.

As you said my name is Corryne Deliberto and I am World Vision's domestic policy advisor, and I will be speaking to you today regarding juvenile justice and youth violation prevention programs.

World Vision is a Christian humanitarian organization working in nearly 100 countries. In the United States we work in 11 major urban and rural areas, including the First District of West Virginia and the Tenth District of Virginia, and we serve over 600,000 children and youth nationwide.

We provide support through education and youth development efforts through which we work to improve academic achievement, building positive life skills, and creating opportunities for high risk youth.

As practitioners in the field of youth development we know that supporting vulnerable youth with violence and delinquency prevention programs helps to steer them away from a life of crime and empowers them to make productive choices.

I am here today to urge you to help us continue to serve young people effectively by increasing fiscal year 2010 federal funding in four critical programs.

First we would like to see funding for the Juvenile Justice and Delinquency Prevention Act Title 2 State Formula Grants Program, restored to its fiscal year '02 level of $89 million.

Second we would like to see funding for the Juvenile Justice and Delinquency and Prevention Act Title 5 Incentive Grants for local delinquency prevention restored to its fiscal year '02 level of $95 million.

Third we would like to see funding for the Juvenile Accounts Ability Block Grant restored to its fiscal year '02 level of $250 million.

And lastly we would like to see continuance of funding for the Juvenile Mentoring Program at $80 million.

As you all are aware, each of these programs is designed to reduce the risk of delinquency and enhance prevention efforts for youth at risk of entering the juvenile justice system. And despite the importance of these programs, they have suffered drastic cuts since fiscal year 2002.

Restoring these funding opportunities to their fiscal year '02 levels will enable states and youth development organizations like World Vision to increase their impact, serve more young people, and build stronger communities.

World Vision knows that a focus on prevention works. We see evidence every day of young people's profound potential and willingness to make good choices once given the opportunity.

So to illustrate this I would like to briefly highlight three of our education youth development efforts that are changing lives.

First, with Representative Wolf's support, World Vision was able to launch the Community Mobilization Initiative in Northern Virginia.

This project is designed to provide alternatives to draw high risk youth away from gang involvement, violence, and criminal activity. And our team there works to engage high risk youth and violence prevention activities and reduce the risk factors that fuel gang membership as well.

To date, the Community Mobilization Initiative has reached over 11,500 young people and their families through mentoring, family based activities, and recreational opportunities as well.

Secondly, I wanted to highlight another program that with the support of you, Chairman Mollohan, our team in the Appalachian region in West Virginia is preparing to launch the World Vision Career Builders Program, which will work to prevent youth delinquency by building the employment skills of young people through technology training.

And lastly, I just wanted to highlight our youth empowerment project, which is a youth leadership and civic engagement program, that seeks to strengthen the voice of young people in public policy reform. It provides high school age youth from World Vision program sites around the country with 20 weeks of training to study the needs and assets of their community and develop policy recommendations that reflect their vision for change.

Participants then present their recommendations and findings each summer to their members of Congress at a youth summit that we hold here in Washington, D.C.

So over 200 youth have participated in the program and have continued local advocacy efforts in their own communities afterwards.

This year we will welcome a new cohort of 115 young participates in D.C. from 12 different areas of the country, including both of your districts.

So through programs like these, World Vision has seen the incredible impact of investing in our youth by providing opportunities and alternatives to violence.

So we thank you for consideration of World Vision's request today, and we are very grateful for your leadership and support of our work.

Thank you. I am happy to answer any questions.

[Written statement by Corryne Deliberto, Domestic Policy Advisor, Advocacy & Government Relations, World Vision follows:]

WRITTEN TESTIMONY OF CORRYNE DELIBERTO
DOMESTIC POLICY ADVISOR, ADVOCACY & GOVERNMENT RELATIONS
WORLD VISION - U.S.

Before the
U.S. HOUSE OF REPRESENTATIVES COMMITTEE on APPROPRIATIONS
SUBCOMITTEE ON COMMERCE, JUSTICE, SCIENCE and Related Agencies

April 2, 2009

Chairman Mollohan and Congressman Wolf, thank you for the opportunity to testify before the Commerce, Justice, Science Subcommittee today regarding fiscal year 2010 appropriations related to juvenile justice and youth violence prevention. My name is Corryne Deliberto, and I am World Vision's Domestic Policy Advisor.

World Vision is a Christian humanitarian organization dedicated to working with children, families, and their communities worldwide to reach their full potential by tackling the causes of poverty and injustice. Internationally, World Vision works in nearly 100 countries. In the United States, we work in 11 major urban and rural areas, including the 1st district of West Virginia and the 10th district of Virginia, and serve over 600,000 children and youth nationwide. We partner with over 2,000 local community-based organizations, schools, churches, and businesses in the United States, as well as parents and youth themselves, as they work to transform their neighborhoods. We provide support through several Education and Youth Development efforts, providing strategies to improve academic achievement, build positive life skills, and create opportunities for disaffected youth, offering them a chance at a brighter future.

As practitioners in the field of youth development, we know that supporting vulnerable youth with programs designed to reduce the risks of delinquency and address their needs holistically helps to steer them away from a life of crime and empower them to make choices that lead to a productive future. I am here today to urge you to help us continue to serve young people effectively by increasing FY10 federal funding for the following programs:

- Restore the Juvenile Justice and Delinquency Prevention Act (JJDPA) Title II State Formula Grants program to its FY02 level of **$89 million.**
- Restore the JJDPA Title V Incentive Grants for Local Delinquency Prevention program to its FY02 level of **$95 million.**
- Restore funding for the Juvenile Accountability Block Grant (JABG) to its FY02 level of **$250 million.**
- Continue to fund the Juvenile Mentoring program at **$80 million.**

As you are aware, Title II, Title V, JABG, and Juvenile Mentoring funds support a wide range of state and local programs that are designed to reduce the risks of delinquency, enhance prevention efforts for youth at risk of entering the juvenile justice system, and intervene for first-time and non-serious offenders. Despite the importance of these programs, many suffered drastic cuts since FY2002. Restoring these funding opportunities to their FY02 levels will enable States and youth development organizations around the nation, like World Vision, to increase their impact, enable more youth to realize their full potential, and build stronger communities.

Investment in Youth Violence Prevention Works - World Vision's Experience

World Vision's U.S. Programs team works across the nation in urban and rural communities characterized by poverty and violence. Conditions in these communities are creating a sense of despair and hopelessness in families, particularly young people who without intervention are unable to take full advantage of living in a country where opportunity is abundant. They struggle with daily obstacles resulting from poverty, low-performing schools, substance abuse, substandard housing and healthcare, and violent crime. Yet we see evidence every day of their profound potential and willingness to make good choices once given the opportunity. World Vision works to create leaders of the young people we serve by building their self-confidence, strengthening their voice, and fostering the ideas and vision they have for their own lives and the communities in which they live.

Through our Education and Youth Development efforts, World Vision provides mentoring, academic support, employment training, and after-school programming to over 600,000 youth in 11 major urban and rural areas around the nation.

Community Mobilization Initiative

With Rep. Wolf's support, World Vision launched the Community Mobilization Initiative in Northern Virginia in 2006. The project is designed to provide compelling alternatives to draw high-risk youth away from gang involvement, violence, and criminal activity. The project works to:

- Implement neighborhood strategies to reduce the risk factors that fuel gang membership, such as lack of community bonding and lack of alternative activities available for youth.
- Engage high-risk youth in gang prevention programs.
- Increase the number of youth who choose to leave gangs.
- Build the capacity of gang prevention task forces, which represent public and private sectors, to serve as an ongoing, effective gang-resistance presence in Northern Virginia.

To date, the Community Mobilization Initiative has reached over 11,500 youth and their families through one-to-one and group mentoring, workshops, family-based activities, motivational presentations, and recreational activities.

World Vision Career Builders

World Vision's work extends to rural communities in our nation as well. With the support of Rep. Mollohan, our team in the Appalachian region of West Virginia is preparing to launch World Vision Career Builders, a program that works to prevent youth delinquency by:

- Building the employment skills of youth through technology training.
- Partnering with the judicial system and the Board of Education to improve family engagement in the development and rehabilitation of system-involved youth.
- Providing adult mentors in service-learning formats for high-risk youth.

World Vision's team in West Virginia has worked successfully with young people in vocational training for several years and will now be able to target the most high-risk youth and their families through the Career Builders program.

Youth Empowerment Project

In 2006, World Vision established the Youth Empowerment Project, a youth leadership and civic engagement program that seeks to strengthen the voice of young people in public policy reform. The Youth Empowerment Project provides youth (ages 15-19) from World Vision program sites with 20 weeks of training to study the needs and assets of their community and develop policy recommendations that reflect their vision for change. Participants present their findings and recommendations each summer to their members of Congress at a Youth Summit here in Washington, D.C. Over 200 youth have participated in the program and have continued local advocacy efforts in their own communities. This year, we will welcome a new cohort of 115 young participants to Washington, D.C. from 12 different areas of the country.

Through programs like these, World Vision has seen the incredible impact of investing in our youth by providing opportunities and alternatives to violence.

Investment in Title II, Title V, JABG, and Juvenile Mentoring Programs Will Improve Efficiency and Save Money

By increasing funding for Title II, Title V, JABG, and Juvenile Mentoring programs, Congress will demonstrate their commitment to program efficiency and cost savings to taxpayers. Additional funding will support the implementation of evidence-based practices in juvenile justice and delinquency prevention that ensure that the most cost-effective programs are funded. Programs that are 'evidence-based' are subject to rigorous evaluation to demonstrate their effectiveness in reducing juvenile

recidivism and promoting positive outcomes for youth. World Vision supports the use of evidence-based practices and the direction of funding to communities for this purpose. Strong monitoring and evaluation plans will ensure that the programs we provide for our youth are meeting their needs, building upon their inherent strengths and helping them to reach their full potential.

In addition, research indicates that investment in prevention promotes long-term cost savings to taxpayers. A recent study by the Washington State Institute for Public Policy found that youth violence prevention programs such as Functional Family Therapy and the Nurse Family Partnership cost on average $2,325 and $6,142 per youth respectively, and yield approximately $32,000 in benefits per youth, measured in terms of costs avoided by taxpayers and crime victims. The study also noted that 73 percent of adult offenders in prison in the state of Washington have previously been in Washington's juvenile justice system. Therefore, it is essential that we invest in our youth early to put them on a path toward a productive future.

Conclusion

As an organization that walks alongside our nation's most vulnerable children every day, we urge you to support these critical funding increases in juvenile justice and delinquency prevention. Early investment can go a long way in the life of a child. With your partnership, we can continue to impact the lives of many more young people, creating strong community leaders that exemplify the ideals of our nation.

We appreciate your consideration of our request today, and we thank you for your leadership and support of our work. I am pleased to answer any questions you may have.

Mr. MOLLOHAN. Thank you, Ms. Deliberto.

Ms. DELIBERTO. Thank you.

Mr. MOLLOHAN. We appreciate you and your good work.

Next the Committee would like to welcome Mr. David Mandel. Mr. Mandel is here to testify on behalf of the Ohel Children's Home and Family Services.

Welcome, Mr. Mandel.

THURSDAY, APRIL 2, 2009.

OHEL CHILDREN'S HOME AND FAMILY SERVICES

WITNESS

DAVID MANDEL, CHIEF EXECUTIVE OFFICER, OHEL CHILDREN'S HOME AND FAMILY SERVICES

Mr. MANDEL. Thank you very much. Good morning, Mr. Chairman.

Mr. MOLLOHAN. Good morning.

Mr. MANDEL. Members of the Committee, thank you very much for the opportunity.

I am David Mandel. I am very proud to be the chief executive officer of Ohel Children's Home and Family Services, an organization that provides services in New York, New Jersey, and South Florida.

Ohel is the Hebrew word for tent, after the patriarch Abraham whose tent was open on four sides welcoming all individuals.

Our work with youth is in the area of juvenile delinquency, drugs, alcohol, gambling, crime, victims of sexual abuse, child molesters, internet predators, domestic violence, and suicide risk behaviors.

Our work focuses on prevention and response. We do many community forums, provide short-term crisis intervention, as well as long-term treatment; housing, counseling services.

Ohel is very fortunate to be the recipient of Commerce Justice, and Science funding, and we thank you for that.

Congresswoman Carolyn McCarthy, Congressman Anthony Weiner, many other individuals are very supportive of the services.

Ohel's school based services is an anchor of our work. We do a lot of work with fifth grade students through high school students speaking about risk behavior. We talk to kids, teacher training, many parent training. We are a resource to principals. We provide a very strong program of mentoring youth.

Our staff are available to visit homes. Many individuals, many parents are not able to connect with their children, and so are able to visit a home, meet with the child, meet with their parents up to seven visits in the home. It is a very important unusual service that we are able to provide going into people's homes.

By illustration, a principal may call us. He may have a problem with one of the kids that has already gone through all of the efforts with the school social worker, with the guidance counselor, and they are not sure what to do with the child, and he very much wants to keep the child in the school, not to expel them, not to send them along on the path that the principal feels will be a problem for him.

We will work together to develop a contract with the child with the family so that the child is obligated to receive counseling services, to attend counseling services, often for the family, and that contract will stipulate that that is the way a child can attend and continue in school.

It is similar to, but very, very different than in the adult system that is called probation, where you are obligated to maintain a certain level of involvement. And for a child, thankfully he doesn't have to go into that round. Mentoring and counseling keeps him in the school.

But we don't only think about children who present problems, we also think about healthy, smart individuals who are doing very well.

Some time ago I spoke to a group of high school seniors in Maryland at the invitation of the superintendent, and following a very lively discussion with high school seniors, many of whom who are going the following year to ivy league universities, I asked them as you are leaving your home, as you are leaving the community, as you are leaving an area that you are very familiar with and you are going to an ivy league, which many people would love to be able to do, what are you afraid of? It is a question that stopped them for a moment. And I was surprised at the answer. I was surprised because of the work that we do with such a broad spectrum of children, adolescents, young people. Their answer was, we are afraid of drugs that we will be introduced to in colleges and ivy league schools. We are familiar with drugs, but we are afraid of more new information that we will find.

Mark is a young man who came to Ohel when he was about 12 years old. Broken family, did not have any connections, did not have any relationships. When you walked into Mark's room it was hard to find him because he was always laying under all of his possessions, and you literally had to pick away at a couple of items in order to find Mark. And the next five or six or seven years were very difficult. Very difficult to connect with him. Did not want to participate in anything. Did not want to go to any school. And today we are very, very proud to say—you often don't hear the end of the story, you only hear of problems—we are very proud to say that Mark graduated, he graduated college. I have a beautiful picture of him in my office with him. He graduated in finance, and he is absolutely dead set on getting a job in finance, and he is just a wonderful, wonderful young man to be able to speak to today. And five and six years ago you would not think that Mark would be able to accomplish this type. And that is the effort and the support of the funding that is provided to us.

Bridges and tunnels create jobs and transport people from one location to another. Mentoring and protecting youth also create jobs and transport youth from one difficult place in life to another place in life. Both are important to the fabric and well being of our communities.

Thank you very much for the opportunity.

[Written statement by David Mandel, Chief Executive Officer, Ohel Children's Home and Family Services follows:]

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Testimony of
David Mandel
Chief Executive Officer
Ohel Children's Home and Family Services
before the Commerce-Justice-Science Subcommittee
of the House Appropriations Committee
on Thursday, April 2, 2009
in support of the
Ohel At-Risk Youth and Child Abuse Prevention Program

Chairman Mollohan and members of the Subcommittee:

Thank you for this opportunity today to discuss the challenges faced by many children and young adults in our society and the issues that place them at-risk for juvenile delinquency. I am here specifically to share the successes achieved through Ohel's **At-Risk Youth and Child Abuse Prevention Program** -- a comprehensive set of school-based prevention, education and intervention programs to enhance the social and emotional functioning of children and adolescents who are at-risk or are victims of abuse. This program operates in three states, and funding support has been requested in the Fiscal Year 2010 Commerce, Justice, Science Appropriations bill through the "Office of Juvenile Justice and Prevention Programs" within the U.S. Department of Justice for the following programs: $525,000 for New York State; $420,000 for Northern New Jersey; and $360,000 for South Florida.

Background on Ohel Children's Home and Family Services

To provide you with some background information, Ohel Children's Home and Family Services is a pioneering, not-for-profit social services organization committed to elevating lives of individuals with mental illness, developmental disabilities and families in crisis throughout the New York Metropolitan area. Services are also provided in New Jersey and South Florida. Ohel strives to deliver services of excellence in a culturally sensitive manner through all phases of life. As an awareness driver, educator, and service provider, Ohel is proactive in confronting community ailments and empowering professionals and others with the tools of prevention and support. Ohel positively impacts the way social issues are addressed in the community and consistently receives "Excellent" ratings in all of its programs.

The Prevalence of At-Risk Youth

According to data released by The United States Department of Health and Human Services in 2007, 12 out of every 1,000 children in the United States are found to be victims of some form of maltreatment. Some abuse survivors need assistance to handle the tormenting memories of acts perpetrated against them. Many victims of abuse also suffer from eating disorders, drug and alcohol addictions and bullying. Early detection and screening for abuse and child safety is critical in ruling out more serious behavioral manifestation of abuse.

Lack of knowledge, fear, shame, and a shroud of silence within communities of culture have resulted in multiplying problems for youth. Youth services such as outreach and treatment to pre-adolescents, adolescents, and their families, as well as education to professionals and the community at large, have been part of virtually every Ohel program for years. Ohel has been invited by the community into numerous schools to provide preventive services for youth identified as being at risk for future social and emotional deficits, as well as remediation of problems with children who currently are in need of counseling. Ohel's emphasis in prevention and crisis intervention services are essential in helping children and adolescents to develop skills that will promote a healthy lifestyle as they mature.

Major risk factors contributing to the pervasive problems of youth at risk include: delinquent peer groups; poor school performance; chronically dysfunctional families; and exposure to abusive situations, including physical and sexual abuse and domestic violence. Other youth experience life-altering events including the death of a family member or friend that, if not properly addressed, can lead to at-risk behavior.

Communities of culture have experienced a veil of silence surrounding the problem of youth at-risk. Compounding the problem, denial and ignorance of the issues facing youth at-risk, including the prevalence of substance abuse and promiscuity, have limited effective prevention and service delivery to this population. School-aged children, parents, school administrators and educators are not sufficiently informed about the prevalence of at-risk behaviors and their dangers, and lack awareness about the symptoms which often arise in youth as precursors to delinquent behaviors including: poor social skills, weak academic performance, and feelings of alienation and low self-worth.

As an example a 1999 report conducted by New York's Metropolitan Council on Jewish Poverty found that approximately 1,500 teens in one enclave in Brooklyn, New York were engaging in serious at-risk behaviors including sexual promiscuity, aggression at home and school, substance and alcohol abuse, drug dealing, property destruction, vandalism, theft, truancy, running away from home, and suicide ideation. The report also notes that there are an additional 2,000 youth that are engaged in some of the above-defined behaviors in somewhat less overt ways.

The Met Council issued an updated comprehensive report in October 2003 on the growing problem of youth at-risk. It identified the most prevalent issues of concern as

family dysfunction, substance abuse, peer pressure, physical, emotional, and sexual abuse, and sexual acting-out behavior. Their research included a survey administered regarding availability of existing services to address these problems. Prevention services for sexual abuse, sex education, social issues, eating disorders, and relationship violence were found to be only nominally available. Recommendations included an increase in school-based interventions, community education, training, and skill building. What was once thought to be statistically insignificant has been transformed into a subculture of children who have learned to cling together in social groups and lead a marginal existence on the fringe of the community.

Ohel's experience with its school-based prevention and life skills development program indicates that there are a growing number of youth who are at risk of substance abuse or are currently experimenting with chemical substances. Typically, underlying factors can be attributed to the risk behaviors that further alienate youth from their communities. They often suffer from unstable and/or neglectful family lives. Many parents, preoccupied with large families and financial worries, lack the time and/or appropriate parenting skills to assist their adolescents in making healthy decisions.

Many of the families living in the communities served by Ohel have large families. The majority of these families are well-supported by a community and culture that puts children first above all other concerns, nevertheless there are families and children who inevitably fall through the cracks. Additionally, the developmental, temperamental or emotional problems a child may be experiencing may be exacerbated by limited parental resources due to financial, occupational, and/ or social stressors that some families face. This is all the more highlighted by today's economic crisis effecting families across the social, cultural and economic spectrum. Given these factors, some children exhibit substance and alcohol abuse, criminal behavior, poor school performance, truancy, and dysfunctional familial relations.

Ohel's Solution: A Comprehensive Program Targeting At-Risk Youth

Ohel 's comprehensive "At-Risk Youth and Child Abuse Prevention" program engages at-risk youth in elementary and high schools to enhance their social and emotional functioning, as well as prevent and treat risky behaviors, including those that often lead to addictions and violence. The program includes school-based services, community education, crisis intervention, psychological counseling, teacher training, and mentoring.

The programs interact with students and include the use of role-playing, small discussion groups, videos, and modeling exercises that use current topics of discussion. Training is provided for teachers, guidance counselors, and principals, and workshops for parents emphasize communication with children. Through community seminars, Ohel offers public forums for parents, educators, and community leaders on topics including self esteem, conflict resolution (bullying, anger management, etc.), relationship building (social skills training, peer pressure, etc.), and prevention of at-risk behaviors such as addictions, eating disorders, gambling, and abuse.

Ohel's school-based mobile intervention team works with day schools and community groups to provide evaluations, crisis intervention, and trauma and grief counseling sessions for a variety of emotional, behavioral, and/or social problems, including those related to alcohol, drugs, violence, abuse, and inappropriate sexual activity. Left unattended, such problems can compel a child toward a downward spiral. By meeting with the children and administrators in their school, Ohel provides its services in a non-threatening and familiar setting and allows its professionals to intervene in a timely fashion with a specifically tailored approach.

Ohel utilizes a multi-pronged, community-based integrated approach to promote the acquisition of developmental assets that have been shown to reduce risk-taking behaviors in adolescent populations. The school-based program is built on the trust that has already been forged with these schools. Through its experience and current research on evidence-based practices cited in the July 2004 edition of *Social Work* in an article entitled "Adolescent Substance Abuse: Reviewing the Effectiveness of Prevention Strategies," Ohel has formulated its program strategy on the premise that: (1) Building self esteem is not adequately effective in prevention programs; (2) Scare tactics have little effect on youth behavior choices; and (3) There is no single approach that will work universally.

To be effective, an education, prevention, and intervention program must:

- Have continual contact with participants;
- Be multi-faceted, cumulative, and community-based. This includes working with teachers, parents, media, and the community to surround youth with appropriate information and messages;
- Maximize positive peer influence, which has an enormous effect on youth;
- Help youth deal with real-life situations; and
- Provide concrete methods for youth to resist negative pressure and avoid succumbing to adverse behaviors.

Youth spend most of their waking hours in school where teachers and peers influence many of their decisions. School-based outreach and education activities target:

- Youngsters in mainstream schools that can benefit from learning strategies for healthy choices and living;
- Adolescent populations who are in specialized schools that address the needs of marginal students with a history of adjustment and behavior disorders;
- Principals and educators to help them implement successful programs for their student body; and
- Parents who are unaware of and/or have difficulty addressing these issues with their youngsters.

The provision of culturally sensitive services is one of Ohel's most vital goals. Ohel places the highest priority on recruiting, identifying, and training professionally competent and culturally representative staff members. Many of Ohel's professionals are multi-lingual, culturally conversant with, understanding and sensitive to the cultural norms and mores of the target community, since some are members of the target

community. Research has shown (U.S. DHHS ACF Resources on Youth Development) that focusing on youths' positive qualities and involving them in strength building activities is an effective technique for eliminating risk behaviors. Youth development is used both to prevent negative behaviors as well as to encourage changes in adolescents who are already engaging in at-risk activities. In addition, teaching adolescents factual information about the importance of making healthy choices will ensure that students receive medically accurate, comprehensive, and comprehensible information, thereby reducing the likelihood that they will be victimized.

Program activities are designed to help youth see themselves as youth at promise rather than youth at risk. Educational and motivational presentations, guided discussions, and mentoring, help develop the skills enabling youth to understand and evaluate factors that influence their decisions and learn to make healthy life choices. Skills development will help youth to succeed, paving the way for the future.

Ohel has had a successful mentoring program benefitting hundreds of adolescents ages 11-17. The target population has expanded beyond those who are at risk with presenting problems but also those "middle of the road" youth to strengthen and prevent them from developing risky behaviors as well as training them to be future role models and leaders. Ohel's mentoring program has utilized scores of volunteer and paid mentors in their twenties and thirties both part time and full time. These relationships between mentor and adolescent form strong bonds that carry forward for years. The return on investment has proven to be a best practice and enormously successful when compared to other models where youth exhibiting risky behaviors are not engaged, who then slide into deeper problems and require a more serious mental health intervention such as psychiatric treatment, medication, and the criminal justice system.

Benefit to the Public:
Without intervention, youth may drop out of school, forfeiting the opportunity to become independent and self-sufficient members of society. Alternatively, with support and guidance, youth can acquire the personal skills and values to make choices that encourage them to remain and advance in school. Through workshops and counseling, youth will improve coping skills, gain self-respect, develop and maintain healthy relationships, and demonstrate responsibility towards their peers, families, and schools.

Ohel's At-Risk Youth and Child Abuse Prevention Program benefits taxpayers and the public in that it prevents "at-risk" behaviors from spiraling into juvenile delinquency, putting kids back on a successful track and thus saving significant local, state and Federal expenditures by keeping them out of the juvenile justice system.

Mr. Chairman, with Federal support, Ohel seeks to expand its programs in New York, New Jersey and Florida so that the children and young adults who are the victims of abuse or who are confronted with challenging circumstances can get the counseling and intervention services they need to move forward in a constructive manner, rather than develop patterns for ongoing destructive behavior. I thank you again for your time and attention to this important matter.

Mr. MOLLOHAN. Thank you, Mr. Mandel, for your testimony here today and your good work, obviously.

Next the committee would like to welcome Mr. Gerald P. Lynch. Mr. Lynch will testify on behalf of the Regional Information sharing systems, RISS. Welcome, Mr. Lynch.

THURSDAY, APRIL 2, 2009.

REGIONAL INFORMATION SHARING SYSTEMS (RISS)

WITNESS

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

Mr. LYNCH. Good morning. Chairman Mollohan, Ranking Member Wolf, Congressman Fattah. I sincerely appreciate the opportunity to appear before you today to discuss the Regional Information Sharing Systems program know as RISS.

RISS is a national program that consists of six regional intelligence centers that support and serve unique needs of their individual regions. We are working together on a national scope. They also work to bring the national scope into the regional picture.

Through the support provided by RISS, law enforcement and public safety agencies have increased their successes expedientially. In many cases these agencies would not be able to maximize their efforts without support services that were offered by the RISS program. It is because of these resources and trust relationships that RISS is a program prized and valued by its members and users.

Through those successes, as well as the remaining needs throughout the criminal justice community, RISS has experienced increased demand for services. Because of this, RISS respectfully requests that Congress appropriate 55 million for RISS for fiscal year 2010.

RISS links thousands of criminal justice agencies through secure communications and provides information sharing resources and investigative support to combat multi-jurisdictional crime while promoting officer safety.

RISS operates in all 50 states, the District of Columbia, U.S. territories, Australia, Canada, and England. Currently RISS serves more than 8,200 criminal justice agencies from all levels of government. More than 90,000 offices directly access RISS services.

Funding is requested to continue current services and to further deploy the RISS safe program, develop enhanced gang related programs, additional fusion centers to work with them to make sure that fusion centers share information and connect all of the dots, assist in implementing the national strategy from information sharing, expand the pawnshop database, increase trusted prudential partners, connect additional systems, expand and upgrade hardware and software, and upgrade the RISSNET disaster recovery site.

RISS is federally funded but locally managed by its member agencies. RISS operates under the BJA funding and administrative guidelines in 28 CFR 23.

RISS has also adopted a privacy policy and we encourage all of our members to adopt their own also and protect the rights of the citizens of this country.

By connecting information sharing systems to the existing RISSNET infrastructure rather than funding the build out of new stand alone systems, hundreds of millions of dollars can be saved, and millions of data records can you easily and quickly accessed by users. Almost 100 agency systems are connected or pending connection to the RISSNET system. Including 32 HIDAS, 40 state agency systems, and 27 federal and other systems, such as ATF, FBI's Leo online, the FBI National Gang Intelligence Center in Virginia, the DEA's National Virtual Pointer Index System, and Nlets, among many others.

One of RISS's newest programs, RISS Safe, is an officer safety deconfliction system that stores and maintains planned law enforcement activities with the goal of identifying and alerting affected law enforcement agencies of potential conflicts, and also avoiding blue on blue tragedies.

RISS is more than just a system, however. It has the full compliment of investigative services. These services, coupled with the power of RISSNET, set RISS apart from other information sharing programs.

These services include, analytical support, loan of specialized investigative equipment, confidential funds, training, and publications, investigative support, and field services.

In fiscal year 2008 RISS delivered more than 27,000 analytical products, trained more than 63,000 criminal justice professionals, and conducted over 29,000 on-site visits.

Number of agency investigations utilizing the RISS services resulted in more than 5,000 arrests and 59 million in seizures.

Without continued funding for RISS, law enforcement and the public safety efforts will be severely hampered, and especially in this time of economic downturn.

In this time of economic crisis utilizing RISS as a catalyst for stretching local and state dollars is an effective method for ensuring continued support for our officers in the street.

Therefore, I thank you for allowing me to testify here today, and I open the floor for any questions. If not, I appreciate the continued support that this Committee has given to us over the years.

[Written testimony by Gerard P. Lynch, Chief Executive Officer of the Regional Information Sharing Systems (RISS) Programs follows:]

The Regional Information Sharing Systems (RISS) Program
Submitted by Gerard P. Lynch, Esquire, Chief Executive Officer

Introduction

Chairman Mollohan, Ranking Member Wolf, and Members of the Subcommittee, I sincerely appreciate the opportunity to appear before you today to discuss the **Regional Information Sharing Systems (RISS) Program**. **RISS** is a national program that consists of six regional intelligence centers that support and serve the unique needs of their individual regions while working together on national-scope issues. RISS is a universal and comprehensive program serving criminal justice agencies through a variety of services. Through the support provided by RISS, law enforcement and public safety agencies have increased their success exponentially. In many cases, these agencies would not be able to maximize their efforts without the support and services offered by RISS. It is because of these resources and trusted relationships that RISS is a program prized and valued by its members and users. Through these successes, as well as remaining needs throughout the criminal justice community, RISS has experienced increased demand for services. Continued and additional funding is needed in order to meet this demand and continue to build a national information sharing environment. **RISS respectfully requests that Congress appropriate $55 million for FY2010.**

RISS links thousands of criminal justice agencies through secure communications and provides information sharing resources and investigative support to combat multijurisdictional crimes, including terrorism, violent crime, gang activity, drug activity, human trafficking, identity theft, and other regional priorities. RISS strives to enhance the ability of criminal justice agencies to identify, target, and remove criminal conspiracies and activities while promoting officer safety. RISS operates in all 50 states, the District of Columbia, U.S. territories, Australia, Canada, and England. Currently, RISS serves more than **8,200** law enforcement and criminal justice agencies from all levels of government. More than **90,000** officers access RISS services and resources; this represents almost **one million criminal justice professionals** throughout the United States and other partnering countries.

Funding is requested to support RISS's efforts to respond to and serve the needs of criminal justice entities involved in combating terrorism and other multijurisdictional crimes. In addition to continuing its current services, RISS will utilize requested funds for the initiatives listed below. (Additional information on related programs is provided later in this document.)

- **Deconfliction:** Deploy RISSafe throughout the six RISS regions.
- **Gang Initiatives:** Develop and implement online gang-related training and minimum standards for such training, host a regional and/or national gang conference, conduct a gang survey, and connect gang intelligence systems to RISSNET.
- **Fusion Centers:** Work with fusion centers to identify their information sharing and communications needs; implement fusion center-specific enhancements; develop/provide resources, publications, and tools that support fusion center efforts; connect additional fusion centers to RISSNET and provide specialized technical support; conduct on-site assistance and training; and develop outreach and educational products.
- Assist in implementing portions of the ***National Strategy for Information Sharing.***

- Expand the **Pawnshop Database** to all the RISS Centers, creating a nationwide system, and begin connecting existing disparate pawnshop databases.
- Increase the number of **Trusted Credential Partners** to provide seamless RISSNET access.
- **RISSNET Support:** Connect additional systems; establish a 24/7 help desk; expand bandwidth; update servers; increase Storage Area Network capacity; obtain additional network-monitoring equipment; upgrade hardware, operating systems, and RISSNET Portal framework software and licensing; and upgrade the RISSNET disaster recovery site.

Background

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

RISS is federally funded, but locally managed by its member agencies. RISS has served and continues to serve as a leader in the information sharing, intelligence, communications, investigative support, and technology arenas. RISS continues to successfully leverage proven relationships and partnerships. By connecting information sharing systems to the existing RISS infrastructure, rather than funding the build-out of new stand-alone systems, hundreds of millions of dollars can be saved and millions of data records can be easily and quickly accessed by users.

RISSNET—The RISS Secure Intranet

One goal of RISS is to provide a capability for disparate systems to connect and communicate by leveraging proven technology. RISS operates RISSNET, which houses millions of pieces of data, acts as a secure platform for communications, and provides access to various state and federal intelligence systems. Almost 100 agency systems are connected or pending connection to RISSNET, including 32 High Intensity Drug Trafficking Areas (HIDTAs), 40 state agency systems, and 27 federal and other systems, such as the Bureau of Alcohol, Tobacco, Firearms and Explosives; Federal Bureau of Investigation (FBI) Law Enforcement Online; FBI National Gang Intelligence Center; National Virtual Pointer System (NVPS); National White Collar Crime Center; and Nlets—The International Justice and Public Safety Network.

The RISSNET architecture is referenced and recommended in the *General Counterdrug Intelligence Plan* and is endorsed by the *National Criminal Intelligence Sharing Plan*. In addition, RISS is one of three systems promoted by the DOJ Law Enforcement Information Sharing Program (LEISP) Strategy. In addition, the *National Strategy for Information Sharing*

calls for information sharing solutions that could be accomplished through RISSNET, saving the high costs associated with creating new networks for users to access and retrieve information.

Through RISSNET, member agencies can securely exchange information and electronically access RISSNET resources, including the RISS criminal intelligence databases (RISSIntel), as well as various state, regional, federal, and specialized criminal justice systems; RISSafe; the RISSGang Program; the RISS Automated Trusted Information Exchange (ATIX); the RISS Investigative Leads Bulletin Board (RISSLeads); a data visualization tool (RISSLinks); the RISS Search Engine (RISSSearch); the RISS Center Websites; and secure e-mail.

RISSafe is an officer safety event deconfliction system that stores and maintains all planned law enforcement activities. Used in conjunction with a mapping system, upcoming events are posted and monitored for potentially dangerous conflicting law enforcement operations. If a conflict is identified, immediate notifications to the affected officers occur by a RISSafe Watch Center.

The **RISSGang Program** includes a criminal intelligence database, Web site, bulletin board, and gang-specific resources. The RISSGang database provides law enforcement agencies with access to gang suspects, organizations, weapons, locations, and vehicles, as well as visual imagery of gang members, tattoos, symbols, and graffiti. The Web site contains valuable information, research, and tools, including an anonymizing filter that removes the ability of target gang Web sites to identify officers.

The **RISS ATIX Program** allows nontraditional users of intelligence to connect securely and share critical information. ATIX community groups include local, county, state, and tribal levels of emergency management, law enforcement, and government, as well as public and private utilities, transportation, agriculture, chemical manufacturing, private security, environmental protection, banking, and hospitality industries. The RISS ATIX resources include the secure ATIX Web pages and library, the secure ATIX bulletin board, ATIXLive, and secure e-mail.

Investigative Support Programs

RISS, however, is more than just a system. It has a full complement of investigative support services and resources that are provided to criminal justice member agencies. RISS not only offers secure communications, access to intelligence databases, and investigative resources but also provides services to enhance and improve the ability to detect, apprehend, and successfully prosecute individuals. These services, coupled with the power of RISSNET, set RISS apart from other information sharing programs. The following summarizes RISS's services.

> **Information Sharing**—Operation of RISSNET and its various applications, databases, and investigative tools.
> **Analysis**—Development of analytical products for investigative and prosecutorial use to meet member-agency needs, such as flowcharts, link-analysis charts, crime scene diagrams, and telephone toll analysis and financial analysis reports, as well as computer forensics analysis and video and audio enhancement services.
> **Equipment Loans**—Pools of specialized investigative and surveillance equipment for loan to member agencies for use in support of multijurisdictional investigations.

Confidential Funds—Funds to purchase information, contraband, stolen property, and other items of an evidentiary nature or to provide for other investigative expenses related to multijurisdictional investigations.
Training/Publications—Meetings and conferences that build investigative expertise for member-agency personnel. Subject areas include anti-terrorism training, use of specialized equipment, officer safety information, and analytical techniques. In addition, the RISS Centers research, develop, and distribute numerous publications.
Investigative Support—The RISS Centers maintain a staff of intelligence technicians who support member agencies with a variety of investigative assistance, including database searches and batch uploads to RISSIntel.
Field Services—The RISS Centers maintain field staff and law enforcement coordinator units that conduct regular on-site visits to member agencies, as well as potential member agencies, to provide support, receive feedback and suggestions, and ensure that agencies are receiving the services they need from RISS to assist with their investigations.

Partnerships

RISS continually refines and broadens its information sharing support and assistance by developing and enhancing services that fill information sharing gaps and meet the needs of its member agencies. RISS represents the core of collaboration and constantly seeks and fosters new and existing partnerships in order to maximize information sharing. RISS's partnerships and efforts have resulted in an unprecedented level of information and intelligence sharing. For example, RISS partnered with the U.S. Drug Enforcement Administration and HIDTA to create NVPS, which is an automated system that connects existing deconfliction pointer databases into one virtual pointer system. RISS also partnered with Project Safe Neighborhoods, which submits data to RISSIntel for the purpose of reducing gun violence. RISS also embraced the *Fusion Center Guidelines*—developed by DOJ, the Global Justice Information Sharing Initiative, and the U.S. Department of Homeland Security—and is working to support the tenets of the *National Strategy for Information Sharing*.

RISS also embarked on a number of nontraditional partnerships. For example, as a result of the Adam Walsh Child Protection and Safety Act, sex offender registry personnel agreed to utilize ATIX as their communications system. In addition, the National Football League utilized ATIX as its communications system for the 2008 Super Bowl and is considering ATIX as its permanent communications mechanism.

The success of RISS has been acknowledged and vigorously endorsed by the International Association of Chiefs of Police, as well as other national law enforcement groups, such as the National Sheriffs' Association and the National Fraternal Order of Police.

Results

In FY2008, more than **3.4 million records** were available in RISSIntel. Inquiries to RISSIntel resulted in more than **288,000 hits**, providing law enforcement with critical information. RISS

delivered more than **27,000** analytical products and trained more than **63,000** criminal justice professionals. RISS's field staff conducted over **29,000** on-site visits to member agencies to train, support, and help integrate RISS services. This one-on-one support has resulted in trusted relationships and a network prized among its members. Member-agency investigations utilizing RISS services resulted in more than **5,000** arrests and **$59 million in seizures of narcotics, property, and currency. These services are what make RISS a unique and valued program.**

Impact

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

- Delayed and/or a lack of new connectivity among agencies and users
- Decreased support and participation for LEISP and other Federated Identity projects
- Limited national coordination of RISSafe
- Inability to effectively support RISS ATIX and RISSGang
- Limited disaster recovery and redundancy of system applications and decreased security
- No upgrades or expansion of RISSNET
- Limited development of the RISSNET Portal and associated programs
- Elimination of current and planned information sharing projects
- Decreased RISS support services, resulting in limited analytical and investigative case support, no new specialized equipment, and fewer training opportunities for personnel

Conclusion

It is respectfully requested that Congress appropriate $55 million for FY2010 to continue RISS's efforts in combating crime and terrorism. For more than 30 years, RISS has operated as one of the nation's most important law enforcement intelligence sharing programs and continues to support efforts to expand and improve information sharing. RISS continually strives to foster interagency cooperation and provides a platform for local, state, federal, and tribal law enforcement agencies and public safety to work together in the effort to combat criminal elements across our nation.

Local and state law enforcement depend on RISS for information sharing, investigative support, and technical assistance and are increasingly competing for decreasing budget resources. It would be counterproductive to require local and state RISS members to self-fund match requirements, as well as to reduce the amount of BJA discretionary funding. Local and state agencies require more, not less, funding to fight the nation's crime problem. RISS 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.

For additional information on RISS, please visit www.riss.net. RISS is grateful for this opportunity to provide the committee with this testimony and appreciates the support this committee has continuously provided to the RISS Program.

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Mr. MOLLOHAN. Thank you, Mr. Lynch, we appreciate your testimony here today, and look forward to working with you.

Mr. LYNCH. Thank you.

Mr. MOLLOHAN. Next the Committee would like to welcome Mr. Jim Dedes. What is it?

Mr. DEDES. Dedes.

Mr. MOLLOHAN. Dedes.

Mr. DEDES. Yes.

Mr. MOLLOHAN. Mr. Dedes, welcome.

Mr. Dedes will testify on behalf of the Fairfax County Virginia Juvenile and Domestic Relations District Court.

Mr. Dedes, welcome.

THURSDAY, APRIL 2, 2009.

FAIRFAX COUNTY (VA), JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

WITNESS

JIM DEDES, DIRECTOR, FAIRFAX COUNTY JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT SERVICES UNIT

Mr. DEDES. Thank you, Chairman Mollohan, Ranking Member Wolf, and Congressman Fattah.

As the director of the Juvenile and Domestic Relations District Court, Court Service Unit, I am really here today to support increased funding for the Juvenile Justice and Delinquency Prevention Act, including the accountability funds for Block Grant and the Delinquency Prevention Programs. Overall federal appropriations for juvenile justice programs have decreased almost 60 percent since 2002.

What I would like to do is tell you a little bit about how we in the localities have used these funds.

Fairfax County is an ethnically diverse suburban jurisdiction with a population of over 1 million people. My probation department provides tradition juvenile probation and parole services to youth who have committed criminal acts and status offenses, which are truancies and runaways. We provide a 24/7 in-take operation. We screen all juvenile complaints filed by the police and the public before they come to the court's attention.

Unique to us we also operate 121 bed detention facility, two group homes, a shelter care home, and what we call a supervised release program.

We also provide adult in-take services involving custody, visitation, non-support issues. We deal with adult supervision on adults convicted of basically domestic violence offenses, and all criminal acts against juveniles.

We are a locally operated jurisdiction, and we are the only one of three in Virginia. The rest are state operations.

Since 1974 the Office of Juvenile Justice Delinquency Prevention has played a critical role in organizing and disseminating the results of years of research in effective prevention intervention programs. However, the reduction of OJJDP's funding, dating back to 2002, which originally was $547 million is now $362 million. OJJDP has been a critical ally to the localities in the states ad-

dressing delinquency prevention and administration of juvenile justice.

What do we do in our court service unit and how we've used these funds?

Right now we are facing a $650 million deficit in our jurisdiction, which is quit critical, and we are trying to maintain our juvenile justice programs.

And the juvenile justice programs that we have tapped into through federal funding have been seed money for us to go to our locality once we've produced the evidence base that these actually work.

Back in 1993 we started with a disproportionate minority confinement study, which was our beginning of how we look at our youth and what we do with our youth. Out of that we realize we are very disproportionate in how we handle our children.

We ended up developing a program to release our children from our juvenile detention center early. That was called the Detention Release and Services Program, another program funded by OJJDP. We did pick up that program. The county saw the wisdom and the decision to provide services and release these children, and that program cost us $62 a day to operate, versus $239 to incarcerate a youth.

We also tapped into a young offender program from OJJDP funds. That is to work with kids under 14 years of age who are incarcerated in our juvenile detention center and provide treatment services to have these kids released early and dealt with in the community.

We also developed a Juvenile Sex Offender Enhanced Treatment Program, and that also came from federal funds. So that allowed us to keep our kids in the community and allowed to address our kids coming out of state facilities and correctional facilities.

The cost of this program was—we currently have picked it up at $125,000 a year to provide treatment services. The cost of placing a juvenile sex offender, even though I put in my written testimony is $100,000 per year in a residential treatment center, is actually about $150,000 a year to put a child. And these kids do get released in the community, they all come back, so we need to provide these services. And we tapped into OJJDP funding for this.

We also developed a program called the Maximum Attendance Program. That was to deal with our truant children. And that worked effectively, even though we did eventually train our staff and we took the positions and we deployed them, but we trained staff on how to address CHINS offenders.

We also are currently involved in an evening reporting center. It is a program that really deals with us addressing how we violate probation, and instead of using incarceration, have kids report to a day reporting center and an evening reporting center for us, and as also one of our measures to decrease disproportion minority confinement.

We are in the third year funding of this program, and it is costing us again for about ten kids we are dealing with about $50 a day to address ten kids versus again, the $239 a day, where my probation officers would violate probation and incarcerate them.

We have also taken advantage of JABG fundings to deal with our more serious offenders, our Intensive Supervision Program, which really deals with our serious offenders dealing with—ranging from murder, robbery, and rape of kids that are maintained in the juvenile justice system, and we provide 24/7 supervision of those kids. Actually they are so serious we have actually armed our probation officers.

We also participate in a Northern Virginia gang task force. Sorry Mr. Wolf left on that one, because he has been critical in supporting that, and that is a regional program, but we have developed a multitude of programs from suppression to prevention intervention.

Mr. MOLLOHAN. Mr. Dedes, we——

Mr. DEDES. I want to close real quick and just tell you, my bottom line is, we really want this Committee to support continuation of the funding back to the 2002 level to $546.9 million.

[Written statement by James S. Dedes, Director, Fairfax County Juvenile and Domestic Relations District Court Services Unit follows:]

House Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies

Testimony in Support of Increased Juvenile Justice Funding

April 2, 2009

James S. Dedes, Director
Fairfax County Juvenile and Domestic Relations District Court Services Unit
4000 Chain Bridge Road
Fairfax, Virginia 22030

As the Director of the Fairfax County Juvenile and Domestic Relations District Court Services, I would like to urge this committee to increase funding for the Juvenile Justice and Delinquency Prevention Act and the Juvenile Accountability Block Grant programs. Overall federal appropriations for juvenile justice programs have decreased by more than 60 percent since FY 2002, hindering and in some cases dismantling State and local efforts to prevent and reduce delinquent and criminal behavior among our nation's youth. I would like to describe for you how our jurisdiction has been able to use federal juvenile justice dollars to enhance the juvenile justice services provided to the youth and families in Fairfax County, Virginia.

Fairfax County is an ethnically diverse suburban jurisdiction with a population of just over a million people. The Court Services Unit (CSU) serving the Juvenile and Domestic Relations District Court is responsible for providing probation and residential services to the Court. The CSU provides traditional juvenile probation and parole services to youth who have committed criminal and status offenses (truancy and runaway). The CSU provides a 24/7 juvenile intake unit screening all juvenile complaints brought before the court's attention. Unique to Fairfax County, the CSU also operates a 121 bed Juvenile Detention Center, 2 group homes (boys and girls), a shelter care facility and a supervised release program. The CSU also provides an adult intake unit addressing matters involving custody, visitation and non-support, and provides adult supervision on those adults convicted of misdemeanor intra family offenses and criminal acts against juveniles. The Fairfax County CSU is one of three locally operated Court Service Units in the Commonwealth of Virginia and the largest.

Since 1974, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has played a critical role in organizing and disseminating the results of years of research into effective prevention and intervention strategies designed to reduce delinquency. However, the reduction in OJJDP's budget over the past six years greatly limits their ability to help those of us on the front lines to build our programs on evidence based practices. OJJDP has been a critical player in delinquency prevention and the effective administration of juvenile justice, conducting nationwide and jurisdiction-specific research and evaluation to identify and help states and localities replicate evidenced-

based practices in delinquency prevention and intervention. The collection of evidence based practices that have been systematically vetted, has been an incredible resource for local juvenile justice practitioners who do not have the resources to perform such research. But OJJDP has not been able to continue this function to the level we in the field – and by extension, youth, families and the larger community – are suffering for it.

For the Court Services Unit, JJDP and JABG funds have provided the resources to introduce evidence based practices into our continuum of services. The base budget for our agency which comes from county and state funds covers personnel and operating costs. Even in better economic times, it has been extremely difficult to secure local funding to begin new programs. We have been able to use JJDP funds to develop, implement, and refine many of the programs in our continuum of services. If the programs prove to be a valuable addition, we have often been successful in having them incorporated into our regular budget. Examples of these programs include:

- **Disproportionate Minority Confinement Study (DMC)** We were the first court services unit in the state to use JJDP funds to carry out a study on the overrepresentation of minority youth in our system. This was our first systematic look at this issue and the effort continues to the present.

- **The Detention Release and Services Program (DRS)** was developed from a recommendation of the DMC study described above. The program was a predispositional custody alternative that focused its services mainly on minority youths held in secure detention. The program provided a highly structured and supervised release alternative for youths who could be returned to the community with appropriate supervision and support services. Once grant funding ended DRS was combined with our outreach detention services to become Supervised Release Services. In FY2008, at a cost of $62 per day, these services provide an alternative to secure detention at a cost of $239 per day. Only 4 percent of the youth during the year had a new charge while they were under SRS supervision.

- **Young Offender Program (YOP).** YOP was designed to serve youth who were under the age of 14, who had been adjudicated as either delinquent or status offenders. The program provided in depth, timely assessment of both youth and family, and initiated *immediate*, age-appropriate interventions, and linked the youth and family to longer term services if necessary. The focus on special intervention with this age group grew from research funded by the Justice Department that showed that youth involved with the juvenile justice at a very early age were the most likely to become serious and chronic offenders.

- **Juvenile Sex Offender Enhanced Treatment Program:** This program was designed as a replication of the Community-based Juvenile Sex Offender Treatment Program that was developed at the University of Virginia. The approach was based on the social-ecological perspective that emphasizes the importance of treating the youth in the context of family and community. The

program built on existing services provided by the Court by adding intensive assessment, intensive supervision, small caseloads, and home-based family intervention. The emphasis was on treating these youth in the community rather than in residential treatment programs which can cost in excess of $100,000 per year.

- **The Maximize Attendance Program (MAP)** provided intensive supervision for adjudicated truants. The purpose of MAP was to expand and improve the range of sanctions and services for adjudicated truants by establishing a post-dispositional intensive supervision program for adjudicated truants.

- **Evening Reporting Center (ERC)** ERC is finishing up its third year of grant funding. The detention alternative program is a highly successful collaboration among the Fairfax County Juvenile and Domestic Relations Court, the Fairfax County Public Schools (FCPS), the Department of Community and Recreation Services (CRS), and Community Services Board Alcohol and Drug Services (ADS). The ERC provides a community-based alternative to detention for youth currently on probation who would otherwise be detained (at a cost of $239 per day) pending further court action for a violation of probation. The program provides highly structured and well-supervised group activities during high-risk time periods in the afternoon and early evening, develops skills in youth that support pro-social behaviors, and repairs harm done to the community by providing community service opportunities. Only 7 percent of the youth have received new charges while under program supervision.

We have also taken advantage of JABG funding in a variety of ways. When the JABG program was fully funded, we used the funds to develop the **Intensive Supervision Program (ISP)** for the court's most serious offenders. ISP's goal is to reduce recidivism while keeping youth in the community rather than in more expensive residential placements. ISP provides evening and weekend supervision to youth identified as serious or habitual offenders through SHOCAP and youth on parole/probation who are identified as at high-risk to re-offend. Three ISP probation officers (2.5 positions) work rotating shifts so that, seven nights a week, at least one PO is monitoring the behavior of these youth in the community.

When this funding stream was drastically cut and became unstable, we were lucky to be able to get the program included in our regular operating budget. As it became unclear from year to year whether or not there would be an allocation for JABG we decided we could no longer use the funds for program development that included positions. However, we have been able to use the limited remaining funds to support other services we provide. Some examples include:

- Providing resources for supplies, training and treatment funds in support of our Juvenile Drug Treatment Court program
- Providing outside evaluation of our Detention Sentencing Program

- Increasing the capacity of special high risk populations intervention programs by supplementing the existing treatment contracts for juvenile sex offenders and for young offenders
- Contracting treatment services for juvenile offenders
- Purchasing additional drug and alcohol testing equipment
- Providing staff training in a variety of areas
- Upgrading computer equipment and developing innovative ways to incorporate computers into the field work of probation officers
- Purchasing hardware, software, staff training and programming consultation in order to upgrade and expand the management information system that supports the court's residential programs

All of the things described above have enabled our staff to be more effective in their work with the youth and families who are involved in the juvenile justice system in Fairfax County. OJJDP and the JJDPA and JABG programs that it administers are very good investments at all levels. Surely it is more cost effective to provide evidence based interventions to juvenile offenders rather than to wait until they become adults. National research has shown that every dollar spent on evidence-based programs can yield up to $13 in cost savings, and each child prevented from engaging in repeat criminal offenses can save the community $2.6 to $4.4 million. We have seen in our own community how innovative programs have enabled us to keep youth out of much more costly residential facilities with no increase in threat to the public safety.

In conclusion, I realize that we are facing extremely difficulty economic times. However, funding of juvenile justice programs, research and grants to state and local government is an investment for the future. I ask the sub-committee to support the restoration of the OJJDP budget to at a minimum at the FY 2002 level of $6.8 million and hopefully much more.

Mr. MOLLOHAN. Okay. Thank you, Mr. Dedes very much for your appearance here today. We appreciate your testimony, and look forward to working with you.

Next the Committee would like to welcome Mr. Aaron Houston who will testify on behalf of the Marijuana Policy Project.

THURSDAY, APRIL 2, 2009.

MARIJUANA POLICY PROJECT

WITNESS

AARON HOUSTON, DIRECTOR OF GOVERNMENT RELATIONS, MARIJUANA POLICY PROJECT

Mr. HOUSTON. Chairman Mollohan, I'm Aaron Houston, Director of Government Relations for the Marijuana Policy Project, the largest marijuana law reform organization in the United States.

I am here today to urge the Subcommittee to consider possible report language related to the use of drug enforcement administration funding for the fiscal year '10 bill in three areas I will outline today.

First, since the passage of California's medical marijuana law in November 1996, federal agents have raided more than 200 medical marijuana locations. And as you may have heard, Attorney General Eric Holder, recently indicated that the Department of Justice has altered its policy related to raiding medical marijuana clinics saying, " The policy is to go after those who violate both federal and state law."

While MPP was pleased with the Attorney General's pronouncements on this topic, more clarity is needed. Indeed merely one week after the Attorney General's most recent pronouncement on this topic, the DEA conducted a raid on a medical marijuana clinic in San Francisco, that was actually licensed by the municipal government there.

MPP believes that the most recent raid on March 25 not only highlights the urgent need for a clearly articulated policy surrounding a violation of state law, but also raises the need for stricter guidelines related to DOJ efforts to ascertain what constitutes a violation of state law, particularly by working with state regulators and law enforcement personnel.

For example, in cases where an entity of the DEA wishes to target has been duly licensed by a state or municipal government, MPP believes there should be a presumption of compliance, and any suspected violations of state law should be reported to the state or local law enforcement personnel and state or municipal regulators who would then presumably use the information received from DEA to either revoke or suspend a state issued license or pursue state criminal changes against the entities suspected of a violation.

In cases where state or municipal licensing is not available or possible in areas of California, for example, where that is still evolving, the DEA should still defer responsibility for enforcing state law to state or local law enforcement authorities, except in egregious cases.

In other words, whether or not a license has been issued to a medical marijuana selling or growing operation, the DEA should not conduct any raids, unless and until it receives confirmation from the local or state law enforcement or regulatory authorities that state law that has been violated. And we respectfully ask the subcommittee to include report language to this effect urging the DOJ to abide by this policy.

Additionally, starting in July of 2007 the DEA began issuing letters of notice to landlords leasing space or real property to those involved in activities legal under California state medical marijuana law, threatening the landlords with forfeiture of property and possible criminal prosecution. Property owners receiving these threats from DEA merely lease space to the medical marijuana collectives and clinics and have committed no state level criminal offense in doing so. These threats against landlords have fueled speculation that the DEA's threats are largely ideological rather than a legitimate law enforcement activity with limited resources.

We ask the Subcommittee to include report language urging the administration to immediately halt the issuance of these letters and any subsequent action taken to seize the assets of the individuals in question.

Finally, the lack of FDA approval of marijuana as a prescription medicine is largely due to the systematic hindrance of scientific research by governmental agencies over the last several decades.

The federal government, through NIDA, actually maintains a monopoly on the supply of marijuana for research. It is the only drug in the pharmacopeia for which that is true.

In order to facilitate FDA approved studies of marijuana, MPP asks the Subcommittee to include report language urging the DOJ leadership to direct the DEA administrator to accept DEA Administrative Law Judge, Mary Ellen Bittner's recommendation to grant an application at the University of Massachusetts Amherst to be registered as a bulk manufacturer of marijuana and to halt unreasonable delays that have plagued medical marijuana research for decades.

As I stated earlier, DOJ resources could be better spent on more serious challenges than misguided raids on medical marijuana clinics.

The most recent estimates indicate that Mexican drug cartels are now operating in some form in 230 American cities.

Moreover, recent testimony before another subcommittee of the House Appropriations Committee indicates that federal law enforcement authorities are so overwhelmed in one sector of the border—as most of you know the Mexico-U.S. border—that persons caught crossing the border with up to 500 pounds of marijuana in one sector are unlikely to face prosecution.

Chairman Mollohan, Congressman Fattah, on behalf of medical marijuana patients, their care givers, and their family members, I urge you to seek greater clarity on these policies so that people who are simply following their doctor's orders and abiding by state law can sleep better at night knowing the government is using scarce resources to protect them and not target them. I would be happy to take any questions you may have.

[Written statement by Aaron Houston, Director of Government Relations, Marijuana Policy Project follows:]

STATEMENT OF AARON HOUSTON, DIRECTOR OF GOVERNMENT RELATIONS
MARIJUANA POLICY PROJECT
BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
APRIL 2, 2009

Chairman Mollohan, Ranking Member Wolf, and distinguished Members of the Subcommittee, I am Aaron Houston, director of government relations for the Marijuana Policy Project (MPP), the largest marijuana law reform organization in the United States. MPP's mission is to increase public support for non-punitive, non-coercive marijuana policies and to accordingly reduce or eliminate penalties for the medical and non-medical use of marijuana. Because MPP believes the greatest harm associated with marijuana is prison, we focus on removing criminal penalties for marijuana use, with a particular emphasis on making marijuana medically available to seriously ill people who have the approval of their doctors. While MPP requests no specific budgetary line item or amount today, we do urge the Subcommittee to consider possible provisos or report language related to the use of Drug Enforcement Administration (DEA) funding in the FY10 bill in the areas I will outline today.

BACKGROUND: STATE MEDICAL MARIJUANA LAWS

Since 1996, voters and legislatures in 13 states have passed laws providing for the medical use of marijuana under a physician's supervision, but federal law criminalizes marijuana use without exception, even for seriously ill patients with cancer, AIDS, or multiple sclerosis. Under the administration of former President George W. Bush, the DEA targeted persons and entities involved in the sale or production of medical marijuana, even when the targeted persons were in compliance with state laws. MPP opposed these enforcement activities because, notwithstanding other reasons, we believe this is a bad policy; the resources dedicated to these operations by the DEA could surely be put to better use elsewhere. Indeed, our fundamental disagreement with the DEA on this matter was illustrated in a statement by a Department of Justice official concerning a DEA raid that occurred two months after the attacks of September 11, 2001: "The recent enforcement is indicative that we have not lost our priorities in other areas since September 11. The attorney general and the administration have been very clear: we will be aggressive."

Since the passage of California's medical marijuana law in November 1996, federal agents have raided more than 200 medical marijuana locations, mostly marijuana dispensing operations, homes related to them, and large marijuana gardens. Additionally, starting in July 2007, the DEA began issuing letters of notice to landlords leasing space or real property to those involved in activities legal under California's state medical marijuana law, threatening the landlords with forfeiture of property and possible criminal prosecutions. The letters state, in part, "It is not a defense to this crime or to the seizure of the property that the facility operating on the property is providing 'medical marijuana' under California law…"

MPP was pleased that during the most recent presidential campaign, then-Senator Barack Obama repeatedly promised not to waste federal resources interfering in states with laws protecting medical marijuana patients from arrest. Sen. Obama told southern Oregon's *Mail Tribune* editorial board on March 28, 2008, "I'm not going to be using Justice Department

resources to try to circumvent state laws on this issue." On another occasion (June 2, 2007), Obama said, "I don't think that should be a top priority of us, raiding people who are using ... medical marijuana. With all the things we've got to worry about, and our Justice Department should be doing, that probably shouldn't be a high priority."

Accordingly, MPP was encouraged by Attorney General Eric Holder's recent statements indicating that the Department of Justice has altered its policy in this area. Speaking at a February 25 news conference, Attorney General Holder said, "What the President said during the campaign ... is consistent with what we will be doing here in law enforcement. He was my boss in the campaign ... He is my boss now. What he said in the campaign is now American policy." And on March 18, Attorney General Holder provided further clarity to his earlier statement, saying, "The policy is to go after those people who violate both federal and state law."

While MPP was pleased with the attorney general's pronouncements, especially his statement on March 18 specifying that the DOJ will only pursue federal criminal actions against individuals and entities out of compliance with both state and federal law, more clarity is needed. Indeed, merely one week after the attorney general's most recent statement on the topic, the DEA conducted a raid on a medical marijuana clinic in San Francisco, raising questions about the implementation of the attorney general's stated policy.

Since the DEA has not been forthcoming with details of the raid it conducted on Emmalyn's California Cannabis Clinic on March 25, it is impossible to know what violations of state law may have occurred. For its part, a DEA spokesperson said of the raid, "Based on our investigation, we believe there are not only violations of federal law, but state law as well."

The key questions raised by the raid on the clinic involve the threshold that DEA and DOJ use to determine violations of state law. While the 13 state laws allowing for the use or cultivation of marijuana for *bona fide* patients vary significantly, I will focus on California's law for a moment, since most DEA enforcement operations have been concentrated there.

California voters passed Proposition 215 in November 1996, making it the first state to enact an effective medical marijuana law. One major unresolved issue that the initial law failed to contemplate adequately was supply for patients who do not produce their own marijuana. To help address this problem and the inconsistencies among jurisdictions in enforcing California's medical marijuana law, the California Legislature and governor enacted a law in 2003 that set limits on the amount of marijuana that certain parties may possess and also mandated the creation of a voluntary statewide identification card and registry system. And, in August 2008, the Office of the Attorney General in California issued "guidelines for the security and non-diversion of marijuana grown for medical use."

Cities and counties across California are moving toward properly regulating and licensing medical marijuana facilities. For example, in Los Angeles, home to most of California's dispensing collectives, city government officials have been working for more than two years with stakeholders on a plan to regulate these facilities. The existing facilities are currently operating under the ambit of an interim ordinance while the city develops its permitting process. Since DEA raids only impede the development of local regulations, Los Angeles officials have made numerous pleas with the DEA to stop the raids, including a resolution passed by the Los Angeles City Council in 2007.

RECOMMENDATION: FOCUS ON THE REAL PROBLEMS/RESPECT SCIENCE

Recognizing that federal law enforcement resources are limited, MPP respectfully requests that the Subcommittee urge the DOJ — via report language attached to the FY2010 appropriations act — to: (1) clarify its policy related to raids on those involved in medical marijuana-related activities in a state in the manner outlined below; (2) suspend its ongoing practice of sending asset forfeiture notices to real property owners leasing space to medical marijuana collectives; and (3) grant access to marijuana for use in FDA-approved clinical trials.

(1) Clarifying Attorney General Holder's policy on DEA raids: MPP believes the most recent raid on March 25 not only highlights the urgent need for a clearly articulated policy surrounding the definition of a "violation of state law," but also raises the need for stricter guidelines related to DOJ efforts to ascertain what constitutes a violation of state law, particularly by working with state regulators and law enforcement personnel. For example, in cases where an entity the DEA wishes to target has been duly licensed by a state government (or municipal government, where applicable), MPP believes there should be a presumption of compliance, and any suspected violations of state law should be reported to the state or local law enforcement personnel and state or municipal regulators, who would then presumably use the information received from the DEA to either revoke or suspend a state-issued license, or pursue state criminal charges against the entity suspected of the violation. In cases where state or municipal licensing is not available or possible, the DEA should still defer responsibility for enforcing state law to state or local law enforcement authorities except in egregious cases. In other words, whether or not a license has been issued to a medical marijuana selling or growing operation in (the currently 13) states where medical marijuana is legal, the DEA should not conduct any raids unless and until it receives confirmation from local or state law enforcement or regulatory authorities that state law has been violated.

(2) Suspending asset forfeiture threats against property owners leasing space to medical marijuana clinics: Congress created asset forfeiture laws intending to target large-scale narcotics trafficking operations. Property owners receiving these threats from the DEA merely lease space to medical marijuana collectives and have committed no state-level criminal offense in doing so. These threats against landlords have fueled speculation that the DEA's threats are largely ideological (in the sense that they ostensibly undermine California's medical marijuana law) rather than a legitimate law enforcement activity. The Obama administration should immediately halt issuance of these threat letters and any subsequent action taken to seize the assets of the individuals in question.

(3) Grant access to marijuana for use in FDA-approved clinical trials: The lack of FDA approval of marijuana as a prescription medicine is due largely to the systematic hindrance of scientific research by governmental agencies over the last several decades (e.g., the federal government, through the National Institute on Drug Abuse, maintains a monopoly on the supply of marijuana for research). In order to facilitate FDA-approved studies of marijuana, MPP recommends that DOJ leadership: (1) direct the DEA administrator to accept DEA Administrative Law Judge Mary Ellen Bittner's recommendation to grant Professor Lyle E. Craker's (University of Massachusetts at Amherst) application to be registered as a bulk manufacturer of marijuana and (2) halt the unreasonable delays that have plagued applicants seeking to import marijuana from abroad for research purposes (for example, from the Dutch Office of Medicinal Cannabis).

CONCLUSION

As I stated earlier, DOJ resources could clearly be better spent on more serious challenges than misguided raids on medical marijuana clinics. The most recent estimates indicate that Mexican drug cartels are now operating in some form in 230 American cities. Moreover, recent testimony before another Subcommittee of this distinguished Committee indicates that federal law enforcement authorities are so overwhelmed in one sector of the Mexico-U.S. border that persons caught crossing the border with up to 500 pounds of marijuana are unlikely to face prosecution.

Chairman Mollohan, Ranking Member Wolf, and distinguished Members of the Subcommittee, on behalf of medical marijuana patients, their caregivers, and their family members, I urge you to seek greater clarity on these policies so that people who are simply following their doctors' orders and abiding by state law can sleep better at night knowing their government is using scarce resources to protect them, not target them.

Mr. MOLLOHAN. Thank you very much, Mr. Houston for your testimony here today.

Mr. HOUSTON. Thank you.

Mr. MOLLOHAN. We appreciate it.

Next the Committee would like to welcome Ms. Mishaela Duran. Is that?

Ms. DURAN. Yes, that is correct.

Mr. MOLLOHAN. Mishaela Duran. Ms. Duran will be testifying on behalf of the National Parent Teacher Association. Welcome to the Committee, Ms. Duran.

THURSDAY, APRIL 2, 2009.

NATIONAL PARENT TEACHER ASSOCIATION

WITNESS

MISHAELA DURAN, M.ED., DIRECTOR OF GOVERNMENT AFFAIRS, NATIONAL PARENT TEACHER ASSOCIATION (PTA)

Ms. DURAN. Thank you. Good morning Chairman Mollohan and Representative Fattah.

My name is Mishaela Duran, and I am the Director of Government Affairs at the National Parent Teacher Association.

On behalf of PTAs five million members, I welcome the opportunity to appear before you to discuss the fiscal 2010 appropriations for federal juvenile justice programs.

PTA urges the Subcommittee to consider the following recommendations to improve programs administered by the Office of Juvenile Justice and Delinquency Prevention within the Department of Justice.

First, restore the Title 5 Incentive Grants for local delinquency prevention to its fiscal year '02 level of $95 million with few or no earmarks for fiscal year 2010.

Second, restore funding for the Title 2 State Formula Grants to the fiscal year '02 level of $89 million.

Finally, fund the Juvenile Accountability Block Grant at the fiscal year '02 level of $250 million.

I have worked in the juvenile justice system for over a decade, including as a teacher, caseworker, and involved in implementing a major reform plan drawn from national best practices for the District of Columbia. In each of these roles I witnessed firsthand how federal juvenile justice funds can support programs that meet the immediate needs of youth and families in crisis.

PTA advocates for youth who engage in non-criminal behavior such as truancy, so called status offenders. Critical programs funded by Title 5 divert such children from entering the juvenile justice system and support programs that produce positive outcomes for families, while at the same time protecting public safety.

Between 1985 and 2004 there was a 69 percent increase in truancy court cases. Research demonstrates that locking up youth for non-criminal acts, such as skipping school, greatly increases their risk of future delinquency, victimization, abuse, and even suicide.

Youth are often warehoused in overcrowded, understaffed facilities that breed violence and neglect. This is not an appropriate op-

tion for any youth, but especially for youth who have not committed a crime.

In addition, secure detention is extremely costly. According to the National Juvenile Detention Association operating a single detention bed costs the public approximately $1.5 million over the span of 20 years. With 591 juvenile detention facilities located across the country, the cost to the public is staggering.

Community-based interventions funded by Title 5 have proven to be more cost effective for youth with status offenses. A Florida tax watch study indicates that preventing 10 percent of youth from entering the system through community-based alternatives like the evening reporting center that you heard about in Fairfax County, would yield over $10 million of cost savings.

In my written testimony I included a number of best practices across the country. I would like to highlight one such best practice in Wood County school district in West Virginia.

The Truancy Diversion and Social Work Program, TDSW, delivered by the Children's Home Society of West Virginia in Parkersburg places a social worker into a school to assist families with truancy problems. Originally funded by federal juvenile justice funds, the program has been scaled back due to a lack of resources. Even so, it continues to prove effective. Ninety-eight percent of the students increased or maintained their daily attendance, and 96 percent increased or maintained their GPA.

Title 2 provides essential support for public juvenile justice agencies to meet vital protection requirements required by federal statute, such as keeping youth who are truant out of the correction system.

The Juvenile Accountability Block Grant, or JABG, supports many family focused evidence based programs such as functional family therapy, multi-systemic therapy, and multi-dimensional treatment foster care; all recognized as model programs by DOJ and HHS.

Mr. Chairman and members of the Subcommittee, the PTA is deeply grateful for your leadership and support on safeguarding federal delinquency prevention programs. I look forward to answering any questions that you might have.

[Written statement by Mishaela J. Duran, M.Ed., Director of Government Affairs, National Parent Teachers Association (PTA) follows:]

Statement by Mishaela J. Durán, M.Ed.
Director of Government Affairs, National Parent Teacher Association (PTA)
Before the House Appropriations Subcommittee on
Commerce, Justice, Science and Related Agencies
April 2, 2009

Chairman Mollohan, Ranking Member Wolf, and Members of the Subcommittee, on behalf of over five million members of the National Parent Teacher Association (PTA), I welcome the opportunity to appear before you to discuss the Fiscal Year 2010 appropriations for federal juvenile justice programs. The National PTA urges the Subcommittee to consider the following recommendations to improve our country's juvenile justice and delinquency prevention programs, which are administered by the Office of Juvenile Justice and Delinquency (OJJDP) within the Department of Justice:

1) Restore the **Title V Incentive Grants for Local Delinquency Prevention** program to its FY 02 level of **$95 million,** with few or no earmarks in FY 2010.
2) Restore funding for the **Title II State Formula grants** to the FY 02 level of **$89 million.**
3) Fund the **Juvenile Accountability Block Grant (JABG)** at the FY 02 level of **$250 million** in FY 2010.

Both the PTA and I have a real connection to juvenile justice issues. As the oldest and largest volunteer child advocacy association in the United States, PTA's legacy of influencing federal policy to protect the education, health, and overall well-being of children has made an indelible impact on the lives of millions of children and families. This legacy includes the creation of a juvenile justice system, as well as the institution of kindergarten classes, child labor laws, and mandatory immunizations for school children.

I have had the opportunity to work with youth and families involved in the juvenile justice system for over a decade, serving in a variety of roles, including as a teacher in juvenile correctional facilities, case manager, governor-appointed juvenile justice commissioner, and eventually, as a member of the executive management team for the D.C. Department of Youth Rehabilitation Services, a cabinet-level agency charged with implementing a major reform plan drawing from national best practices. In each of these roles, I witnessed firsthand how federal delinquency prevention and juvenile justice funds, including Title V, Title II, and JABG support programs, could meet the immediate needs of youth and families in crisis. These critical programs divert children from entering the juvenile justice system and provide evidence-based, family-focused interventions that produce positive outcomes for youth and families, while at the same time protecting public safety.

History of PTA on Delinquency Prevention and Juvenile Justice

Protecting the rights of children and youth in trouble has long been at the core of PTA's advocacy work. In 1899, PTA convention delegates passed their first resolution addressing the way youth were handled in the judicial system by calling for an extension of the relatively new concept of juvenile courts and probation systems. Until that time, juveniles committing even minor offenses would find themselves locked up with adult offenders.

In 1957, the PTA published *What PTA Members Should Know About Juvenile Delinquency: Guide for Action*. This booklet offered concrete courses of action for PTAs and communities to curtail the causes of juvenile delinquency. On the federal front, the PTA successfully supported legislation, signed by President Kennedy in 1961, for a program of grants for delinquency prevention projects. This Juvenile Delinquency and Youth Offenses Control Act authorized $10 million a year for three fiscal years to support grants for pilot projects, training programs, and studies on juvenile delinquency.

Yet in the mid-1960's, despite all the effort that the PTA had put into changing the juvenile court system from one that punished youth into one that protected and rehabilitated them, there was a growing concern among advocates about the way that youth charged with offenses such as truancy or curfew violation that are based solely on their status as minors—so-called "status offenses"-- were being processed. In 1967, the President's Commission on Law Enforcement and the Administration of Justice released the *Task Force Report on Juvenile Delinquency*, which found that many status offenders were housed in jails and similar secure detention facilities. The Commission recommended that status offenders be removed from secure custody, reasoning that families and community-based organizations, not penal institutions, should be responsible for these youth.

To address some of the issues highlighted by the task force, PTA partnered with the National Council of Juvenile Court Judges (NCJCJ) after being informed that many juvenile court judges lacked the training and expertise to respond to families and children in need of services. To address this need, PTA co-sponsored four regional conferences with NCJCJ and launched 25 statewide volunteers-in-court programs through state PTA units.

Incarcerating Truants Endangers Children and Threatens Public Safety

Over the decades, our understanding of the problem of delinquency prevention and intervention has increased significantly, with new research on adolescent brain development and evaluations of evidence-based programs. Unfortunately, federal, state and local governments have ignored over 30 years of research on best practices and sound public policy, reverting back to the inappropriate use of confinement of youth who would not otherwise be involved in the justice system but for their status as a minor. Between 1985 and 2004, the total number of court petitioned juvenile status offense cases doubled. Also in that period of time, there was a 39% increase in status offense court cases and a 69% increase in truancy court cases. According to the FBI, more than 400,000 children were arrested or held in limited custody by authorities for status offenses in 2004, representing roughly 18 percent of all juvenile arrests for the year.

Research demonstrates that secure detention has a profoundly negative impact on young people's physical and mental well-being – locking up youth for non-criminal acts greatly increases their risk of victimization, abuse, and suicide. Youth are often warehoused in overcrowded, understaffed facilities that breed violence and neglect. This is not an appropriate option for any youth; but especially not for youth accused only of status offenses.

Secure detention does not resolve the factors that led to the status offense behaviors. In fact, incarcerating youth for non-criminal behaviors further impedes school engagement and family functioning. Secure confinement severely limits youth's contact with their families, creating

significant barriers to resolving family conflict and to preventing youth from skipping school. Incarcerating youth who are truant results in future school disengagement and truancy. A Department of Education study showed that 43 percent of incarcerated youth receiving remedial education services in confinement did not return to school after release, and another 16 percent enrolled in schools dropped out after only 5 months.

In addition, commingling youth who are truant with delinquent youth results in increased delinquent behaviors among non-criminal youth, increasing the odds of recidivism and further compromising public safety. Studies have shown that prior incarceration is a greater predictor of recidivism than gang membership, carrying a weapon, or poor parental relationships. Researchers at the Oregon Social Learning Center found that congregating youth together resulted in "peer deviancy training" – essentially, youth learn delinquency behaviors from youth with more serious offenses resulting in higher rates of future delinquency, violence, school difficulties, substance use, and other poor outcomes.

To address the harmful policy of incarcerating youth who are truant, the National PTA has worked to advocate for investment and improvement of programs authorized by the Juvenile Justice and Delinquency Prevention Act, which is currently up for reauthorization. PTA's top priority for this reauthorization is to prohibit states from incarcerating youth who are truant and to support delinquency prevention programs that are funded by this subcommittee. This week, the Senate Judiciary Committee introduced S. 678, a bill that would reauthorize the Juvenile Justice and Delinquency Prevention Act and phase out the harmful practice of incarcerating children in need of services. PTA will continue to advocate for a companion bill to be introduced in the House of Representatives.

Investing in Children and Families: PTA's Public Policy Recommendations

Secure detention for youth who have not committed criminal acts is extremely costly. According to the National Juvenile Detention Association, the annual average cost per year of a detention bed – depending on geography and cost of living – ranges between $32,000 and $65,000 per year. Over a twenty-year period of time, operating a single detention bed costs the public between $1.25 and $1.5 million. With 591 juvenile detention facilities located across the country, the cost to the public is staggering. Community-based and school-based interventions have proven to be more cost-effective for status offenders. A study by Florida Tax Watch reported that the Florida Network of Youth and Family Services, which provides community-based alternatives to youth who are truant, had a 93-94% success rate, greatly reducing recidivism, preventing future system involvement, and strengthening families. The Florida Tax Watch Study indicates that preventing 10% of youth from entering the system through community-based alternatives would yield over $10 million of cost-savings.

The federal delinquency prevention and juvenile justice programs, administered by the Office of Juvenile Justice and Delinquency Prevention at the Department of Justice, support family-focused, strength-based programs that are less costly and more effective. In fact, family-focused interventions for youth who are truant can dramatically reduce absences, substantially improve academic achievement, and increase school districts' average daily attendance revenue. In order to prevent delinquency, reduce truancy, and strengthen families, PTA recommends the following:

•Restore the **Title V Incentive Grants for Local Delinquency Prevention** program to its **FY02** level of **$95 million,** with few or no earmarks in FY 2010. Title V funds support truancy diversion programs, afterschool programs, family strengthening initiatives, youth development programs and other critical supports for families in need of services.

•Restore funding for the **Title II State Formula grants** to the FY02 level of **$89 million. Title** II State Formula grants provide essential support for public agencies to develop and strengthen juvenile justice systems to prevent delinquency, reduce youth crime, and meet vital protection requirements, such as keeping youth who are truant out of the corrections system.

•Fund the **Juvenile Accountability Block Grant (JABG)** at the FY02 level of **$250 million in** FY 2010. JABG provides states and units of local government with funds to develop programs to promote greater accountability in the juvenile justice system. JABG received $49.5 million in Fiscal Year 2007 - a significant reduction from the $190 million that Congress appropriated in FY03 and the $250 million appropriated in FY02 and FY01. JABG supports many family-focused, evidence-based programs such as Functional Family Therapy (FFT), Multisystemic Therapy (MST), and Multidimensional Treatment Foster Care (MTFC). These community-based programs models have been proven effective through rigorous research using high standards, including strong research design, sustained effects, and multiple site replication. FFT, MST, and MTFC have been recognized as model programs by the U.S. Surgeon General, the Office of Juvenile Justice and Delinquency Prevention at the U.S. Department of Justice, the Center for Disease Control and Prevention, and the Center for Substance Abuse Prevention.

Children arrested for non-criminal behaviors, such as truancy, are in need of family-focused, school and home-based interventions, rather than being placed in dangerous, overcrowded juvenile detention centers that expose them to youth who have been found delinquent. Title V, Title II, and JABG are essential to supporting family-based alternatives to secure care.

Best Practices for Truancy Reduction through Family-Based Programs
Children who are chronically absent or truant generally are not missing school to engage in delinquent behavior. On the contrary, the majority of children miss school because their families are in crisis and lack resources to meet their most basic needs, whether that be safe, stable and affordable housing, transportation, child care, health and behavioral health care, or supports to resolve a child's learning disability. In an economy plagued by high unemployment rates and record-breaking home foreclosures, families are struggling to make ends meet. Rather than take a punitive approach to these families and children, schools and communities must provide families with the supports needed to re-engage their children in education. The following are a few examples of model programs that reduce truancy and respond to families' needs:

Wood County School District, West Virginia
Truancy Diversion Social Work Program (TDSW), delivered by the Children's Home Society of West Virginia through collaboration with the Alliance for Children, Inc, places a social service worker into a school to assist with truancy problems and other social and family issues disrupting student success. Launched in Mineral County, West Virginia in 1999, this successful program has proven its effectiveness with outcomes including attendance improvement, grade promotion,

and increase of positive behaviors at school and home. TDSW has produced a significant reduction of petitions filed for truancy in the county and has diverted hundreds of children from the child welfare and delinquency systems. The program received strong support from parents and school personnel as it provided assistance for students to stay in school. In fact, TDSW was so successful that the State of West Virginia and local districts scaled it up, operating in 49 of West Virginia's 55 counties. With the loss of federal juvenile justice and delinquency prevention funds and other funding streams, however, this major statewide initiative that provided services to thousands of students and families was substantially reduced to operate in only one county. Despite the lack of resources, Truancy Diversion continues to prove its effectiveness, as evidenced by the current program at VanDevender Junior High School in Parkersburg. Out of 48 students who received intensive services, 97.9% increased or maintained their daily attendance with the intervention, and 95.8% increased or maintained their GPA.

Shenandoah County, Virginia

The Shenandoah County Truancy Prevention Programs' goal is to reduce truancy, improve academic achievement, and strengthen truant's families' attachment to schools and communities. By utilizing case management, agency referrals, and incentive based rewards, the program reconnects youth and their families to school and reduces the number of families appearing before the court. With collaboration with businesses, police departments, schools, and community-based agencies such as CLEAN, Inc., and Northwestern Community Services. CLEAN Inc. provides a family-focused program called Connecting Teens to Parents, a six session program that focuses on strengthening families through improving communication, parenting skills, behavior management, and drug and alcohol prevention education.

Multi-State Initiative -Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI)

The JDAI began in five counties, with four objectives: to eliminate unnecessary secure detention, to minimize delinquent behaviors, to focus public money on alternatives to building additional detention capacity, and to improve conditions in detention facilities. JDAI worked by using objective data to determine the costs and benefits of detention, and objectively assessing the risk presented by each juvenile. JDAI also required each location to form a central group to coordinate all efforts. Three of the five counties (Cook County, IL; Multnomah County, OR, and Sacramento County, CA) completed the JDAI program, each making fundamental changes to its procedures for detaining young people, resulting in the general reduction of admissions to detention facilities and much quicker processing of cases. The JDAI model is now being implemented in more than 100 jurisdictions in 22 states. The Casey Foundation's 2008 Kids Count Essay, "A Road Map for Juvenile Justice Reform," highlighted the Juvenile Reception Center operated by Janus Youth Services in Multnomah County, Oregon, as a best practice. Youth picked up by police for truancy and other status offenses are brought to the Center for immediate crisis intervention services, 24 hours a day.

Mr. Chairman and members of the subcommittee, the PTA is deeply grateful for your leadership and support on safeguarding funding for federal juvenile justice and delinquency prevention funding. I look forward to working with the Subcommittee to protect and invest in these vital programs that support our nation's struggling families.

Mr. MOLLOHAN. Thank you, Ms. Duran. Appreciate your summary of your testimony, and we look forward to working with you.

Ms. DURAN. Thank you.

Mr. MOLLOHAN. Thank you for appearing here today.

Next the Committee would like to welcome to the hearing Mr. Billy Frank, Jr.

Chairman Frank will testify on behalf of the Northwest Indian Fisheries Commission.

Chairman Frank, welcome. It is good to see you here this year.

THURSDAY, APRIL 2, 2009.

NORTHWEST INDIAN FISHERIES COMMISSION

WITNESS

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

Mr. FRANK. Thank you, Mr. Chairman and the Committee and Mr. Wolf and Mr. Fattah. I just want to say that how important this Committee is.

I am Billy Frank, Chairman of Northwest Indian Fish Commission, I have been chairman for going on 30 years now, and we are fish managers in the northwest.

Mr. MOLLOHAN. They know a good leader when they see one, don't they?

Mr. FRANK. Yeah. And I represent the treaty tribes in the northwest, 20 treaty tribes along the Pacific coast in the State of Washington. And we depend upon this commerce to fund our projects out there in the northwest.

We have not seen the President's fiscal year '10 budget yet, so our requests are based on what we anticipate it to contain.

We are seeking funding to address several fisheries management initiatives that are critically important to the northwest tribes. These fishery resources that are protected by treaties with the United States are the basis of your culture and economics and our very existence as tribes.

These fisheries are in trouble as continued population growth and the habitat destruction that companies this growth are making it increasingly important that recovery efforts are adequately funded.

We request that the Pacific Coastal Salmon Recovery Fund be funded at the fiscal year 2002 level at $110 million, with $14 million allocated for the 20 affected treaty tribes in western Washington and Northwest Indian Fish Commission.

I want to say that you added $80 million to that in 2009, so that is great. This fund is——

Mr. MOLLOHAN. We are listening to you.

Mr. FRANK. Pardon?

Mr. MOLLOHAN. We are listening to you.

Mr. FRANK. Yeah. It is. I am here every year and I will be here next year again.

Mr. MOLLOHAN. I hope.

Mr. FRANK. This fund is critically important to the states and tribes to allow them to pursue the recovery of the Pacific salmon

throughout the northwest and Alaska by financially supporting and leveraging local and regional efforts.

Since its inception in fiscal year 2000, the Pacific Coastal Salmon Recovery Fund has made a significant contribution to salmon recovery to address the federal responsibility under the Endangered Species Act to recover listed species under the treaties with tribes to recover stocks that are critically important to meeting the tribes treaty reserve fishing rights.

We have developed water shed based recovery plans in collaboration with local communities that have been adapted by NOAA under the Endangered Species Act, and these funds are now needed for implementation of these plans.

These funds have been and will continue to be used by the tribes for a variety of fish habitat improvement projects, including the removal of fish passage barriers and an opening of stream access and restoration and protection of stream and the estuary habitats.

We are requesting funding to implement the Ocean Ecosystem Initiative in partnership with the State of Washington and NOAA. This initiative has two elements.

First, we are seeking $1.1 million through NOAA's National Ocean Service to support the participation by the tribes in the state in the recently formed inner governmental policy council, which is intended to strengthen management partnership with the Olympic National Marine Sanctuary, though this partnership's participates hope to maximize resource protection and management while respecting existing jurisdictional authority.

Second, we are seeking $2.7 million that would be used by the tribal state and NOAA partnership to begin multi-year program to assess rockfish population and to map sea floor habitat of the northern Washington coast. This information is critical first steps towards the development of an ecosystem base management.

Last year I told the Committee that we had the dead zone along the Pacific coast from Florence, Oregon to Kalaoch Beach in the State of Washington, and that has been happening for five years, and hopefully it don't happen this year. And I hear a lot of good things happening as far as the weather and so on.

We also support the request that the U.S. Pacific salmon commission for the $67 million needed for the implementation of the 2008 Pacific Salmon Treaty Canuck Annex to the treaty. You will hear more about this later as Jeff Koenings from the State of Washington, our commissioner, will report.

We also want to extend our support for the request being made by Henry Cagey, the Chairman of the Lummi Tribe at the hearing for their funding request on economic fisheries disaster relief. One of our largest fishery tribes in the northwest. Also the Puyallup Tribe that just testified, and we support our court testimony by Judge Coochise.

And so thank you very much for hearing me. And thank you for allowing us to come.

And last year I stood out there four hours in that hallway. This year it is nice and orderly. We sit down. Thank you.

[Written statement by Billy Frank Jr., Chairman, the Northwest Indian Fisheries Commission follows:]

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ORAL TESTIMONY BEFORE THE
HOUSE COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES
APPROPRIATIONS SUBCOMMITTEE
ON THE FY 2010 BUDGET FOR THE DEPARTMENT OF COMMERCE
BY BILLY FRANK, JR., CHAIRMAN
THE NORTHWEST INDIAN FISHERIES COMMISSION
April 2, 2009

Thank you for the opportunity to appear before this Committee and provide oral testimony on the Department of Commerce FY 2010 appropriations. My name is Billy Frank, and I am the Chairman of the Northwest Indian Fisheries Commission (NWIFC). The NWIFC is made up of the twenty tribes party to the *United States vs. Washington* litigation. The NWIFC supports an increase in funding for both the NOAA Fisheries and the NOAA-National Ocean Service (NOS) budgets. These budgets, while only sketchy at the moment, should be strong and robust and support key federal and state partnerships with the twenty (20) Treaty Indian Tribes in Western Washington.

SUMMARY OF FY 2010 APPROPRIATIONS REQUEST

NWIFC Specific Requests:

- ☐ **$110 Million for the Pacific Coastal Salmon Recovery Fund with a $14 million allocation for the twenty (20) affected Treaty Tribes and the Northwest Indian Fisheries Commission in Western Washington for their management responsibilities *(NOAA/National Marine Fisheries)***
- ☐ **$3.17 million for the Tribal Ocean Ecosystem Initiative *(NOAA/National Ocean Service)***
- ☐ **$67 million for Pacific Salmon Treaty Chinook Annex *(NOAA/National Fisheries Service)***

Justification of Requests:

$110 Million for the Pacific Coastal Salmon Recovery Fund with a $14 million allocation for the twenty (20) affected Treaty Tribes in Western Washington and the Northwest Indian Fisheries Commission

The Pacific Coastal Salmon Recovery Fund (PCSRF) is a multi-state, multi-tribe program established by Congress in FY-2000 with a primary goal to help recover wild salmon throughout the Pacific Northwest and Alaska. The PCSRF seeks to aid the conservation, restoration and sustainability of Pacific salmon and their habitats by financially supporting and leveraging local

and regional efforts. Recognizing the need for flexibility among tribes and the states to respond to salmon recovery priorities in their watersheds, Congress earmarked the funds for salmon habitat restoration, salmon stock enhancement, salmon research, and implementation of the 1999 Pacific Salmon Treaty Agreement, as well as related agreements. PCSRF is making a significant contribution to the recovery of wild salmon throughout the region.

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

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

Unfortunately, the PCSRF monies have decreased over the past few years from the original amount of $110 million that was appropriated in 2002. While in FY-2009, we saw an $80 million appropriation which was a modest increase from the previous fiscal year, we remain concerned about this program funding level as the past Administration sought to decrease funding to $35 million. The tribes originally were slated to receive 10% of the overall amount, but with the declining base, the tribal amount has dwindled precipitously. Restoration of these monies to the $110 million level will support the original intent of Congress and enable the federal government to fill its obligations to salmon recovery and the tribes.

$ 3.17 million for Tribal Ocean Ecosystem Initiative from the National Ocean Service

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

> ***Intergovernmental Policy Council (IPC) $1.10 million***
> The four tribes, the state of Washington and NOAA National Ocean Service, through the Marine Sanctuary Program, have formed the Intergovernmental Policy Council (IPC) which is intended to strengthen management partnerships through coordination and focus of work efforts. Through this partnership, the entities hope to maximize resource protection and management, while respecting existing jurisdictional and management authorities. While the IPC has received some funding from the Marine Sanctuary

Program, the current funding does not provide for full participation in activities that will build the partnerships necessary to coordinate management and research activities within the Olympic Coast National Marine Sanctuary.

For the IPC to continue to expand its capacity for program operations through technical staff participation and development of collaborative research efforts, a long-term program funding source is needed. The parties need $1.10 million in FY-2010 to support their IPC efforts to transition into an ocean ecosystem-based management system. A forum and coordinating body such as the IPC will need the capacity to collect and organize information that will propel discussions and recommendations into decisions and actions.

Rockfish Assessment and Habitat Mapping $2.07 million

The Hoh River Tribe, Makah Tribe, Quileute Tribe, Quinault Indian Nation and the state of Washington hope to conduct a five-year ocean monitoring and research initiative to support and transition into an ecosystem-based management of rockfish. The proposal would augment the existing NOAA Northwest Science Center trawl survey data with additional state and tribal survey data from areas currently not sampled on the continental shelf and slope. It would also expand the existing groundfish port sampling program for the region. Both of these data sources are essential to evaluate stock status and abundance. Finally, it would accomplish a comprehensive assessment of the coastal ecosystem and its associated species groups.

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

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

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

$67 Million for the Pacific Salmon Treaty Chinook Annex

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

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

The most recent update of the treaty gave additional protection to weak runs of Chinook salmon returning to Puget Sound Rivers. The update also provides compensation to Canadian and Alaskan fishers for lost fishing opportunities, while also funding habitat restoration throughout the region.

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

The PSC partners are requesting $67 million to implement the 2008 Pacific Salmon Treaty Chinook Annex. These funds will be used for fishermen adjustments, coded wire tagging and analysis, and watershed specific habitat restoration projects.

BACKGROUND

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

However, over the past eight years, the federal government has not fully supported key natural resource management programs. There is no question that this jeopardizes the bond of trust between our governments. It also jeopardizes management programs and infrastructure critically important to co-management and to the health and vitality of natural resources, and the tribal and non-tribal people they sustain. The timing of funding cuts could not be worse. We are facing many environmental and natural resource management challenges in the Pacific Northwest, caused by human population expansion and urban sprawl, increased pollution problems ranging from storm water runoff to de-oxygenated or "dead" areas in the Hood Canal, parts of Puget Sound and in the Pacific Ocean. The pathway to the future is clear to us. The federal, state and

tribal governments must strengthen our bond and move forward, together, with the determination and vigor it will take to preserve our heritage. Together, we must focus on the needs of our children, with an eye on the lessons of the past.

OUR MESSAGE

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

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

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

CONCLUSION

Clearly, western Washington tribes are leaders in the Northwest salmon recovery effort. The tribes possess the legal authority, technical and policy expertise, and effective programs to address impacts on wild salmon from harvest and hatcheries.

The tribes are strategically located in each of the major watersheds, and no other group of people is more knowledgeable about the natural resources than the tribes. No one else so deeply depends on the resource for their cultural, spiritual and economic survival. Tribes seize every opportunity to coordinate with other governments, and non-governmental entities, to avoid duplication, maximize positive impacts, and emphasize the application of holistic ecosystem management. We continue to participate in resource recovery and habitat restoration on an equal level with the state of Washington and the federal government because we understand the great value of such cooperation.

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

Mr. FATTAH. Well we're getting better as we go, but thank you for your more than three decades of service.

And let me invite Anthony Chatwin, National Fish and Wildlife Foundation.

You see members coming and going. That is because we have a series of votes on the floor, and we all have to make it down there in time to cast our vote. So it is no disrespect. I am sure many of us have reviewed the written testimony, but in order to keep this show going rather than have you just sit and wait for an hour while these votes go on, this is how we have decided to proceed. All right? Please begin.

THURSDAY, APRIL 2, 2009.

NATIONAL FISH AND WILDLIFE FOUNDATION

WITNESS

ANTHONY CHATWIN, DIRECTOR OF MARINE AND COASTAL CONSERVATION, NATIONAL FISH AND WILDLIFE FOUNDATION

Mr. CHATWIN. Thank you. Good morning Congressman Fattah, and thanks for the opportunity to discuss the National Fish and Wildlife Foundation's longstanding partnership with NOAA and our funding requests for 2010.

My name is Anthony Chatwin, and I am the Director of Marine and Coastal Conservation for the foundation, which we refer to as NFWF, and I am here to summarize written testimony from our executive director, Jeff Crandall, which was submitted to the record.

NFWF was chartered by Congress in 1984 to conserve fish and wildlife and their habitats. And in 1994 Congress expanded our mandate to specifically include NOAA's mission to restore and protect marine and coastal resources.

In addition to NOAA, NFWF serves as the foundation for the U.S. Fish and Wildlife Service, and has active partnerships with a number of other federal agencies, including Forest Service, EPA, the USDA, and others. We also have strong partnerships with numerous private foundations and corporations.

NFWF helps achieve the conservation missions of our federal partners by convening partnerships between the government agencies and private sector to support on the ground and in the water conservation projects through competitive grant making process.

A unique aspect to NFWF is our ability to pull funds from various different public and private sources to cost effectively manage grant programs. This model is accomplishing results and priority conservation areas of the United States, includes the Chesapeake Bay, the Gulf of Mexico coast, and the Great Lakes.

For several years this Subcommittee has supported the NOAA NFWF partnership by providing appropriations through NOAA's National Marine Fishery Service and NOAA's Ocean Service, roughly at a level of two million annually. This funding has played an integral role in helping NFWF build bridges between NOAA, other federal agencies, and corporate partners to benefit marine species and habitats.

NFWF did not receive NOAA appropriations from the fiscal year 2007 through 2009, but we have sustained the cooperative agreements with NOAA to continue some of our unique partnership programs, for estuaries, coral reefs, sea turtles, and marine debris.

By law, funds appropriated by this Subcommittee to us would be matched at least one to one and be fully dedicated to grant projects. We do not use any of it for overhead expenses of the foundation.

NOAA funding will help NFWF attract additional funding through corporate and foundation partnerships.

Currently NOAA has—I mean the foundation has active partnerships with more than 30 corporations and foundations. The number of examples of this are in our written testimony. I will refer to one.

In 2008, even in the current economic climate, we established a partnership with Covanta Energy and Schnitzer Steel called Fishing for Energy, whereby fishermen dispose of their derelict fishing gear free of charge and Covanta converts that gear into energy. This successful partnership has collected over 100 tons of derelict fishing gear. And often the alternative would be that they get dumped at sea, impacting wildlife. And this has been going on in ten ports in the northeast United States, and we are currently expanding it to other places in the country.

We also have a longstanding partnership with Shell Oil through the Shell Marine Habitat Program, where we've created partnerships to protect marine habitat along the gulf coast, Long Island Sound, and Alaska.

The 2010 funding would help NFWF continue to build these public private partnerships while benefitting some additional shed priorities for marine and coastal ecosystems, including marine protected areas and sustainable fisheries, which are two big mandates—important mandates of NOAA.

Marine protected areas. Recently NOAA, working with the Department of Interior and a number of different federal agencies and with stakeholders from 30—well, 30 stakeholders from different interests—marine interests, including state government and tribal government and marine industries, have created a national system of marine protected areas.

We are requesting as part of the appropriation to support the implementation of that system. That will benefit all levels of government, including tribal states, federal, and local governments.

We also are seeking funds to support NOAA's strategic plan, especially focused on increasing the number of fish stocks or fish populations that are managed at sustainable levels, and the number of protected species that would stable our increasing populations.

To that end we are expanding investments in development and implementation of limited access privilege programs, also called, cat shares, these programs are a new management tool which NOAA is going to be implementing over at the next few years.

So in conclusion thank you for allowing us to describe our valuable partnership with NOAA, and we believe there is great potential to expand this work in the future. And I appreciate your consideration of our 2010 request.

[Written statement by Jeff Trandahl, Executive Director, National Fish and Wildlife Foundation follows:]

TESTIMONY OF JEFF TRANDAHL, EXECUTIVE DIRECTOR
NATIONAL FISH AND WILDLIFE FOUNDATION
BEFORE THE HOUSE APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
REGARDING THE FY 2010 BUDGET FOR
THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to submit testimony regarding FY 2010 funding for the National Fish and Wildlife Foundation (Foundation). We appreciate the Subcommittee's past support and respectfully request your approval of funding through the National Oceanic and Atmospheric Administration (NOAA) at the following levels:

- **$3 million through the National Ocean Service's Ocean and Coastal Management appropriation; and**
- **$2 million through the National Marine Fisheries Service's Operations, Research and Facilities appropriation.**

In 2009, the Foundation is celebrating its 25th Anniversary and a remarkable history of bringing private partners together to leverage federal funds to conserve fish, wildlife, plants and their habitats. Since 1994, when Congress expanded the Foundation's mandate to specifically include NOAA's mission, we have worked effectively with the agency to build nationally significant public-private partnerships to restore and protect marine and coastal resources. **This FY 2010 funding request is fully authorized and would allow the Foundation to uphold our mission and expand our successful partnership with NOAA.** The Foundation is required by law to match each federally-appropriated dollar with a minimum of one non-federal dollar. We consistently exceed this requirement by leveraging federal funds at a 3:1 average ratio while providing thought leadership and emphasizing accountability, measurable results, and sustainable conservation outcomes.

As of FY 2008, the Foundation has awarded over 10,000 grants to more than 3,500 national and community-based organizations through successful partnerships with NOAA and other federal agencies including the U.S. Fish and Wildlife Service and other Department of Interior agencies, Environmental Protection Agency, and USDA Forest Service and Natural Resources Conservation Service. This collaborative model brings together multiple federal agencies with state, tribal and local governments and private organizations to implement conservation strategies that directly benefit NOAA's goal to conserve coastal and ocean resources through ecosystem-based management.

This Subcommittee's support is critical to our success in attracting additional funding for marine and coastal conservation through corporate and foundation contributions, legal settlements, and direct gifts. As a neutral convener, the Foundation is in a unique position to work with the federal agencies, state and local government, corporations, foundations, conservation organizations and others to build strategic partnerships to address the most significant threats to fish and wildlife populations and their habitats. Currently, the Foundation

has active partnerships with more than 30 corporations and foundations and 17 federal agencies. Examples of those benefiting marine and coastal conservation include:

- A new five-year, $2 million partnership was established in 2008 with NOAA, **Covanta Energy**, and **Schnitzer Steel**, to pilot a program, *Fishing for Energy*, through which fishermen dispose of derelict gear, free of charge, and Covanta converts to create energy. In its first year, this successful partnership has collected and disposed of over 122 tons of derelict fishing gear from 10 gear collection ports in the Northeastern United States.

- **ArcelorMittal,** the world's largest steel company, established a $2.5 million partnership with the Foundation in 2008 to restore the freshwater ecosystems of the Great Lakes.

- **DuPont** continued its partnership with the Foundation through the Delaware Estuary Watershed Grants Program providing both technical and financial support to projects benefiting the restoration of migratory fish, oysters and coastal habitats in Delaware Bay.

- **Shell Oil** continued their 10 year partnership with the Foundation in 2008 by supporting conservation projects along the Gulf Coast, on Long Island Sound and in Alaska. To date, Shell and the Foundation have helped more than 100 organizations conserve and restore coastal and marine habitat with more than $40 million in grants and matching funds.

During FY 2001-2006, the Foundation received an average appropriation of $2 million annually to further the mission of NOAA's National Marine Fisheries Service (NMFS) and National Ocean Service (NOS). The Foundation leveraged NOAA funding with corporate and foundation contributions, other federal funds and non-federal matching funds to restore and protect marine species and habitats. In FY 2007-2008, the Foundation sustained key partnerships through cooperative agreements with NOAA's Restoration Center, Coral, and Marine Debris programs. **To continue this success and more fully support NOAA's restoration and stewardship mandate, we respectfully request that the Subcommittee approve $5 million for the Foundation in FY 2010.**

Implementation of Strategic Conservation Initiatives

The Foundation initiated grant-making through our new keystone initiatives in FY 2008, which focus on select species of fish, wildlife, and sensitive habitats. We will continue this work with FY 2009 funds. **With NOAA funding restored in FY 2010, we will accelerate implementation of these strategic initiatives, many of which seek to address the affects of climate change through wildlife and natural resource adaptation.** It is widely known that climate change is a threat to ocean resources, marine species, and coastal habitats. With our partners, the Foundation has identified several marine species and ecosystems in need of immediate conservation action, a few of which are described below.

Marine Protected Areas

Marine Protected Areas play a critical role in the conservation of marine resources and span a range of habitats including open ocean, coastal areas, estuaries and inter-tidal zones. In 2000, President Clinton signed an Executive Order which called for the development of a scientifically-based, comprehensive national system of Marine Protected Areas (MPAs) and

establishment of a new Marine Protected Area Center at NOAA. The Bush Administration retained and supported the Executive Order and designated several new marine monuments in the Pacific. The MPA Center, in conjunction with the Department of the Interior, has developed a Framework for the National System of MPAs (Framework) which recognizes the importance of collaboration at all levels of government to work together at regional, national and international levels to strengthen the management, protection, and conservation of existing MPAs and establish new or expanded MPAs.

With an FY 2010 appropriation as requested, NFWF will establish a National MPA Fund to complement the work of the MPA Center and help to implement the Framework of the National System. The Fund will be designed in partnership with the MPA Center to support effective management of federal, state, local and tribal governments MPA programs, including strengthening technical, scientific and enforcement capacity, and facilitate participation of stakeholders in planning efforts needed to ensure the success of the National System.

Hawaiian Resources Protection

Investment in the conservation and resilience of Hawaii's marine and coastal resources is a priority for the Foundation and our federal and corporate partners. In 2007, the Foundation established partnerships with NOAA, the U.S. Fish and Wildlife Service, USDA's Natural Resources Conservation Service, State of Hawaii, Tesoro Oil Corporation and the Harold K.L. Castle Foundation to restore and protect Hawaii's coral reefs. By bringing these partners together, the Foundation not only assists in the coordination of coral reef conservation across federal agencies, but also increases the likelihood of each approved project's success, as these partners play a crucial role in providing technical support to program grantees. The Foundation has also played a key role in the removal of marine debris and invasive species in the Northwestern Hawaiian Islands, and made critical investments in bycatch reduction to benefit Pacific Loggerhead sea turtles. An FY 2010 appropriation of $1 million through NOS would provide a dedicated source of funding to build on these successful partnerships and positively impact the future of Hawaii's marine ecosystem.

Sustainable Fisheries

As NOAA's foundation, we support the agency in the implementation of key objectives identified in its 2009-2013 strategic plan, including increasing the number of fish stocks managed at sustainable levels and increasing the number of protected species with stable or increasing populations. The Foundation has a long history of working with NOAA's National Marine Fisheries Service (NMFS) to increase fish populations and has developed strategic initiatives to target our investments to benefit specific species and habitats. For example, building on our experience with Pacific salmon, we are accelerating our grant-making to increase populations of Coho salmon in Oregon and California, focusing on the Russian, Lower Klamath and Shasta Rivers. Working with ranchers, wine growers, and other private landowners, the Foundation will support innovative techniques in alternative water storage and water-sharing programs to benefit fish and wildlife, agriculture, and the public.

The Foundation is also expanding investments in the development and implementation of limited access privilege programs ("LAPPs") and bycatch reduction strategies for the nation's marine fisheries. LAPPs (also called catch shares) promote healthy, productive and economically-viable

fisheries and were specifically authorized by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006. It is estimated that approximately $30 million is needed per year for the next three years to help the Regional Fishery Management Councils meet their deadline of ending overfishing by 2011. With dedicated funding for catch shares in FY 2010, the Foundation would initiate a public-private partnership, consistent with the Fisheries Conservation and Management Fund (16 U.S.C. 1891b), to assist the Councils in developing new management strategies. In conjunction with this partnership, and building on the Foundation's successful efforts to reduce right whale bycatch in lobster fishing gear, we also will support innovative technology to minimize bycatch of federally-managed fisheries, sea turtles and seabirds.

Lastly, FY 2010 funding would enhance the Foundation's ongoing conservation grant programs including the ***Coral Reef Conservation Fund, Marine Debris Prevention and Removal Program, and International Sea Turtle Conservation Fund***. These grant programs, which effectively leverage funds from multiple federal agencies and corporate partners, continued positive results in 2008 with priority project requests far exceeding available funds.

As the foundation for NOAA, the Foundation is uniquely positioned to leverage NOS and NMFS funding through federal and private sources to support our shared conservation objectives. NOAA appropriations of $5 million in FY 2010 would be matched at a minimum by an additional $5 million from non-federal sources. Some of the initiatives described in this request would also include funding through the U.S. Fish and Wildlife Service and have the potential to attract additional funding through corporate and foundation sponsorship, legal settlements, and direct gifts to the Foundation.

Efficiency, Performance Measures and Accountability

As you know, the Foundation has taken important strides to strengthen our performance measures and accountability. For example, the Foundation is working with scientists and other experts to develop species-specific metrics for each of our keystone initiatives that we will use to measure our progress in achieving our conservation outcomes. Our grant review and contracting processes have been improved to ensure we maximize efficiency while maintaining strict financial and evaluation-based requirements. We have enhanced our website with interactive tools such as webinars and a grants library to enhance the transparency of our grant-making, and instituted a new paperless application and grant administration system. In 2009, we will continue our efforts improve communication between and among our stakeholders and streamlining of our grant-making process.

The Foundation's grant-making involves a thorough internal and external review process. Peer reviews involve federal and state agencies, affected industry, non-profit organizations, and academics. Grants are also reviewed by the Foundation's issue experts, as well as evaluation staff, before being recommended to the Board of Directors for approval. In addition, according to our Congressional Charter, the Foundation provides a 30-day notification to the Members of Congress for the congressional district and state in which a grant will be funded, prior to making a funding decision.

Once again, Mr. Chairman, we greatly appreciate your continued support and hope the Subcommittee will approve funding for the Foundation in FY 2010.

Mr. FATTAH. Well, I thank you for your testimony and for your important work.

I need to call our next witness forward now. Kassandra Cerveny from the Marine Conservation Biology Institute.

Ms. CERVENY. Do you want to sit someone else in before me?

Mr. MOLLOHAN. Huh?

Ms. CERVENY. Do you want to sit someone else in before me?

Mr. MOLLOHAN. No, no, no, go ahead. That is fine.

Ms. CERVENY. Mr. Chairman——

Mr. MOLLOHAN. Welcome to the Committee.

THURSDAY, APRIL 2, 2009.

MARINE CONSERVATION BIOLOGY INSTITUTE

WITNESS

KASSANDRA CERVENY, CONGRESSIONAL RELATIONS MANAGER, MARINE CONSERVATION BIOLOGY INSTITUTE

Ms. CERVENY. Thank you. Good morning. I wish to thank members of the Subcommittee for the opportunity to testify on fiscal year 2010 appropriations for the National Oceanic and Atmospheric Administration.

My name is Kassandra Cerveny, and I represent Marine Conservation Biology Institute.

MCBI based in Belleview, Washington, is a national non-profit environmental organization whose mission it is to advance the science of marine conservation biology and secure protection for ocean ecosystems. Within this context we advocate adequate appropriations for NOAA programs that focus on understanding and conserving marine ecosystems, habitats, and species.

There are five programs especially that deserve increased funding on which I wish to address today.

Hawaiian Monk Seal Recovery, the Marine Debris Program, the National Marine Sanctuary Program, the Marine Protected Area Program, and the Deep Sea Coral and Technology Program.

For several years Hawaiian monk seal recovery has faltered due to lack of funds. The fiscal year 2009 appropriations omnibus has created crucial momentum to alter the downward spiral of the monk seal population. This spiral has been in part due to the programs longstanding low funding levels. FCBI is extremely grateful to this Committee for understanding the plight of the species and taking necessary steps to begin the recovery effort. To rebuild the population the Recovery Plan must be implemented assertively and on a continuous basis.

For fiscal year 2010 MCBI recommends a minimum of maintaining the recently appropriated fiscal year 2009 levels of no less than $5.734 million, and urges the appropriation of a full $7 million as detailed for the implementation of the Recovery Plan.

In many regions marine debris is wreaking havoc on our oceans and the species that depend on the ocean for their survival. Research has proven that debris has serious effects on the marine environment, marine wildlife, the economy, and human health and safety.

Marine debris in the northwestern Hawaiian islands contributes to wildlife decline through ingestion and entanglement.

Additional resources are needed to enhance the ability of NOAA to assess the amount, sources, and impacts on marine debris, maintain support to current removal programs, develop management practices, reduce derelict fishing gear, and conduct education and outreach measures.

Presently the National Marine Sanctuary Office is responsible for managing the 13 marine sanctuaries and the Papahanaumokuakea Marine National Monument in the northwestern Hawaiian islands. Collectively, these 14 units cover more area than the National Park system.

Given the crucial need to better protect sanctuary resources, MCBI recommends a significant increase in funding of $20 million for fiscal year 2010, bringing the overall program budget to $80 million.

An investment of $80 million would enhance and sustain the effectiveness of individual sites, as well as the system as a whole, while allowing the Office of National Marine Sanctuaries to fulfill its responsibilities as a leader in ocean management and conservation.

The funding would support monitoring and enforcement responsibilities, education and outreach programs, as well as scientific research.

NOAA is also charged with implementing executive order 13158, which directs federal agencies to develop a national system of marine protected areas. These areas are critical to maintain biological diversity in our oceans, protect ocean habitats, and effectively manage fish populations.

Within this program NOAA is also tasked with undertaking a gap analysis to identify which additional types of marine systems should be protected.

MCBI recommends an additional $2.1 million for the NPA center in fiscal year 2010 so that the NPA center can properly carry out the goals of implementing and expanding the national system of NPAs, the gap analysis I mentioned previously, as well as rendering technical assistance to state level NPA programs and maintaining the NPA inventory.

With the recent discovery of the extensive deep sea coral ecosystems within the U.S. waters and understanding their importance, scientists are now challenged to learn the extent of these systems and how to protect them.

MCBI was very pleased to see startup funding for the program at $1.5 million. With expensive technology and research vessel time needed for mapping deep sea coral systems, an additional $5.5 million could be used to fund known research needs immediately.

Additionally the program can and should develop a by catch workshop. These workshops will cross train fishery observers to identify corals brought up by commercial fishers, as well as evaluate the continued impacts on sea floor corals.

In summary, MCBI respectfully requests that the Subcommittee augment funding for the National Oceanic and Atmospheric Administration.

Thank you for the opportunity to share our views, and I would be happen by to answer any questions you may have.

[Written testimony by Kassandra Cerveny, Congressional Relations Manager, Marine Conservation Biology Institute follows:]

Marine Conservation Biology Institute

Kassandra Cerveny, Congressional Relations Manager March 27, 2009

The Honorable Alan B. Mollohan, Chair
Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies
Re: National Oceanic and Atmospheric Administration
Committee on Appropriations
United States House of Representatives, H-310
Washington, DC 20510

Mr. Chairman and Members of the Subcommittee:

Marine Conservation Biology Institute, based in Bellevue, WA, is a national, nonprofit environmental organization whose mission is to advance the science of marine conservation biology and secure protection for ocean ecosystems. Within this context, we advocate adequate appropriations for NOAA programs that focus on understanding and conserving marine ecosystems, habitats and species. I wish to thank the members of the Commerce, Justice, Science, and Related Agencies Appropriations Subcommittee for the opportunity to submit written testimony on the FY 2010 budget regarding appropriations for the National Oceanic and Atmospheric Administration (NOAA). There are five programs that deserve increased funding on which I wish to address today. Hawaiian monk seal recovery funded at $7 million, Marine Debris Program funded at $10 million, the National Marine Sanctuary Program funded at $80 million, the Marine Protected Areas program funded at $5 million, and the Deep Sea Coral Research and Technology Program funded at $7 million is the adequate funding levels we seek in the FY 2010 appropriations process.

Hawaiian Monk Seal Recovery

For several years, Hawaiian monk seal recovery has faltered due to lack of funds. FY 2009 appropriations has created crucial momentum to alter the downward spiral of the monk seal population in part due to this critical program's long standing low funding levels. MCBI is grateful to this committee for understanding the plight of this species and taking necessary steps to begin to fund the recovery effort.

The Hawaiian monk seal is one of the most critically endangered marine mammals in the world, and is the only US marine mammal whose entire range lies within our national jurisdiction. Most Hawaiian monk seals reside in the Papahānaumokuākea Marine National Monument. Over the last 50 years, the Hawaiian monk seal population has declined to an all time low of less than 1200 individuals.

The Hawaiian monk seal is currently headed toward extinction unless the National Marine Fisheries Service and its partner agencies aggressively budget for, and execute key recommendations of the 2007 recovery plan, which seeks among many things, to protect and enhance the overall number of juvenile female seals reaching breeding age. This goal is not impossible, but will require a variety of simultaneous actions over the next five years at a projected annual cost of $7 million as outlined within the recovery plan. Although this may seem excessive, in comparison, the Steller sea lion with a current Western population of

approximately 45,000 has received $57 million in conservation support in the last ten years, while the more critically endangered Hawaiian monk seal has only received approximately $23 million over the same time period.

To rebuild the population, the recovery plan must be implemented assertively and on a continuous basis. For FY 2010, MCBI recommends a minimum of maintaining the recently appropriated FY 2009 levels of no less than $5.734 million and urges the appropriation of a full **$7 million** as detailed for the implementation of the recovery plan. That would include the necessary funds to carry out the crucial components for monk seal recovery plan which include:

- hiring a Seal Recovery Coordinator,
- hiring Field Response and Management Leaders,
- developing an emerging disease research plan,
- conducting a main Hawaiian islands population survey,
- allowing for an urgent care veterinarian and necessary supplies,
- reinstating field camp efforts,
- and providing for a public education and outreach program.

Marine Debris Program

Marine debris has become one of the most widespread pollution problems affecting the world's oceans and waterways. Research has proven that debris has serious effects on the marine environment, marine wildlife, the economy, and human health and safety. In many regions, marine debris is wreaking havoc on our oceans and the species that depend on the ocean for survival. Marine debris in the Northwestern Hawaiian Islands contribute to wildlife decline through ingestion and entanglement.

An estimated 492 metric tons (MT) of marine debris was removed from the Northwest Hawaiian Islands (NWHI) by NOAA between 1996 and 2006. Over 100 MT of debris were removed from the NWHI in both FY 2003 and FY 2004 during an island-wide cleanup effort. In 2006, the Marine Debris Project entered into a maintenance phase, which was intended to keep up with new debris accumulation. In FY 2006, NOAA removed an estimated 19 MT of debris in the islands. Yet, NOAA currently estimates an annual accumulation rate of 52 MT of marine debris for the NWHI. Therefore, maintenance funding is not keeping up with the problem and is a perpetual threat to the highly endangered Hawaiian monk seal and seabirds in Papahānaumokuākea Marine National Monument.

Funding for debris removal in the NWHI peaked during the island-wide cleanup effort at $3 million in FY 2001-2003, but has since dropped in the maintenance phase to $500,000 in FY 2006 and in FY 2007 (due to the continuing resolution). The Marine Debris Research, Prevention and Reduction Act was enacted in 2006. The act established a national program led by NOAA to identify, assess, reduce and prevent marine debris and its effect on the marine environment with a recommended allocation of $10 million a year. In FY 2008, $4 million was budgeted for the Marine Debris Program with $190,000 of that money specifically allocated to the NWHI. The FY 2009 Appropriations Omnibus kept the Marine Debris Program level funded at $4 million.

Additional resources are needed to enhance the ability of NOAA to assess the amount, sources, and impacts of marine debris, maintain support to current removal projects, develop management practices, reduce derelict fishing gear, and conduct education and outreach measures. Furthermore, many types of research require long-term commitments of funding to fully address the question being asked; the Marine Debris Program would be able to learn more about the impacts of marine debris and ways to prevent and mitigate it by funding critical research projects around species of concern like the monk seal, which are key to directing removal and prevention resources. MCBI recommends **$10 million** for NOAA's Marine Debris Program as recommended in the Marine Debris Research, Prevention and Reduction Act.

National Marine Sanctuaries

Presently, the National Marine Sanctuary Office is responsible for managing the nation's 13 marine sanctuaries and the Papahānaumokuākea Marine National Monument in the Northwestern Hawaiian Islands. Collectively, these 14 units cover more area than the National Park System.

Given the crucial need to better protect sanctuary resources, MCBI recommends a significant increase in funding of $20 million in FY 2010, bringing the overall program budget to **$80 million.** Of this $80 million, MCBI recommends $60 million for the Operations, Research and Facilities base and $20 million for Procurement, Acquisition and Construction. An investment of $80 million would enhance and sustain the effectiveness of individual sites and the system as a whole, allowing the Office of National Marine Sanctuaries to fulfill its responsibilities as a leader in ocean management and conservation. The funding would support monitoring and enforcement responsibilities, education and outreach programs, and scientific research.

Marine Protected Areas Program

NOAA is also charged with implementing Executive Order 13158, Marine Protected Areas, which directs federal agencies to develop a national system of marine protected areas (MPAs). These areas are critical to maintain biological diversity, protect ocean habitats, and effectively manage fish populations. Within this program, NOAA is tasked with undertaking a gap analysis to identify which additional types of marine areas should be protected.

Given the ongoing loss of our marine resources, the implementation of the executive order has moved too slowly, partly due to insufficient funding. After receiving a start-up budget of $3 million in FY 2001, the MPA Center's budget reached almost $5 million in FY 2004, then dropped rather abruptly to $1.5 million in FY 2007 and 2008. During this period of decline, the center lost 70% of its staff (18 full and part-time employees). Only just recently with the FY2009 Appropriations Omnibus has a reversal of this budget slashing been seen with an increase in program funding to $2.9 million. MCBI was pleased to see this committee take interest in the MPA Center and increase funds for this program to meet its mandate.

MCBI recommends an **additional $2.1 million** for the MPA Center in FY 2010 so that the MPA Center can properly carry out the goals of the implementing and expanding a national system of

MPAs, the gap analysis mentioned earlier, rendering technical assistance to state-level MPA programs, and maintaining its MPA inventory.

Deep Sea Coral Research and Technology Program

With the recent discovery of extensive deep sea coral ecosystems within US waters and the understanding of their importance, scientists are now challenged to learn the extent of these systems and how to protect them. MCBI was very pleased to see start-up funding for the program at $1.5 million. With expensive technology and research vessel time for mapping deep sea coral systems, an **additional $5.5 million** could be used to fund known research needs.
An area of the southeastern US shelf edge and slope spanning approximately 23,000 square miles is of top priority for mapping and scientific studies for the conservation of deep sea corals. With adequate funding, extensive mapping of this southeastern shelf can be accomplished with three 30-day scientific cruises at approximately $2 million per cruise.

Additionally, the Deep Sea Coral Research and Technology Program can and should develop an on board fishery observer by-catch workshops. These workshops will cross-train observers to identify corals brought up by commercial fishers, as well as evaluate the continued impacts fishing has on seafloor corals. $1 million will fund at least three by-catch training workshops.

In summary, MCBI respectfully requests that the subcommittee augment funding for the National Oceanic and Atmospheric Administration.

Thank you for the opportunity to share our views,

Kassandra Cerveny

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Mr. MOLLOHAN. Thank you very much, Ms. Cerveny. Is that the way you pronounce that?

Ms. CERVENY. Cerveny.

Mr. MOLLOHAN. Cerveny. Thank you very much for your testimony. We look forward to working with you.

I am going to call a witness out of order, because of my time constraints, and this witness is from West Virginia.

Dr. Brian Noland. Dr. Noland is Chancellor of the West Virginia Higher Education Policy Commission.

Dr. Noland, welcome today. Thank you for your good work in West Virginia. You absolutely are doing a wonderful job by all accounts. And we appreciate you being here today to testify, and look forward to your testimony.

THURSDAY, APRIL 2, 2009.

WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

WITNESS

DR. BRIAN NOLAND, PH.D., MEMBER WEST VIRGINIA EPSCOR ADVISORY COUNSELOR; CHANCELLOR, WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

Mr. NOLAND. Mr. Chairman, thank you. Good morning, and thank you for the opportunity to be here. Thank you. And thank you as well for your support of programs such as GEAR UP, that expand college access opportunities for Americans all across the country.

This morning I would like to testify regarding NSF and NASA's EPSCoR programs for fiscal year 2010.

We respectfully request $147.8 million for the NSF EPSCoR and $28 million for the NASA EPSCoR programs.

The $147.8 million that EPSCoR states are requesting is the amount authorized for the program in fiscal year 2010 under the America Competes Act.

Such funding would strengthen the role for 26 EPSCoR states plus Puerto Rico and the Virgin Islands play in the national research community. It would help these 28 entities expand their science and technology expertise in research and competitiveness, and would better train our states young talent to contribute more directly to meeting the scientific and technological challenges facing our nation.

The EPSCoR program and NSF is already making significant contributions to research infrastructure developments through its research infrastructure rewards and co-funding. However, NSF has expanded the number of states and awards for individual states.

Further, an NSF sponsored EPSCoR 20/20 workshop in June 2006 identified actions to make the program more effective, including increasing the annual awards of the RAI, expanding co-funding, and making significant new investments in cyber infrastructure.

To meet the needs posed by this report and the addition of states we need increased funding.

EPSCoR states in particular have emerging cyber infrastructure networks and capacities that should be significantly upgraded to

ensure full participation in NSF and other federal research programs.

Many EPSCoR jurisdictions do not have the current standards for Internet2 or NLR connectivity required for the most advanced research; for accessing remote equipment, facilities and for utilizing and manipulating larger databases; and for collaboration with researchers in other states which is necessary to create a truly national research community.

Although EPSCoR states have about 20 percent of our nation's population, we only receive about 6 percent of the allocations for research. For NASA EPSCoR in 2010 we are requesting an appropriation of $25 million. NASA EPSCoR is designed to develop the capacity of those states that have traditionally had limited amounts of NASA R and D funding.

Recently, NASA made two key programmatic and administrative changes to its EPSCoR program. First, it increased the number of eligible jurisdictions from twenty to twenty-eight to be considered with the NSF EPSCoR designated states. Second, it changed its funding mechanisms for the implementation of awards. This policy change is resulting in fewer awards to states than in any single year.

Now let me turn to West Virginia. As one of the five original EPSCoR states West Virginia has benefitted greatly from its participation in the program. In May 2006 West Virginia EPSCoR was awarded a three-year infrastructure grant allowing us to build in the capacity established by an earlier infrastructure grant. In just six years between 2001 and 2007 federal awards in West Virginia rose approximately from $36 million to $93 million. Total research expenditures at our colleges and universities rose from just over $79 million to more than $167 million over that same time period. The successes of the research initiatives seeded by these EPSCoR infrastructure grants have persuaded policy makers in our state to significantly increase the state's investment in research.

More than ever, a true state and federal partnership has been formed in this regard. Over the past two years our governor and the state legislature have worked together to provide $60 million in additional funds to assist West Virginia University and Marshall University and their efforts to attract top scientists to their labs. These appropriations are truly momentous developments that will give us opportunities to expand our research efforts in ways that we could only have imagined just a couple of years ago.

None of this significant progress in our state would have been possible without the support received through the NSF's EPSCoR program. In every state students and their citizens have important contributions to make to our nation's competitiveness. The twenty-six states and two jurisdictions that comprise the EPSCoR community represent 20 percent of our nation's population, 20 percent of our research and doctoral universities, and 18 percent of our nation's scientists and engineers. We believe in the value and power of EPSCoR. We believe in the power of EPSCoR to serve as a catalyst for improvement within our respective states and as a contributor to our nation's increased competitiveness in the global economy.

Mr. Chairman, we thank you for your support of our colleges and universities across the State of West Virginia and we will be happy to address any questions.

[Written testimony by Brian E. Noland, Ph.D., West Virginia EPSCoR Advisory Council follows:]

Testimony of Brian E. Noland, Ph.D.
Member, West Virginia EPSCoR Advisory Council
Chancellor, West Virginia Higher Education Policy Commission
Submitted to the House Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies
April 2, 2009

Mr. Chairman and Members of the Subcommittee, my name is Brian Noland. I am a member of the West Virginia EPSCoR Advisory Council and serve as the Chancellor of the West Virginia Higher Education Policy Commission. Thank you for the opportunity to testify today regarding the National Science Foundation's (NSF) and the National Aeronautics and Space Administration's (NASA) Experimental Program to Stimulate Competitive Research (EPSCoR). For Fiscal Year 2010, we respectfully request $147.8 million for the NSF EPSCoR and $25.0 million for the NASA EPSCoR programs.

The $147.8 million that the EPSCoR states are requesting is the amount authorized for the NSF EPSCoR program for FY 2010 in the America COMPETES Act. This legislation is essential to our nation's security, quality of life and economic prosperity. We also believe in order to maximize the success of this legislation, we must fully fund at the authorized levels, thereby ensuring that the talents and expertise of all states are fully utilized to address our nation's research and innovation needs.

The $147.8 million authorized for the NSF EPSCoR program would strengthen the role that the 26 EPSCoR states, plus Puerto Rico and the Virgin Islands, play in the national research community. It would help these 28 jurisdictions expand their S&T expertise and research competitiveness and better train our states' young talent to contribute more directly to meeting the scientific and technological challenges facing our nation.

EPSCoR/IDeA states prepare a major portion of the nation's future "high tech" workforce by educating thousands of scientists and engineers each year. We have a wealth of secondary school talent that has often scored quite well on standardized math tests. Additionally, EPSCoR/IDeA states have many Truman and Goldwater Scholars, have growing research capabilities, are among the major energy-producing states, and are in the forefront of ocean and coastal research, fossil energy research and many other areas. Furthermore, many of our institutions are moving forward in the Carnegie Classifications.

Over the past few years, this Subcommittee has been very supportive of the EPSCoR program and for this we are very grateful. However, we believe now is the appropriate time for NSF to be particularly aggressive in increasing support for EPSCoR states and in integrating them more fully into the overall NSF agenda, especially in cyberinfrastructure. In today's tough economic times, it is important to use all of our resources to ensure the US continues to have an edge on its competition. An innovation strategy that ignores half the states and a fourth of the doctoral-granting institutions in our country is certain to fail.

The EPSCoR program at NSF is already making significant contributions to research infrastructure development in EPSCoR jurisdictions through its Research Infrastructure

Improvement (RII) awards and Co-funding. Track-1 RII Awards provide up to $4 million annually to support academic research infrastructure improvements in R&D areas critical to the state's long-term S&T competitiveness and economic development. EPSCoR states and institutions contribute additional funding. Track 1 RII's are important investment mechanisms for growing a state's research infrastructure. NSF has expanded the number of states that qualify for funds, therefore, creating less funding and awards for individual states. Furthermore, an NSF-sponsored EPSCoR 2020 Workshop, held in June, 2006, identified a number of actions to make the program more effective, including increasing the annual amount of RII awards, expanding Cofunding, and making significant new investments in Cyberinfrastructure. In order to meet the needs posed by the report and the addition of states, we need the increased funding.

EPSCoR states in particular have emerging Cyberinfrastructure networks and capacities that should be significantly upgraded in order to ensure full participation in NSF and other Federal research programs. These needs are outlined in Dr. John Connolly's (from the University of Kentucky) report on the EPSCoR Cyberinfrastructure Workshop, which was funded by the NSF. According to an analysis of the Office of Cyberinfrastructure in 2007, 97% of its funding goes to non-EPSCoR states. Furthermore, many jurisdictions do not have the current standard for Internet2 or NLR connectivity of about 10 gigabits per second. This is required for most advanced research for accessing remote equipment and facilities for utilizing and manipulating larger databases and for collaboration with researchers in other states. EPSCoR states are lagging behind in their research and economic competitiveness because of the lack of Cyberinfrastructure capabilities and funding.

We believe that it is important for our nation to invest in cyberinfrastructure in EPSCoR states. The long-term benefits and return on investment would far outweigh any initial costs. Additionally, cyberinfrastructure is essential for tech transfers and SBIR. Cyberinfrastructure technologies can make EPSCoR states more effective and competitive, creating more jobs around universities and colleges and making significant contributions towards the economic development.

The EPSCoR states continue to make great strides by submitting and winning increasing numbers of awards, securing major engineering and material sciences awards, attracting new faculty and students drawn by quality of life and quality of research and education offerings. EPSCoR is the mechanism at NSF for addressing the geographic imbalance in research funding and for creating a truly national research community in all states. Although EPSCoR states have 20% of the population, they only receive about 6% of the allocations for research. The EPSCoR program should be funded at the authorized level in FY 2010.

For NASA EPSCoR in FY 2010, we are requesting an appropriation of $25.0 million.

NASA EPSCoR is designed to develop the capacity of those states that traditionally have had limited amounts of NASA R&D funding. The program helps them become more competitive in research areas associated with the NASA centers and enterprises. This laudable goal is accomplished through two primary funding mechanisms: Research Infrastructure Development Awards (RID), and Research Implementation Awards (*Implementation*).

Recently, NASA made two key programmatic and administrative changes to its EPSCoR program. First, it increased the number of eligible jurisdictions from 20 to 28 (26 states, plus Puerto Rico and the U.S. Virgin Islands) to be consistent with the NSF EPSCoR designated states. Second, it changed its funding mechanism for *Implementation* awards.

In the past, *Implementation* grants, which are competitively, awarded research grants, provided up to $750,000 spread over a 3-year period (i.e., $250,000 per year). Under the new system, instead of allocating research dollars on an annual basis, NASA is now fully funding *Implementation* awards in the first year. This policy change is resulting in fewer awards to the states in any single year. Such a move is counterproductive especially when NASA is to accelerate climate research, aeronautics, and exploration activities.

Now, let me turn to West Virginia.

As one of the five original EPSCoR states, West Virginia has benefited greatly from its participation in this important program.

In 2001, West Virginia EPSCoR received a $9 million NSF Research Infrastructure Improvement grant. With the grant, academic leaders were hired to attract high-quality research faculty at our two primary research universities. Between 2002 and 2005, nine new faculty members were hired and have emerged as research leaders on their respective campuses.

In May 2006, West Virginia EPSCoR was awarded a new three-year research infrastructure grant, allowing us to build on the capacity established by the 2001 grant and providing 12 additional research faculty members.

One of the indicators of the resulting research capacity is that successful applications to Federal grant programs have shown a steady increase. In just six years, between 2001 and 2007, Federal awards in West Virginia rose from approximately $36 million to $93 million. In addition, *total* research expenditures at our colleges and universities rose from just over $79 million to more than $167 million over the same six-year period. And we expect these upward trends to continue.

The successes of the research initiatives seeded by these EPSCoR infrastructure grants have persuaded policymakers at the state level to significantly increase the state's investment in research. More than ever, a true State-Federal partnership has been formed in this regard.

Since 2004, state legislators have dedicated a portion of racetrack video lottery revenue to the State's Research Challenge Fund. Over the past five years, the $8.4 million the State has invested in this program intended to support the creation of research centers and foster economic development and work force advancement has resulted in a substantial return on investment. In fact, the first six scientific research projects funded through the Research Challenge Grant program have leveraged external funding of more than $20 million and have resulted in five startup companies with five-year projected revenues of $124 million, 10 patent applications and five patents. Two of the startup companies—Protea Biosciences LLC in Morgantown and Vandalia Research Inc. in Huntington—estimated they would be hiring 295 additional

employees in the next five years. In addition, two university research centers with industry partners were formed and one production facility is under development.

We could not be more pleased with the positive and significant impact the Research Challenge Grant program has had. We were able to exceed our initial expectations for this program, sponsoring innovative research at our two research institutions and greatly improving their ability to be competitive for Federal funding on the national level. These are the kind of results that help policymakers justify a continued investment in research.

And that is not nearly all. Over the past two years, Governor Manchin and the state legislature worked together to provide $60 million in *additional* funds to help West Virginia University and Marshall University attract top scientists and their labs. These appropriations—$10 million for the Eminent Scholars Recruitment and Enhancement initiative in 2007 and $50 million for the "Bucks for Brains" West Virginia Research Trust Fund in 2008—are truly momentous developments that will give us opportunities to expand our research efforts in ways we could have only imagined just a couple of years ago.

The goal of the trust fund, which is similar to successful programs in other states, is to strengthen the most-promising research departments at Marshall and WVU, ultimately leading to business spin-offs, new patents and job creation. Both universities have begun raising the money required to draw down an equal amount of this "Bucks for Brains" funding, and report that they have each raised more than $3 million in just the past few months.

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

Every state, their students and their citizens have important contributions to make to the nation's competitiveness. The 26 states and two jurisdictions that make up EPSCoR community represent 20 percent of the U.S. population, 25 percent of the research and doctoral universities, and 18 percent of the nation's scientists and engineers. We believe in the value and power of EPSCoR—both as a catalyst for improvement within our respective states and as a contributor to America's increased competitiveness in the global economy.

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

Mr. MOLLOHAN. Thank you, Dr. Noland. What is the state's, $60 million over what period of time?

Mr. NOLAND. Mr. Chairman, the $60 million is in two separate funding streams. The first $10 million is to attract top flight talent in science and research to WVU and Marshall through endowed chairs. The second is a $50 million program known as Bucks for Brains. That is a dollar for dollar match that will allow us to endow science and research chairs across those two institutions.

Mr. MOLLOHAN. So that is state money to be matched by?

Mr. NOLAND. State money to be matched by private funds raised externally by the two institutions. So those funds would build upon the EPSCoR funds to allow us to diversify our infrastructure across the two institutions at WVU and Marshall.

Mr. MOLLOHAN. So on an annual basis, how much is that increased funding for research in West Virginia?

Mr. NOLAND. On an annual basis it is $10 million initially. The $50 million exists in a trust account. Institutions draw down from that trust account as they are able to raise private funds. Thus far, WVU and Marshall, the program is about eight months in, have been able to draw down approximately $4 million combined between the two institutions. That $4 million is then matched with $4 million from private sources to give us $8 million in endowed chairs thus far. They have five years to draw down the totality of the funds.

Mr. MOLLOHAN. So it is drawn down on a project by project basis?

Mr. NOLAND. Yes, sir. Done in conjunction with our office and Vice Chancellor Paul Hill.

Mr. MOLLOHAN. And is that competed?

Mr. NOLAND. It is competitively reviewed. The areas of emphasis align with the five areas outlined in our Patel report, energy, transportation, nanotechnology. But they are areas that align with our overall state vision, our 2015 Master Plan for Science and Research.

Mr. MOLLOHAN. And where do we seem to be going with this research?

Mr. NOLAND. At this point the initial hires have been in the area of energy and biomedical research at WVU. As I said, we are still eight months into the program.

Mr. MOLLOHAN. Mm-hmm.

Mr. NOLAND. But we anticipate the majority of the hires to be in those two areas.

Mr. MOLLOHAN. Yes, well, I want to, again, compliment you as I did when you came up for your good work in West Virginia. By all accounts, consensus, you are doing a great job. And we appreciate these initiatives in research, which we all understand is fundamental to economic diversification, which we are all about. I want to compliment Dr. Hill as well. I note that he is here in the audience. You all represent a great team for promoting research in West Virginia. And thank you very much for taking the time to appear here today.

Mr. NOLAND. Thank you, sir, for having us.

Mr. MOLLOHAN. Thank you, Dr. Noland. Mr. Fattah.

Mr. FATTAH [presiding]. I am going to stand in for the Chairman now. And we return to the order. Marion Blakey from the Aerospace Industries Association?

THURSDAY, APRIL 2, 2009.

AEROSPACE INDUSTRIES ASSOCIATION

WITNESS

MARION BLAKEY, AEROSPACE INDUSTRIES ASSOCIATION

Mr. FATTAH. How are you? Welcome.

Ms. BLAKEY. I am well. And thank you very much, Congressman Fattah, for having us here. We appreciate the Committee's attention without a doubt. And I am very pleased to have the opportunity to testify here today, because it is an important hearing focusing on, in this case, appropriations package for NASA and Space Related Agencies.

I have to take this opportunity, also, to say thank you to this Committee. And if you will convey my regards to Chairman Mollohan personally for all the work that went into securing literally hundreds of millions of dollars in additional NASA funding in this last year alone. We are very grateful on that front. I would like to recognize that.

I am here representing the Aerospace Industries Association and our almost 300 member companies which contribute $200 billion to the U.S. economy, and are responsible for 2 million jobs. We build the satellites, rockets, manned vehicles, and other kinds of hardware that allow the United States to stay in the forefront of space exploration.

However, our leadership in space is no longer assured. Today, more than sixty countries have active space programs, some of which, as we know, are extremely ambitious. This is why we think the task before you is so important. Funding for NASA and other agencies involved in space provides the backbone of the U.S. response to international challenges.

NASA funding is going in the right direction. As we note, the stimulus package provided a significant amount of money for space exploration, science missions, and replacing the aging NOAA satellites. The President's proposed NASA budget also set a top line funding level as well, including more money, very importantly, for aeronautics R and D after years of, honestly, neglect. Of particular importance is NASA's environmentally responsible aviation initiative, which promises to greatly advance the industry's priority of reducing aviation's environmental impacts.

But we have concerns about what happens to the NASA budget in the coming years. Budget projections show the funding level flattening out, beginning in 2011 through 2013. During this we will see a projected five-year gap in U.S. manned space access. That is five years of relying on the Soviet Union to provide us access to space, a less than ideal situation. NASA will need as many resources as possible to speed that introduction of the next generation of space vehicles to reduce the gap. NOAA also needs more resources to replace satellites that are in danger of failing, which will

leave us with holes in terms of climate information. Dropping the funding ball for these agencies during this critical time is not an effective strategy to keep U.S. space leadership.

Another piece to that puzzle, and I would say a final piece in my testimony today, is inspiring young people to get under the STEM education track, I know of particular important to you, Congressman. The space community is concerned there are not enough student studying technical disciplines to replace the large numbers of our retiring engineers and workers who are either now or soon to be eligible to retire. Not a good situation at all. As you know, STEM-related projects are peppered throughout the budget and we would ask you to give them your support.

We know federal dollars are extremely scarce these days. Space programs, however, provide one of the best returns on investment. The space industry contributes more than $33 billion to the U.S. economy each year, and tens of thousands of high paying jobs. Congress has already expressed its faith in space as an economic engine, including it in the stimulus bill. And we believe it is an important incubator of technological innovation.

I would like to close today by mentioning AIA's most visible contribution to STEM education, the Team America Rocketry Challenge. It is the world's largest rocket contest, and we are very proud of it because it involves about 7,000 middle and high school students each year, giving them aerospace experience as they design, hand build, and then fly their model rockets. The final fly off is for the hundred best qualifying teams. It is set for May 16th. And please convey to Congressman Wolf that it is going to be right in his backyard. We are doing this at Great Meadow in The Plains, Virginia. And we would be delighted, Congressman Fattah, if you and others on this Committee would come out and join us welcoming those young people. They do a great job. Thank you very much.

[Written statement by Marian C. Blakey, President and CEO, Aerospace Industries Association follows:]

Commerce, Justice, Science, and Related Agencies
Appropriations Subcommittee
April 2, 2009

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

Introduction

Good afternoon Chairman Mollohan, Ranking Member Wolf and distinguished members of the committee. It is good to have the opportunity to testify before this committee. I represent the Aerospace Industries Association – we are an association of nearly 300 aerospace manufacturing companies and the 657,000 highly-skilled employees who make the satellites, space sensors, space craft, launch vehicles, and the ground support systems employed by NASA, NOAA, and the DoD. I welcome the opportunity to come before you today to talk about the importance of increasing investments in NASA, NOAA, and NSF to support larger national priorities such as economic recovery, addressing climate change, and the education and competitiveness of our future workforce.

First of all, I'd like to thank the members of this committee for continued support for NASA and NOAA programs and the value Congress puts on science, technology, engineering, and mathematics – or STEM – education.

Your committee has shown the foresight and dedication needed to ensure the U.S. maintains our leadership in space and we are grateful for your recognition of the role our civil space programs play in both our economic strength and national security. The stimulus package was an excellent first step in providing the necessary support our nation's civil space and aeronautics programs need to keep up with the demands of space exploration, aeronautics research and development, Earth observation, scientific research, and critically important manufacturing technology programs.

Importance of Investing in NASA

AIA appreciates the continued support from Congress to keep our nation's Space Exploration Policy on schedule. Supporting this policy is essential to reducing the U.S. human spaceflight gap between retirement of the shuttle and the launch of the Orion-Ares I spacecraft. This impending and unfortunate gap has rendered us dependent on Russia for taking our astronauts to the International Space Station. We cannot afford to cause any undue delay in completing the next generation of spacecraft and NASA must be assured that Congress fully supports its efforts to minimize this gap. And it is important we do take full advantage of our investment in the ISS; which Congress has designated as a National Laboratory. Now nearing the completion of its construction phase, the station will provide a unique environment which we should utilize fully for research.

NASA's Science Directorate provides a better understanding of our Earth, and the universe. The Earth is a complex system on which we all obviously depend, and NASA's research satellites are extremely important to gathering the information we need. NASA looking outward is equally important – we not only live on the Earth, we live in the cosmos and it can affect our lives. Understanding the processes of our sun, such as "solar weather,", or seeing the similarities and differences of other worlds can be critical to understanding our environment.

NASA's Aeronautics Research and Development endeavors are crucial to the completion of the NextGen air transportation modernization program and continued efforts to reduce aviation's environmental impact. The aerospace industry is encouraged with NASA's renewed interest in aeronautics research and development. One area is not only promising, but it hits all our "hot buttons" – environment, energy dependency, and NextGen. It's called Environmentally Responsible Aviation and it looks at vehicle technology, air traffic management operations, and system efficiency to reduce fuel burn.

Other areas in NASA's aeronautics R&D plan that need more funding are development by modeling and simulation of routine Unmanned Aerial Systems access to the national airspace system. This is a most difficult challenge domestically, presenting a vast array of issues that need to be addressed promptly as more government and public agencies want to use these vehicles.

Finally, two others need to be mention for their value and funding requirements: high-fidelity simulation of the National Airspace System and validation and verification of complex systems. These both relate to NextGen and will speed applications so benefits can be realized. Industry stands at the ready to assist

Industry has been concerned with the decline in funding for aeronautics R&D over the last eight years, and the subsequent departure from this critical transitional research. As we continue to work with both NASA and the FAA in modernizing the air transportation system, the support of this Committee will be essential.

Congress has repeatedly demonstrated its support for NASA and its programs and the recently passed 2008 NASA authorization act provides $20.2 billion for FY09. Yet, NASA has faced substantially less funding than has been identified as needed. Under the Consolidated Appropriations Act of 2008, NASA received funding at levels requested for FY2007; FY2007 funding was provided under a continuing resolution based on FY2006 appropriations. The fiscal impacts of nearly two years of zero growth have been felt across the agency, especially as mission responsibilities continue to mount.

The recent stimulus package, as well as the FY09 omnibus appropriations, provided much needed relief to recent funding trends. Given the challenging economic times, we are encouraged, likewise, to see growth in the proposed NASA budget to $18.7 billion for fiscal year 2010. NASA's funding is going in the right direction. What we do not know yet is how this increase would be distributed within NASA. We would urge that the agency maintain a balanced portfolio that supports safely flying out the space shuttle, promoting human and robotic exploration and science, and addresses aeronautics R&D.

That being said, our industry is very concerned that NASA funding is projected to be completely flat from 2011 through 2013, and we are hopeful that funding will increase beyond the president's proposed growth, which does not even account for inflation. What NASA brings to the nation in terms of technology, science, monitoring and understanding our Earth,is extremely critical to ensuring that our nation continues as a world leader. NASA also plays an important role in inspiring our youth to pursue the engineering and science disciplines As our nation carefully examines its priorities, robust investment in NASA will lay the foundation for the future competitiveness and innovative spirit our nation needs.

Investing in NOAA Satellite Programs is Complementary to NASA Missions

Of course, NASA is not the only agency that utilizes space to improve life here on Earth. NOAA has an important operational role in carrying forward NASA's Earth science R&D missions. Funding NASA without funding NOAA is counterproductive.

NOAA maintains constellations of satellites vital to monitoring weather and climate. Thanks to these orbiting sensors, we have the ability to forecast severe weather, a critical service to safeguard our citizens and protect many sectors of our economy. We can measure the impacts of drought and flooding, use predicted weather changes to intelligently manage our power grids, and collect climate data on a global scale not possible with any other systems. Data from NOAA satellites will be increasingly important as we study the impacts of global climate change.

Yet current satellite constellations are aging. It is essential to our nation that NOAA maintains healthy constellations of our nation's operational environmental satellites and has the resources to provide necessary data services and to conduct important related research.

The current budget request submitted by President Obama indicates an investment of "over $1.3 billion to fund the development and acquisition of vital weather satellites and climate sensors." AIA is encouraged by this language and is hopeful that the full budget request takes into account NOAA's growing mission responsibilities. AIA recommends an increase of at least 25 percent in FY2010 to accommodate such responsibilities; recognizing that careful consideration should be made across NOAA's entire budget to ensure future funding matches required mission responsibilities. Given today's current fiscal environment, we understand how difficult such an increase might be. However, the critical nature of these systems necessitates decisive action.

For these reasons we believe it is vital to the well-being of our citizens, our economy, and -- when you consider the social and political impacts of global change to the world -- even our national security that NOAA receive robust growth in its budget over the next several years.

The Role of STEM Education and Industry Workforce Shortages

Another area of importance to our members is our need for a well-trained aerospace workforce. A recent AIA/Aviation Week survey found that almost 60 percent of our workforce is older than 50. Almost 70 percent of our eighth graders are below proficient in math and science, and our 15-year-olds are constantly being outperformed by other nations. As you can imagine, our companies are concerned about their future workforce.

To that end we are very supportive of efforts to improve STEM education. We ask that your committee continue to support, fund, and – where possible – increase funding for the various STEM education initiatives within your agencies of jurisdiction.

The NSF, NOAA, NASA and others all contribute to developing our future workforce, but I have to single out NASA education efforts because of their in-kind support of our industry's very own STEM program, the Team America Rocketry Challenge.

TARC is the world's largest rocket competition for middle and high school students and is an event that is highly enjoyable to attend, so we invite all of you to our competition, and specifically you Congressman Wolf, since TARC's national competition occurs in your own backyard in The Plains, Va.

STEM education and developing our future workforce is a priority for our members, so we look forward to partnering with you in whatever capacity the business community can lend to educating our youth.

Conclusion

Over the past 50 years, space systems and technologies have increasingly become a critical part of our nation's economic, scientific and national security capabilities. Without space systems policymakers cannot make informed decisions about the nation's security and economy and civil financial and communications capabilities are degraded or disrupted. Even our U.S. military forces would have reduced operational effectiveness. Our space capabilities are a source of national pride and an investment in the science and R&D needed to maintain U.S. global leadership. The value of this investment has not been lost on others. Many other nations are employing space to support their infrastructure, to increase their technological prowess, and to demonstrate that they are a modern; or rapidly modernizing. Our leadership is space is no longer assured.

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

Thank you.

Mr. FATTAH. Well, we would be excited to do that. Thank you for your testimony.

Ms. BLAKEY. You are welcome.

Mr. FATTAH. I want to call Dr. Jeffrey Koenings, the Pacific Salmon Treaty Commission.

THURSDAY, APRIL 2, 2009.

PACIFIC SALMON TREATY COMMISSION

WITNESS

JEFFREY P. KOENINGS, PACIFIC SALMON COMMISSION

Mr. KOENINGS. Good morning, Congressman Fattah. It is a pleasure to be here today. Again, I am Dr. Jeff Koenings from the State of Washington. And I am pleased to be the Pacific Salmon Treaty Commissioner representing the States of Washington and Oregon.

The Pacific Salmon Treaty is an international treaty with Canada first ratified by the U.S. Senate in 1985. The treaty is implemented through the Pacific Salmon Commission, which consists of a U.S. and Canadian section. The U.S. section is made up of commissioners appointed by the President to represent the State of Alaska, the States of Washington and Oregon, the federal government, and the twenty-four treaty tribes of Washington and Oregon. Twenty of those tribes are represented by Mr. Billy Frank, here. We heard his testimony earlier. So we are well acquainted with each other. Excellent work and an excellent organization.

The Pacific Salmon Commission sets upper harvest limits on five salmon species in fisheries conducted from Alaska, through Canada, and into Washington and Oregon. These harvest limits strive to fulfill the fair allocation of harvest while meeting the conservation needs of the salmon. In May of 2008, under the framework of the treaty, the Salmon Commission concluded bilateral negotiations with Canada that developed revised ten-year salmon fishing regimes to replace regimes that were expiring at the end of last year. The provisions of the new fisheries agreements will be implemented during the next ten years.

Funding for the operations of the Salmon Commission comes through three federal agencies, State, Commerce, and Interior. Today I would like to emphasize two budget areas in the Commerce Department's budget.

The U.S. section recommends that Congress fund the Pacific Salmon Treaty line item of the National Marine Fisheries Services at $8 million for fiscal year 2010. This funding provides the technical support for the States of Alaska, Washington, Oregon, and Idaho as well as the National Marine Fisheries Service to conduct the salmon stock assessment and fishery management programs required to implement the treaty fishing regimes. Included within the total amount of $8 million is $400,000 to continue a joint Transboundary River Enhancement Program with Canada as required by the treaty.

Second, the U.S. section also recommends that Congress fund the Pacific Salmon Treaty Chinook Salmon Agreement line item of the National Marine Fisheries Service for 2010 at $1,844,000. This is

level funding from what has been provided by Congress in recent years. This funding is necessary to acquire the technical information to fully implement the Abundance Based Chinook Salmon Management Program provided for under the treaty.

I would like to emphasize that the funding identified above is for ongoing annual programs and does not include new funding specifically needed for full application of the new ten-year agreement that was accepted by the governments of the United States and Canada on December 23, 2008. The United States Pacific Salmon Commission state and travel commissioners have been and will continue to work with federal agency representatives and Congress to secure the new funding to support the new agreements.

This concludes the statement of the U.S. Section of the Pacific Salmon Commission submitted for consideration by the Committee. We wish to thank the Committee for the support that it has given us in the past, and I will be pleased to answer any questions the Committee member may have. Thank you.

[Written testimony by Jeffrey P. Koenings, U.S. Commissioner, Pacific Salmon Commission follows:]

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of the
PACIFIC SALMON COMMISSION

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TESTIMONY OF JEFFREY P. KOENINGS
U.S. COMMISSIONER, PACIFIC SALMON COMMISSION
U.S. SECTION OF THE PACIFIC SALMON COMMISSION

BEFORE THE SUBCOMMITTEE ON COMMERCE,
JUSTICE, SCIENCE AND RELATED AGENCIES
HOUSE COMMITTEE ON APPROPRIATIONS
April 2, 2009

Mr. Chairman, my name is Jeffrey P. Koenings and I serve as a U.S. Commissioner on the Pacific Salmon Commission (PSC). The PSC was established in 1985 to oversee implementation of the Pacific Salmon Treaty (Treaty) between the U.S. and Canada. In May of 2008, under the framework of the Treaty, the PSC concluded bilateral negotiations that developed revised ten-year salmon fishing regimes to replace regimes that were expiring at the end of 2008. The provisions of the new fisheries agreements will be implemented during the 2009 – 2018 period. The U.S. Section recommends that Congress:

- fund the Pacific Salmon Treaty Line Item of the National Marine Fisheries Service at $8,000,000 for FY 2010. This funding provides the technical support for the states of Alaska, Washington, Oregon and Idaho and the National Marine Fisheries Service to conduct the salmon stock assessment and fishery management programs required to implement the Treaty fishing regimes. Included within the total amount of $8,000,000 is $400,000 to continue a joint Transboundary River Enhancement Program as required by the Treaty.

- fund the Pacific Salmon Treaty Chinook Salmon Agreement line item of the National Marine Fisheries Service for FY 2010 at $1,844,000, level funding from what has been provided by Congress in recent years. This funding is necessary to acquire the technical information to fully implement the abundance-based Chinook salmon management program provided for under the Treaty.

The funding identified above is for ongoing annual programs and does not include new funding specifically needed for full application of the revised May, 2008 Agreement for 2009-2018 that was negotiated by the PSC and accepted by the Governments of the U.S. and Canada on December 23, 2008. The U.S. PSC State and Tribal commissioners have been, and will continue to work with federal agency representatives and Congress to secure the new funding to support the new agreements.

The base Treaty implementation projects included in the Pacific Salmon Treaty Line Item consist of a wide range of stock assessment, fishery monitoring, and technical support activities for all five species of Pacific salmon in the fisheries and rivers from Southeast Alaska to those of Washington, Oregon, and Idaho. The states of Alaska, Washington, Oregon, Idaho, the federal National Marine Fisheries Service (NMFS), and the 24 treaty tribes of Washington and Oregon are charged with carrying out the salmon fishery stock assessment and harvest management actions required under the Treaty. Federal funding for these activities is provided through NMFS on an annual basis. The agency projects carried out under PSC funding are directed toward acquiring, analyzing, and sharing the information required to implement the salmon conservation and sharing principles of the Treaty. A wide range of programs for salmon stock size assessments, escapement enumeration, stock distribution, and catch and effort information collection from fisheries, are represented. The information from many of these programs is used directly to establish fishing seasons, harvest levels and accountability to the provisions of Treaty fishing regimes.

Effective, science based implementation of negotiated fishing arrangements and abundance-based management approaches for Chinook, southern coho, Northern Boundary and Transboundary River fisheries includes efforts such as increased annual tagging and tag recovery operations and application of other emerging stock identification techniques. The U.S. PSC members recommend that $8,000,000 be provided for the NMFS Pacific Salmon Treaty Line Item in FY 2010 for Treaty technical support activities. The $400,000 that has been provided since 1988 for a joint Transboundary River enhancement program with Canada is included in this amount. The recommended amount for the combined projects represents an increase of $2,008,000 over the amount appropriated for FY 2008

Beginning in FY 1998, Congress provided $1,844,000 to allow for the collection of necessary stock assessment and fishery management information to implement a new abundance based management approach for Chinook salmon coast-wide in the Treaty area. Through a rigorous competitive technical review process for project approval, the states of Alaska, Washington, Oregon, and Idaho, and the twenty-four treaty tribes are using the funding to support research and data collection needed for abundance-based Chinook management. The U.S. Section recommends level funding of $1,844,000 for FY 2010 to support the abundance-based Chinook salmon management.

The U.S. and Canada agreed in 1988 to a joint salmon enhancement program on the Transboundary Rivers, which are rivers rising in Canada and flowing to the sea through Southeast Alaska. Since 1989, Congress has provided $400,000 annually for this effort through the National Marine Fisheries Service International Fisheries Commission line item under the Conservation and Management Operations activity.

Canada provides an equal amount of funding and support for this bilateral program. This funding is included in the $8,000,000 the U.S. Section is recommending for the FY 2010 NMFS Pacific Salmon Treaty line item.

This concludes the Statement of the U.S. Section of the PSC submitted for consideration by your committee. We wish to thank the committee for the support that it has given us in the past. I will be pleased to answer any questions the Committee Members may have.

SUMMARY OF PROGRAM FUNDING FOR THE U.S.-CANADA PACIFIC SALMON TREATY

DEPARTMENT OF COMMERCE
Pacific Salmon Treaty Line Item

FY 08 Appropriation	FY 09 Administration Request	FY 10 U.S. Section Recommendation
$5,592,000	$5,616,000	$8,000,000

The recommended FY 10 amount includes $400,000 provided for the Joint Transboundary River Enhancement Program previously funded under the NMFS International Fisheries Commission account.

Pacific Salmon Treaty – Chinook Salmon Agreement Line Item

FY 08 Appropriation	FY 09 Administration Request	FY 10 U.S. Section Recommendation
$1,844,000	$1,844,000	$1,844,000

Mr. FATTAH. Doctor, let me thank you and also your colleague for your testimony on this. And we appreciate the information. Thank you very much.

Mr. KOENINGS. You are very welcome. I understand I was in a dangerous spot. I am standing between you and lunch.

Mr. FATTAH. It could be worse than that. Us and votes, you know.

Mr. KOENINGS. There you go.

Mr. FATTAH. But, Ford Bell.

THURSDAY, APRIL 2, 2009.

AMERICAN ASSOCIATION OF MUSEUMS

WITNESS

FORD BELL, AMERICAN ASSOCIATION OF MUSEUMS

Mr. FATTAH. How are you, Mr. Bell?

Mr. BELL. I am good. How are you? Thank you.

Mr. FATTAH. Feel free to proceed.

Mr. BELL. My name is Ford Bell and I am the President of the American Association of Museums, the national organization that represents 17,500 museums and the half a million who work in those museums.

Last Thursday at 7:49 in the morning NASA launched its latest mission. The American astronaut on the multination team is Dr. Michael Barratt, who was inspired to pursue a career in science at the Oregon Museum of Science and Industry where he built his first telescope as a young man. While in space Dr. Barratt will send images that will be incorporated into that museum's planetarium shows. As our nation looks to engage the next generation in science Dr. Barratt's story offers a clear lesson. His path toward a career in science started in a museum.

The American Association of Museums is proud to join other national museum service organizations, including the Association of Science and Technology Centers and the Association of Children's Museums, in representing the informal educational institutions where science is brought to life. We are proud to support agencies under this Subcommittee's jurisdiction that help our nation's science museums, zoos, botanic gardens, technology centers, children's museums, and aquariums engage whole generations in STEM learning through interactive, educational and, yes, fun programming.

We support at AAM at least $71 million for the National Science Foundation's Information Science Education and Math and Science Partnership Programs to promote public engagement with science, technology, engineering, and math. We support at least $10 million for NASA's informal science education, which also supports STEM education outside of formal classroom environments through media exhibits and community-based programming.

We support at least $40 million for the National Oceanic and Atmospheric Administration Education Program, which promotes environmental education and helps train the next generation for ca-

reers in science. NOAA also provides competitive education grants to aquariums accredited by the Association of Zoos and Aquariums.

The National Research Council has found that tens of millions of Americans learn about science in informal ways, by visiting museums or attending after school programs. The report notes that informal science education can jump start a long term interest in science. And this happens every day in museums.

The Discovery Center in Rockford, Illinois received an NSF grant to support Outreach to Space, an after school hands on science education program that reaches 500 at risk students every single day. Programs are brought to local fairs and festivals where countless children in this rural community are inspired to pursue science careers.

The Cincinnati Museum Center was awarded a $100,000 major research instrumentation grant from NSF to establish a fully functional molecular genetics laboratory in collaboration with the Cincinnati Zoo and two local colleges. Local high school students are getting an up close view of science.

The Children's Museum of Houston has received NSF funds to develop two bilingual science-based traveling exhibits. One of them uses characters from a popular television series to teach math. Parents praise the exhibit for translating complicated math content into simple, fun exhibits.

And museums are engaged in unique partnerships across the country. The Birmingham Museum of Art in Birmingham, Alabama works closely with the Alabama Department of Youth Services to help at risk teens through photography and creative writing. The Brooklyn Botanic Garden works closely with the New York City Department of Sanitation to host environmental education programs. And the Brooklyn Children's Museum works with the New York City Summer Youth Employment Program to run an after school program for at risk children from underserved communities.

I appreciate this opportunity to testify today and urge the Subcommittee to fully fund NSF, NASA, and NOAA so that we can continue to inspire young and old about science, technology, engineering, and mathematics. I would be happy to answer any questions.

[Written statement by Dr. Ford W. Bell, president of the American Association of Museums follows:]

Testimony
Dr. Ford W. Bell, President of the American Association of Museums,
to the House Appropriations Subcommittee on Commerce, Justice, Science,
and Related Agencies
April 2, 2009

The American Association of Museums (AAM) appreciates the opportunity to testify today in support of the programs funded by the Commerce, Justice, and Science Subcommittee on Appropriations, and in particular in support of three areas of interest to museums: at least $71 million for the National Science Foundation's (NSF) Informal Science Education (ISE) program, at least $10 million for the National Aeronautics and Space Administration's (NASA) Informal Science Education Program and NASA grants for science museums and planetariums, and at least $40 million for the National Oceanic and Atmospheric Administration's (NOAA) Education Program and grants to aquariums.

The American Association of Museums represents the full range of our nation's museums – including aquariums, arboretums, archaeological museums, art museums, botanical gardens, children's museums, culturally specific museums, historic sites, history museums, maritime museums, military museums, natural history museums, nature centers, planetariums, presidential libraries, science and technology centers, zoological parks, and other specialty museums – along with professional staff and volunteers who work for and with museums. AAM currently represents approximately 17,000 individual museum professionals and volunteers, 3,000 institutions, and 300 corporations. Our membership is as diverse as the collections contained in the museums we represent. As a result of the diversity of our field, funding for museums can be found among several federal agencies.

Today, I am proud to submit this testimony on behalf of several other national museum service organizations – including the Association of Science-Technology Centers and the Association of Children's Museums – that join the American Association of Museums in representing many of these informal education institutions where science, technology, engineering, and mathematics (STEM) education is brought to life through activities and experiences that build a lifetime of interest and enthusiasm for the sciences.

One of our greatest challenges as a society today is determining how to engage the next generation in the sciences. I offer museums as one the very best places for this to happen. Take the example of Dr. Michael Barratt.

As a child, Dr. Barratt frequently visited the Oregon Museum of Science and Industry (OMSI) where his mother worked as a volunteer. Barratt attended OMSI classes and built his first telescope with the help of a former OMSI planetarium director. Today, he is a NASA astronaut. Dr. Barratt recently embarked on his first space mission as flight engineer for the International Space Station's Expedition 19 from Baikonur, Kazakhstan, Russia, and joins the International Space Station crew until October. Dr. Barratt is so committed to OMSI that he arranged to take a special wide-angle digital camera with him, so he can send back images of his journey. These images will be shown as part of OMSI's Starry Nights Live planetarium presentations, and at other museums around the country.

Dr. Barratt's experiences with his local science center are supported by a recently-released National Research Council (NRC) report on learning in informal settings. According to the NRC, "tens of millions of Americans, young and old, choose to learn about science in informal ways – by visiting museums and aquariums, attending after-school programs, pursuing personal hobbies, and watching TV documentaries, for example. There is abundant evidence that these programs and settings, and even everyday experiences such as a walk in the park, contribute to people's knowledge and interest in science."

Philip Bell, co-chair of the committee that wrote the report and associate professor of learning sciences at the University of Washington, Seattle, stated that, "Learning is broader than schooling, and informal science environments and experiences play a crucial role. These experiences can kick-start and sustain long-term interests that involve sophisticated learning. Think of the child who sees dinosaur skeletons for the first time on a family trip to a natural history museum, and then goes on to buy dinosaur models and books, do Web searches about dinosaurs, write school reports on the subject, and on and on."

In addition to finding that informal learning experiences can significantly improve outcomes for individuals from groups that are historically underrepresented in science, the report also points to evidence that participation in informal science learning (such as volunteering in the collection of scientific data) can promote informed civic engagement on science-related issues such as local environmental concerns.

We are proud to acknowledge several agencies under this Subcommittee's jurisdiction that help our nation's science museums, zoos, botanic gardens, technology centers, children's museums, and other institutions do exactly what that NRC report says they do: engage whole generations in STEM learning through interactive, educational – and yes, fun – programming:

- **The National Science Foundation** (NSF), which was funded at $6.065 billion in FY08 and $6.5 billion in FY09. NSF's Informal Science Education and Math and Science Partnership programs and Biological Sciences and Geosciences directorates offer grants designed to carry out research and digitization; improve collections; and promote public engagement with, and understanding of, science, technology, engineering, and math. Museums are among those institutions who have been awarded highly-competitive NSF funds.

- **NASA Informal Science Education**, which was not funded in FY08 and received $1 million in FY09. The Informal Science Education program provides stimulating experiences for science, technology, engineering and mathematics, or STEM, learning outside of formal classroom environments through media, exhibits, and community-based programming.

- **National Oceanic and Atmospheric Administration** (NOAA) Education Program, which was funded at $34.06 million in FY08 and $32.27 million in FY09. This program coordinates higher education activities aimed at strengthening candidates for a future, highly-trained, technologically capable NOAA workforce and seeks to promote environmental literacy in formal and informal education settings, including museums. NOAA also provides

"Competitive Education Grants" to aquariums accredited by the Association of Zoos and Aquariums.

I am pleased to report on some of the important programs and projects that have previously been supported by these agencies:

The Discovery Center Museum in Rockford, Illinois received an NSF grant to support its "Outreach to Space" program to teach kids about astronomy. Programs are held both at the museum and throughout this rural community at local fairs and festivals, where countless children are inspired to pursue science careers. Each family reached at a county fair or festival received a free pass to come to Discovery Center, which marks many families' first visit to a museum. The museum's after-school program provides hands-on science education and reaches 500 at-risk students each day. Participants in this program are performing better on standardized tests and have improved attendance.

The Cincinnati Museum Center was awarded a $100,000 Major Research Instrumentation grant from the National Science Foundation to establish a fully functional molecular genetics laboratory through purchase of an automated DNA sequencer and other related instruments in 2008. In collaboration with the Cincinnati Zoo, Xavier University, and Thomas More College, the lab is now conducting research on a growing zoological frozen tissue collection at the museum using the latest molecular genetic tools. Local high school students are also participating in projects on genetics, biomedical research, and life sciences.

Also in Cincinnati, an NSF award supported the excavation and study of a unique fossil assemblage in Kentucky that documents part of the transition of vertebrate animals from an aquatic to a terrestrial mode of life, approximately 300 million years ago. The fossils, currently undergoing preparation and analysis, will ultimately form part of an exhibit focusing on the dynamic, changing nature of Earth and its environments.

The University of California, Santa Cruz worked with the Museum of Science & Industry in Tampa, Florida on an NSF-supported grant to maximize the effectiveness of informal learning in museums. As we in the museum field know, museums are an essential partner in education. According to a 2006 IMLS Study, *True Needs True Partners: Museums Serving Schools*, museums spend more than $1 billion annually on educational programming and receive more than 90 million visits each year from students in school groups. Museums tailor educational programs in math, science, art, literacy, language arts, history, civics and government, economics and financial literacy, geography, and social studies, often in coordination with state and local curriculum standards.

The Nanoscale Informal Science Education Network – a network of professionals in science centers and research institutions that provide public education about science, engineering, and technology through exhibits, public events, and programs in more than 200 partner institutions across the country – is another project supported by NSF. I am proud to note that NSF itself holds this project up as a shining example of how to effectively disseminate research to a broad audience.

NASA funding enabled the Oregon Museum of Science and Industry to develop the award-winning distance learning program, Expedition Northwest, which reaches under-served rural communities in four western states through programs delivered by videoconferencing and Internet technologies. The classroom programs focus on understanding earth systems, from volcanoes to glaciers to weather patterns. Students use scientific instruments to collect and share data across the region. Teachers receive curriculum training in their home communities and trade tips and techniques through a weekly on-line support session facilitated by the museum. The program also enables OMSI to take a portable planetarium to schools in remote communities, providing the first immersive astronomy experience for many students. At night, the planetarium is taken to the local library so that the entire community can participate, and OMSI staff members provide telescopes for night sky viewing.

NOAA funding provides public education grants in conjunction with research grants. Working with researchers at Oregon State University, the Oregon Museum of Science and Industry developed interactive exhibitions to help the public understand satellite technology used for remote sensing. Visitors operate models of NSCAT and TOPEX satellites that map the oceans and detect the movement of El Nino events by sensing the deflection of the ocean surface caused by these currents. These exhibitions are touring museums across the nation.

NOAA also funded "Science on a Sphere," a large scale suspended globe that serves as a projection screen for dramatic display of global systems. NASA has now created two "spherical" movies for SOS, including "Frozen," which documents Earth's changing ice and snow cover as captured by NASA spacecraft. This 12-minute, narrated film, premiered at science centers and museums just last week (March 27). It is difficult for citizens to understand or imagine solutions to some of the most challenging and complex global issues without an understanding of the systems at work, and Science on a Sphere is a terrific tool, now on display at more than 30 locations – including science centers and other museums around the world.

The Children's Museum of Houston (CMH) has received two awards from the National Science Foundation to develop science-based traveling exhibits for children and their families. The "Magic School Bus Kicks Up A Storm" bilingual traveling exhibit, launched in 2003, was developed in partnership with Scholastic Entertainment, the National Weather Service Houston/Galveston and the American Meteorological Society Board on School and Popular Education. Visitors to the exhibit explore meteorological concepts and technologies using themes and characters from Scholastic Inc.'s popular book and television series, The Magic School Bus. Two copies of the exhibit have been touring to children's museums, science centers and other museums for six years, serving a total family and school group audience of more than 2.8 million. The k-5 students are learning about weather maps, charts, thermometers, anemometers and other tools. Half of the participants report that they find the subject of weather more exciting. The other half reported a better understanding of weather concepts.

Also in Houston, "Cyberchase: The Chase Is On! – Traveling Exhibit" was supported by an NSF grant. This program – a bilingual traveling exhibit, launched in 2006 – was developed by the Children's Museum of Houston in partnership with Thirteen/WNET New York. The exhibit builds mathematics understandings among children ages 5-10 using challenges and characters from WNET's popular television series, Cyberchase. Two copies of the exhibit have been

touring to children's museums, science centers, and other museums for three years, and the total projected attendance over the initial five year tour ending in 2011 is 1.5 million. This mathematics teaching tool sends the message: "Math is a way of thinking and everyone can be successful at it," as well as "We use math every day." Parents praise the exhibit for translating complicated math content into simple, fun exhibits.

Department of Justice funding supports The Brooklyn Children's Museum's innovative Museum Team after school program, helping at-risk kids from underserved communities across Brooklyn, including North Crown Heights, Bedford-Stuyvesant, East New York, Flatbush and Fort Green. Participants develop academic, leadership, and community service skills through hands-on activities in science, technology, culture, history and the arts. With a strong focus on employment and college preparation, the museum works closely with the New York City Summer Youth Employment Program and the Career Internship Network. Museums are ideal locations for high school students to participate in educational and community service programs. Indeed, all of the participants from the past five years who applied to college were accepted.

Finally, Members of the Subcommittee may be interested in the many museums that are addressing issues in communities, many of which fall into this Subcommittee's jurisdiction:

- For the last decade, the **Birmingham Museum of Art** has worked with both the Alabama Writers' Forum and the Chalkville campus of the Alabama Department of Youth Services. Through photography and creative writing, at-risk teenagers express themselves in a positive way as they explore the very difficult issues that brought them to be incarcerated. You may wonder how a troubled teen can be rehabilitated after a brush with the law, but programs like this make it clear that a creative outlet is critical for many of these kids to succeed in overcoming the fears and self-image issues that result from their being incarcerated.

- Museums are also leading the way in environmental education. The **Brooklyn Botanic Garden** hosts numerous environmental education programs, including a community composting effort, in cooperation with the New York City Department of Sanitation. The project offers workshops in English and Spanish and provides instruction on composting in neighborhoods, businesses, community gardens and other institutions.

- The **Long Island Children's Museum** in Garden City, New York has forged a unique partnership with the Nassau County Department of Health and Human Services and the Family Court System to offer services to those engaged with Child Protective Services, Preventative, Foster Care and Adoption Services and Family Court. The children's museum is now the site of a supervised visitation room which includes a large and colorful storytelling chair, art supplies, framed children's art, a bookshelf and interactive toys. This is just one more example of how museums can serve as critical community centers to help solve community problems.

We appreciate this opportunity to present these views to the Subcommittee, and urge the Subcommittee to fully fund these agencies and programs so we can continue to inspire young and old about science, technology, engineering, and mathematics.

Mr. FATTAH. I want to thank you for your testimony. Obviously, these are areas that have a great deal of support on this Subcommittee, and we thank you. But I need to move on to our next witness.

Mr. BELL. Thank you very much.

Mr. FATTAH. Dr. James Sanders from the National Association of Marine Laboratories.

THURSDAY, APRIL 2, 2009.

NATIONAL ASSOCIATION OF MARINE LABORATORIES

WITNESS

JAMES SANDERS, NATIONAL ASSOCIATION OF MARINE LABORATORIES

Mr. SANDERS. Mr. Chairman, members of the Subcommittee. My name is Jim Sanders. I am the Director of the Skidaway Institute of Oceanography in Savannah, Georgia. I appear before you today as the President of the National Association of Marine Laboratories, or NAML.

NAML is an association of over 100 marine labs around the country that conduct merit-based research, education and outreach in the natural and social sciences. NAML links thousands of scientists, educators, engineers, and professionals that are helping our nation better understand and support and sustain our oceans, coastal regions, and Great Lakes. I focus my testimony on the importance of adequate support for the research, education, and outreach programs funded by the National Science Foundation, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration.

Marine laboratories and research institutions around the country provide the federal government with the very best scientific knowledge upon which policy can be developed, and extramural federal support is the lifeblood of the academic-based scientific community. Federal programs that fully engage the community in competitive, merit-based research programs produce an extremely cost effective return on investment and at the same time distribute economic benefits over a broad array of communities.

First, we urge this Committee to appropriate $7 billion for the National Science Foundation for fiscal year 2010. NSF funds basic research that enhances public understanding of the nation's oceans and coastal areas and Great Lakes. NAML has consistently supported congressional efforts to enhance NSF's budget within the budget of the America Competes Act. We urge that basic science at NSF continue to be viewed as a wise and effective investment in the nation's scientific preeminence.

Today's science needs require that we maintain and enhance infrastructure at all scales, from traditional infrastructure like ships and satellites to the next generation technologies that enable advanced genomics, for example, or computational approaches. NSF is really the only agency that routinely provides essential support for basic laboratory facilities, instrumentation, and other infrastructure. They do this through programs like the Major Research

Instrumentation Program and the Field Stations and Marine Laboratories Program.

The Field Stations Program is critically important as it is the only source of federal funding specifically dedicated to the modernization of marine labs. While funding decisions within that program are made by the agency, congressional support for a more robust Field Stations Program would be helpful as we seek to upgrade aging facilities and rebuild a network of 21st century laboratories. The Field Stations Program deserves to be double to $5 million for 2010, with sustained support in the future.

Second, we urge the Subcommittee to support a budget of $5 billion for NOAA for 2010. NOAA is a long time partner with the marine laboratory community, as many NOAA labs are linked to NAML laboratories. In its efforts to address complex challenges associated with climate change, we urge NOAA to continue to leverage its internal scientific expertise by effectively and extensively engaging the talent of the academic research community. NOAA's extramural programs need increased funding. Programs such as the National Sea Grant College Program, the Ocean Exploration Program, the National Undersea Research Program, and others. A fiscal 2010 budget of $5 billion will allow NOAA to meaningfully enhance its partnerships with the extramural research community.

Third, we urge the Subcommittee to support NASA at $18.7 billion for fiscal 2010. Within this amount, $4.7 billion is needed to boost NASA's Science Mission Directorate. Support for earth science and earth observation within NASA has been unsteady in recent years, despite strong support from the community. A balanced investment in NASA is critical, especially as priorities shift and research must adapt to merging issues, like climate change mitigation, and adaptation.

Finally, I would like to underscore the importance of fostering the next generation of ocean literate Americans. American students are being eclipsed by peers in other industrialized countries. The American public must be encouraged to understand natural ocean systems, and the linkages between those systems and human welfare, and be empowered to make wise decisions. NAML works closely with federal partnership programs at NSF and NOAA, for example, to address the ocean education needs of this nation. NAML recommends that these programs be meaningfully enhanced in fiscal year 2010.

Thank you for the opportunity to speak to you today. I would be happy to address any questions.

[Written statement by Dr. James Sanders, President, National Association of Marine Laboratories follows:]

National Association of Marine Laboratories

Official Written Testimony for Fiscal Year 2010
Submitted to the Subcommittee on Commerce, Justice and Science
Committee on Appropriations
United States House of Representatives

Submitted by Dr. James Sanders
President, National Association of Marine Laboratories
March 27, 2009

I am pleased to submit this statement on behalf of the National Association of Marine Laboratories. We are a consortium of 120 coastal institutions dedicated to research, education and outreach designed to help the nation better understand the importance of our oceans, coastal regions and Great Lakes, and to ensure their wise use. I will focus my remarks on the three federal science agencies of particular importance to marine science, education and outreach: the National Science Foundation ($7 billion), the National Oceanic and Atmospheric Administration ($5 billion), and National Aeronautics and Space Administration ($18.7 billion). Specifically, I will address the role that each of these agencies plays in supporting extramural ocean, coastal and Great Lakes research; in fostering education, diversity and an ocean-literate America; and in ensuring sustainable ocean infrastructure.

The member laboratories of the National Association of Marine Laboratories (NAML) employ thousands of scientists, engineers, and professionals nationwide. NAML labs conduct high quality research on natural and social science issues that affect our nation's coasts and translate that science to diverse, formal and informal education programs, fostering the next generation of ocean-literate Americans and improving decision-making on important challenges facing our country.

RECOMMENDATIONS FOR A ROBUST OCEAN SCIENCE & EDUCATION ENTERPRISE

On behalf of the marine laboratory community, I thank you for recognizing the value of the American research enterprise to the nation's economic growth and sustainability, as reflected in the American Recovery and Reinvestment Act of 2009 (Public Law 111-5). By specifically investing in science, you are stimulating the economy today as well as making a down payment on future prosperity. As budgets are developed for FY 2010, we hope you will continue to invest in science and provide the resources to keep U.S. discovery at the forefront of innovation.

If we are to re-energize our economy and get Americans back to work, we must re-invest in the American scientific enterprise and maintain our Nation's scientific standing on the global stage. The ocean sciences can and must lead the way in innovation. Our oceans control climate and provide food, transport, and recreation. They are fundamental to the well-being of our planet and our nation. The ocean sciences span a landscape of disciplines, from physics to geology, chemistry to biology, and mathematical modeling to sociology. Marine laboratories are our nation's "windows to the sea," uniquely situated where land and ocean meet and providing a rich environmental mosaic that sustains our communities, captures our imaginations, and stimulates

us to life-long learning. Our NAML marine labs are embedded in smaller communities and capitalize on the attraction of the coasts and oceans to encourage scientific awareness and literacy.

The U.S. Commission on Ocean Policy (2004) estimated that ocean-related activities contribute more than $117 billion to American prosperity and support well over two million jobs. Coastal watershed counties extend this value dramatically to more than $4.5 trillion, or one-half of the Nation's gross domestic product, accounting for 60 million jobs. Every year millions of people visit America's coasts, spending billions of dollars and directly supporting jobs, making coastal tourism one of the Nation's most vital business sectors.

But, new environmental pressures, especially those related to global climate change, threaten to undermine and even reverse the prosperity of coastal America, compromise the health of coastal communities, and test the sustainability of critical coastal and oceanic ecosystems. The pressures on our coasts threaten industries of national importance, including our traditional fisheries and energy resources. The environmental benefits and impacts of emerging growth industries, renewable energy and offshore aquaculture, must also be understood. Now, more than ever, sound scientific data are needed to incorporate these and other complex issues into planning the vital, resilient communities of the coming century.

I. Extramural Ocean, Coastal and Great Lakes Research

For FY 2010, NAML strongly urges the Subcommittee to appropriate $7 billion for the National Science Foundation, $5 billion for the National Oceanic and Atmospheric Administration, and $18.7 billion for the National Aeronautics and Space Administration. In addition, we hope Congress will maintain and strengthen its support for cutting-edge, extramural ocean, coastal, and Great Lakes research and education across the federal funding agencies.

As our nation begins to emerge from the current economic crisis, it is critically important that the research budgets at the major federal science agencies are both cost-effective and commensurate with the unprecedented environmental challenges and potential opportunities that we will continue to face. In the face of these challenges, the federal science enterprise must take advantage of the vast and diverse talents of the extramural academic community. Programs that fully engage this community in competitive, merit-based research will produce an extremely cost-effective return on investment and, at the same time, distribute economic benefits over a broad array of communities.

National Science Foundation. NSF funds vital basic research that enhances the public understanding of the Nation's oceans, coastal areas, and the Great Lakes. Over 90 percent of NSF's budget goes directly to support research at institutions in all 50 states. A robust NSF fuels the economy, boosts American intellectual competitiveness and provides manpower and knowledge that are important for national security and economic competitiveness. NAML has enthusiastically supported congressional efforts to enhance NSF's budget in the context of the America COMPETES Act. We urge that science at NSF continue to be viewed as a wise and effective investment in the Nation's scientific pre-eminence and that the Committee appropriate

$7 billion for NSF for FY 2010, consistent with the preliminary details of the President's Budget Request.

National Oceanic and Atmospheric Administration. NOAA is a leader in ocean, coastal and Great Lakes research and many NAML labs are collocated with or linked to NOAA laboratories. Through extramural support for investigators at marine labs and universities, NOAA gains access to world-class expertise and unique research facilities. As NOAA and its sister federal agencies take on the challenges of global climate change and other emerging issues, we hope NOAA will leverage its internal scientific expertise by effectively and extensively engaging the talent of the academic research community. To be effective, NOAA extramural programs urgently need increased funding. This includes programs like the National Sea Grant College Program, the Ocean Exploration Program, and the National Undersea Research Program, as well as NOAA-directed programs such as the National Estuarine Research Reserve System, the Competitive Research Program within NOAA's Climate Program Office, and the NOAA joint and cooperative institutes. A healthy NOAA budget coupled with solid partnerships in the extramural research community will further enhance NOAA's success in accomplishing its mission. To allow NOAA to meaningfully enhance its partnership with the extramural research community, NAML recommends a NOAA budget of $5 billion for FY 2010.

National Aeronautics and Space Administration. Support for earth science and Earth observation within NASA has been unsteady in recent years despite fervent support from the community. A 2007 report by the National Academy of Sciences called on NASA to "renew its investment in Earth observing systems and restore its leadership in Earth science and applications." A balanced investment in NASA that will maintain a strong and vibrant earth and space science enterprise is critical, especially as priorities shift and research foci adjust to emerging issues like climate change mitigation and adaptation. NASA's support for Earth observation and research is vital in helping us better understand our planetary processes and especially their human impacts. Within the $18.7 billion requested for FY 2010, NAML urges the Committee to provide $4.7 billion for the Science Mission Directorate, a $200 million increase over the FY 2009 enacted level.

II. Education, Diversity and an Ocean Literate America

Within the requests above, NAML urges enhanced and sustained investment in formal and informal education programs at NSF, NOAA and NASA for FY 2010.

American students are being eclipsed by peers in other industrialized countries. As a result, ocean literacy and workforce diversity have become a focus of discussion at the federal level and throughout the environmental community. A number of watershed events have occurred over the last few years, such as the 2004 U.S. Commission on Ocean Policy report, which recommends federal investments to promote lifelong formal and informal ocean education; the 2007 National Academy of Sciences report, *Rising Above the Gathering Storm*, and the subsequent enactment of the America COMPETES Act, which places a premium on formal and informal science education across the government, and provides a broad mandate for NOAA to educate the public; and, most recently, the 2009-2029 NOAA Education Strategic Plan which will guide NOAA's education investments and goals for the next two decades.

To cope with inevitable change, the American public must be encouraged to understand natural systems and their relationship to human welfare. Coastal, ocean, and Great Lakes education programs are demonstrably successful in entraining Americans of all age levels. Marine laboratories provide unique, place-based, hands-on environments for learning about and experiencing the natural environment. Further, marine labs are committed to enhancing diversity, by providing relevant learning opportunities for underrepresented groups.

Federal partnership programs that have allowed NAML labs to address the ocean education needs of the nation include: the Centers for Ocean Science Education Excellence (COSEE) program and the Research Experiences for Undergraduates (REU) program at NSF; and the Office of Education, the Ocean Exploration Program, the National Undersea Research Program, the Educational Partnership Program with Minority Serving Institutions, the Ernest F. Hollings Undergraduate Scholarship Program and the National Sea Grant College Program at NOAA. NAML recommends that these programs be meaningfully enhanced in FY 2010.

III. Sustainable Ocean Infrastructure

NAML recommends enhanced investment in infrastructure programs across the federal government that support and enable cutting-edge federal research.

To ensure understanding and wise use of the oceans, advancement of the scientific enterprise will require support for infrastructure and instrumentation, including long term planning for the next generation of infrastructure. This support is essential to the operation of marine labs and many other academic facilities. NSF is the only agency that routinely provides essential support for basic laboratory facilities, instrumentation, support systems, computing and related cyber infrastructure through the Major Research Instrumentation (MRI) program and the Field Stations and Marine Laboratories (FSML) program. The FSML program is of particular importance as it is the only source of federal funding dedicated to the modernization of marine laboratories and field stations. While funding decisions within the FSML program are made at the agency, Congressional support for a more robust FSML program would be helpful as we seek to upgrade aging facilities and build a network of "21st Century" marine labs that will enable our nation's leadership in coastal science for today and tomorrow. In order to provide realistic support for the nation's coastal and inland field laboratories, this program, which has been level funded for many years, should be doubled to $5 million for FY 2010 with sustained growth in the future.

There is an urgent need to maintain and enhance infrastructure at all scales. The full understanding of our oceans and their wise use depend on an inter-linked network of complementary observation systems. These range from satellites, to ocean- and ice-capable ships, to the predominantly fixed instrument arrays of the Ocean Observatories Initiative (OOI) and Integrated Ocean Observing Systems (IOOS), to smaller "coastal" ships and other vehicles, to the marine labs which provide fixed "windows on the sea" along our coasts. At hand is the next generation of infrastructure and technology that enable genomic and proteomic sensors, increasingly "smart" and versatile robotic devices, nanotechnology, and advanced computational approaches. As federal research budgets grow, and as research foci shift to address emerging questions, support for critical, relevant infrastructure that enables this science must keep pace.

Thank you for the opportunity to express these views on behalf of the National Association of Marine Laboratories. We hope the Committee will take these points into consideration as you move forward in the FY 2010 appropriations process.

Dr. James G. Sanders, NAML President
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Mr. FATTAH. Thank you for your testimony. We are not going to have time, I think, for a lot of questions today as I think, obviously, based on the enthusiastic interest in testifying before the Committee. So let me thank you for your work.

Mr. SANDERS. Thank you for your time.

Mr. FATTAH. Kristen Fletcher from the Coastal States Organization.

THURSDAY, APRIL 2, 2009.

COASTAL STATES ORGANIZATION

WITNESS

KRISTEN FLETCHER, COASTAL STATES ORGANIZATION

Ms. FLETCHER. Good morning, Mr. Chairman and members of the Subcommittee. My name is Kristen Fletcher and I am Executive Director of the Coastal States Organization. CSO represents the governors of the nation's thirty-five coastal states on the sustainable management of U.S. ocean, coastal, and Great Lakes resources. Thank you for the opportunity to testify on behalf of the states on funding priorities for fiscal year 2010.

CSO supports the following coastal programs and funding levels within NOAA, our essential federal partner in the national effort to sustainably manage the coastal zone. $100 million for the Coastal Zone Management Program; $12.4 million for Coastal Zone Management Administration; $60 million for Coast and Estuarian Land Protection; and $33 million for Coral Reef Conservation. These programs are part of the critical framework for our coasts, which we rely upon for commerce, recreation, energy, and natural resources. They provide direct funding to states and territories. Especially in difficult budgetary times this is a good federal investment. These grants are matched by the states and leveraged with private and local funds.

Though federal funding does not reflect it, the oceans and coasts provide an irreplaceable contribution to our nation's economy. Even though the coastal zone makes up only 17 percent of the land area of the United States, 53 percent of the nation's population lives there. The National Ocean Economics Project estimates that the annual contribution of coastal counties is in the trillions of dollars. In recent years, employment growth along the coasts was nearly three times population growth. Our oceans and coasts are not just places we enjoy, they are a vital part of our nation's economy.

But today it is apparent that we are loving our coasts to death. The demand on coastal resources combined with an increase in natural hazards such as sea level rise and hurricanes means that we are in danger of losing these resources. Despite the difficult budgetary times we need to provide more support for the key programs that make our coastal communities sustainable and resilient. Failure to invest now means a greater economic investment in the future, likely at a point of crisis.

I want to offer a few examples of the difference that federal funding makes to the coastal communities and its citizens. Planning in local communities can mean the difference between a community

that bounces back from a storm and one that does not. The Virginia Coastal Management Program has created an Internet mapping system known as Coastal Gems. It combines data from many sources so that anyone can go online and see land and water resources along the entire coastline of the state. Today it is used by local governments to plan where development should and should not go, by businesses to help them avoid sensitive areas, by land trusts to target areas for private acquisition, and by the public to better understand what resources are in their backyard. That is what management is about, knowing what resources need protection and where we can develop sustainably. And I have visited the website. It is an amazing tool, one that would not have been possible without federal funds.

In this age of flooding and sea level rise coastal communities are on the front lines. Maryland's coastal program is leading the way in adapting to sea level rise through its assistance to local communities. It is at this local level where the development decisions are made. Impacts to sea level rise in Maryland are apparent now. Maryland communities are leveraging federal funds with state and private funds to direct future growth away from likely storm surge areas.

And finally, we cannot forget why we as Americans love the coasts, which is recreation. In 2008 the Alabama Coastal Program provided funding to the City of Gulf Shores and the Town of Dauphin Island for the construction of public access to coastal waters. Access to recreation at the coast is a key element of the American quality of life and contributes to coastal economies.

CSO greatly appreciates the support the Subcommittee has provided in the past to care for the nation's coasts. We appreciate your consideration of our request as you move forward in the fiscal year 2010 appropriations process. Thank you.

[Written statement by Kristen Fletcher, Executive Director, Coastal States Organization follows:]

COASTAL STATES ORGANIZATION

Official Written Testimony for Fiscal Year 2010
Submitted to the Subcommittee on Commerce, Justice and Science
Committee on Appropriations
United States House of Representatives
Washington, DC

Submitted By
Coastal States Organization
Kristen Fletcher, Executive Director
March 27, 2009

The Coastal States Organization (CSO) is a nonpartisan, nonprofit organization that represents the interests of the Governors of the 35 coastal states, territories and commonwealths in Washington, DC. Established in 1970, CSO focuses on legislative and policy issues relating to the sound management of coastal, Great Lakes, and ocean resources and is recognized as the trusted representative of the collective interests of the coastal states on coastal and ocean management. For fiscal year 2010, CSO supports the following coastal programs and funding levels within the National Oceanic and Atmospheric Administration (NOAA):

Coastal Zone Management Program (§§306/306A/309)	$100 million
Coastal Zone Management Act Administration	$12.4 million
Coastal and Estuarine Land Conservation Program	$60 million
Coral Reef Conservation Program	$33 million

Every American, regardless of where he or she lives, is fundamentally connected to our coasts, oceans, and Great Lakes. They are a critical framework for commerce, recreation, energy, environment, and quality of life. Though federal funding does not reflect it, the oceans and coasts provide an irreplaceable contribution to our nation's economy and quality of life. Even though the coastal zone makes up only 17% of the land area of the United States, 53% of the nation's population lives there. The annual economic activity for the ocean is in excess of $117 billion dollars and two million jobs. In recent years, employment growth along the coasts was nearly three times population growth. Our ocean and coasts are not just places we enjoy; they are a vital part of our nation's economy.

Today, our nation's coasts are as vital for our future as they are vulnerable. As a result of their increasing draw and economic vitality, we are loving our coasts to death: an increasing number of uses along our coasts and in our oceans results in conflicts. This demand on coastal resources combines with an increase in natural hazards such as sea level rise, hurricanes and other flooding events and the evidence shows that coastal communities and the U.S. as a whole are in danger of losing these invaluable assets. Despite the difficult budgetary times, we need to provide more

funding and support for the key programs that are on the front lines of this daily battle, the programs utilizing the advances in coastal and ocean science, research, and technology to ***manage*** our coastal and ocean resources for future generations.

Programs that are engaged in these important efforts and working to balance the protection of coastal and ocean resources with the need for sustainable development include the Coastal Zone Management Program, Coastal and Estuarine Land Protection Program, and the Coral Reef Conservation Program. These programs reside within the National Oceanic and Atmospheric Administration (NOAA) and provide ***direct*** funding or services to the states and territories, which account for a small portion of the total NOAA federal budget. The funding for these programs is very cost-effective, as these grants are matched by the states and are used to leverage significantly more private and local investment in our nation's coasts. Increased funding for these programs that provide on-the-ground services to our local communities and citizens is well worth the investment.

Coastal Zone Management Program (§§306/306A/309)

CSO requests that these grants be funded at a level of ***$100 million dollars***, an amount that will be shared among the 34 states and territories that have approved coastal zone management programs. Pursuant to the Coastal Zone Management Act (CZMA), NOAA and the states partner to implement coastal zone management programs designed to balance protection of coastal and ocean resources with the need for sustainable development of coastal communities. States have the flexibility to develop programs, policies and strategies that are targeted to their state priorities while advancing national goals. Under the CZMA program, the states receive grants from NOAA that are matched by the states and are used to leverage significantly more private and local investment in our nation's coastal areas. These grants have been used to reduce environmental impacts of coastal development, resolve conflicts between competing coastal uses, and provide critical assistance to local communities in coastal planning and resource protection.

The CZMA state grants have essentially remained level-funded for 8 years, resulting in a decreased capacity in the state coastal zone management programs and less funding being granted out to local communities. In addition, states and territories find they are unable to keep up with the increasing complex coastal challenges, including the immediate need for communities to begin to adapt to climate change and address sea level rise, as well as the preparation for and siting of proposed alternative energy facilities in near shore waters. The investment provided to actually manage our coastal resources, while consistently insufficient, is now losing pace with the demands on these resources and coastal managers.

Under the current level of funding, most states and territories receive between $850,000 and $2,000,000 to carry out their coastal management programs based on a formula accounting for shoreline miles and coastal population. Appropriate at the time, a cap of $2,000,000 was instituted years ago to allow for funding to spread more evenly across the states and territories, so as to prevent most of the funding from going entirely to the larger, more heavily populated states. But, now, over half of the states have met the cap and no longer receive an increase in funding, despite increased overall funding for

CZMA state grants. Therefore, CSO requests that language be included in the appropriations bill declaring that each state will receive *no less than 1% and no more than 5% of the additional funds over and above previous appropriations.* In addition, to prevent any undue administrative fees from NOAA from being levied on these grants, CSO requests that language be included in the appropriations bill stating that *no general administrative charge shall be applied against an assigned activity included in this Act or the report accompanying this Act.*

Coastal Zone Management Act Administration

CSO requests ***$12.4 million*** for Coastal Zone Management Act Administration under NOAA's Office of Ocean and Coastal Resources Management (OCRM). OCRM provides support to the states and territories by providing program liaisons, processing grants and program changes, and leading the development of NOAA's Coastal Strategy. They also administer the Coastal and Estuarine Land Conservation Program (CELCP), lead coral reef conservation activities, and manage the development of a National System of Marine Protected Areas. With all of these vested responsibilities, and to administer all of their programs adequately, OCRM needs this funding to be the best possible partners to the states and territories.

Coastal and Estuarine Land Conservation Program

CSO requests ***$60 million*** for the Coastal and Estuarine Land Conservation Program (CELCP). Authorized by Congress in 2002, CELCP protects coastal and estuarine areas with significant conservation, recreation, ecological, historical or aesthetic values. To date, Congress has appropriated over $200 million for CELCP, allowing for the completion of over 100 conservation projects, with several dozen still in progress. CELCP projects in 26 of the nation's 35 coastal states have already helped preserve close to 35,000 acres of our coasts, and that total continues to grow as projects are completed. All federal funding has been leveraged by at least an equal amount of state, local, and private investments.

The preservation of coastal and estuarine areas is critical to both humans and the environment. These areas shield us from storms, protect us from the effects of sea-level rise, filter pollutants to maintain water quality, provide shelter, nesting and nursery grounds for fish and wildlife, protect rare and endangered species and provide access to beaches and waterfront areas. CELCP is the only program entirely dedicated to the conservation of these vital coastal areas.

Coral Reef Conservation

CSO requests ***$33 million*** for NOAA's Coral Reef Conservation Program, which provides funding to address the threats of fishing, land-based pollution and climate change through the Local Action Strategies (LAS), which are the state and territorial partnerships for protecting corals. The funding would also provide for deep coral communities and public awareness, as well as mapping and important satellite data to support alert systems for coral bleaching evens and research on climatic conditions.

Coral reefs are perhaps the most amazing marine ecosystems on the planet. The biological diversity of coral reefs is astounding. Even though they make up less than one percent of the ocean floor, they provide habitat to over 25% of marine species. They also are important economic assets to the nation and local communities because they provide habitat for fisheries, protection from coastal storms, and support an active tourism industry.

The stewards of America's coral reef are comprised of two states: Hawai'i and Florida and the five territories of Puerto Rico, the U.S. Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and America Samoa. As members of the U.S. Coral Reef Task Force, these states and territories worked in partnership with federal agencies to develop the Local Action Strategies (LAS). The LAS initiative was specifically designed to help increase and link the goals and objectives of the U.S. National Action Plan to Conserve Coral Reefs (2000) with locally driven priorities and actions. The LAS are locally-driven, short range roadmaps for collaborative and cooperative action among Federal, state, territory, and non-governmental partners. The LAS identify and implement priority projects to reduce key threats to valuable coral reef ecosystems in each region. These are examples of government integrated at the federal, state and local levels and they need additional resources for implementation.

CSO greatly appreciates the support the Subcommittee has provided in the past. Its support has assisted these programs in working together to protect our coasts and sustain our local communities. We hope you will take our requests into consideration as you move forward in the FY 2010 appropriations process.

Mr. FATTAH. Let me thank you for your testimony. I am going to have to go vote, and so we are going to take a break. Everybody can just stay exactly where you are. Do not move.

[Recess.]

Mr. SERRANO [presiding]. We will resume our hearing. And you will note the quickest promotion ever in the history of the Congress. But I am not taking this seriously, it is only for the moment. Our next witness is Dr. Jack Fellows for the University Corporation for Atmospheric Research.

THURSDAY, APRIL 2, 2009.

UNIVERSITY CORPORATION FOR ATMOSPHERIC RESEARCH

WITNESS

JACK FELLOWS, UNIVERSITY CORPORATION FOR ATMOSPHERIC RESEARCH

Mr. SERRANO. The rules are still the same. Five minutes. But we do take this very seriously and we do take a lot of notes. And we know what we are doing. The schedule seems like we are moving people in and out, but that is because it is only hundreds and hundreds. Please proceed.

Mr. FELLOWS. Thank you for the opportunity to appear today. I am Jack Fellows, Vice President for the Corporation of Atmospheric Research. It is a nonprofit consortium of over a hundred universities that study the weather and climate.

All fifty states are battered by billions of dollars in weather and climate related damages each year. And it is clear that these impacts will change as the climate changes over the next few decades, including how we will make water, food, and energy supplies reliable and sustainable into the future.

Over the past fifty years we have made significant progress in forecasting severe weather and understanding climate change. However, the weather and climate community is concerned that our nation is not prepared to adapt to climate change and has developed a community document with recommendations on how to address this situation. And I discuss this document in my written testimony.

The bottom line is that decision makers need local and regional scale information, but our climate models are hampered by the lack of research, observations, and computing at this kind of scale. Some of the problems are due to flat budgets but some of them are due to the lack of policy direction and even barriers to focus on these local and regional impact scales.

My written testimony includes funding recommendations for NSF, for NASA, and NOAA. So I would like to focus my comments today on leadership and policy issues. First, your Committee embraced the recent Earth Science Decadal Survey and provided guidance on erosion and weather and climate observing programs in this country. And I would like to recommend that you direct OSTP to create an integrated ground and space-based national observing strategy. You would build satellites differently if they were integrated with ground systems. And they do not all have to be large,

expensive missions. Some of these missions can be done on small satellites. And there are groups with impressive histories in our country of delivering small satellites on schedule and within budget. We cannot continue to tolerate enormous satellite cost overruns that devastate other critical services to our country.

Secondly, the U.S. Global Change Research Act requires the President to develop a national global change research plan. And a recent National Research Council evaluation concluded that the climate change predictions have improved substantially, but our understanding of the impacts on society is relatively immature. I recommend clear guidance to OSTP to ensure that these investments deal both with key science priorities and help local decision makers deal with climate change. And also direct OSTP to examine how they partnered with OMB in the 1990s to coordinate these activities. And the community document that I mentioned earlier can provide guidance on how to do that.

Thirdly, NOAA is working hard to establish a National Climate Service. But this will be very challenging for NOAA since it involves over fifteen agencies. So I recommend providing strong guidance to OSTP to explore a range of options for this National Climate Service, including parts of that service that could be done outside of the federal government.

And lastly, the Committee provided $10 million in 2009 for a Climate Change Education Plan at NSF. The country does not need to reinvent the wheel, here. We should leverage existing programs. For example, the very successful GLOBE Program is planning a climate campaign next year involving over 1 million students and teachers around the world. So I would recommend that OSTP look at an interagency climate change education program.

I want to sincerely thank the Committee for this opportunity to testify.

[Written testimony by Jack D. Fellows, Vice President, University Corporation for Atmospheric Research follows:]

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Testimony Regarding the FY 2010 Budget Request
Submitted 27 March 2009

Jack D. Fellows
Vice President
University Corporation for Atmospheric Research

Subcommittee on Commerce, Justice, Science and Related Agencies
Committee on Appropriations, U.S. House of Representatives

I submit this testimony for the record of the U.S. House of Representatives Committee on Appropriations, Subcommittee on Commerce, Justice, Science and Related Agencies. My name is Jack Fellows and I am Vice President at the University Corporation for Atmospheric Research (UCAR). UCAR is a non-profit consortium of 73 North American research universities that manages and operates the National Center for Atmospheric Research (NCAR) and additional programs that support and extend the country's scientific research and education capabilities.

Chairman Mollohan, Ranking Member Wolf, and Members of the Subcommittee, I thank you for the opportunity to appear before you today. **On behalf of the atmospheric sciences community represented by UCAR, I would like to urge you to support in the FY 2010 appropriations bill, an appropriate amount for:**

- **the Office and Science and Technology Policy to restore its ability to lead the interagency effort to develop and implement sound science and technology programs, policies, and budgets;**
- **the President's request of $7 billion for the National Science Foundation;**
- **appropriate funding to accomplish the overall National Aeronautics and Space Administration mission, with an increase of at least $200 million for the critical tasks confronting the Earth Science program; and**
- **$5 billion for the National Oceanic and Atmospheric Administration.**

Also on behalf of the community, I want to thank the Committee for recognizing with the American Recovery and Reinvestment Act and the FY 2009 Omnibus Appropriations Bill the critical role that science must play in restoring this country's economic strength and world leadership.

For the past several years, funding for critical science agencies has been essentially flat. Scientists have been laid off, programs cancelled, infrastructure weakened, and our status as the world's leader threatened in some areas of science. Scientific research drives innovation around the world. For every research dollar invested by the citizens of this country, the return in knowledge, technology, innovative products, and tools that help solve societal problems is substantial. Many studies on the rate of return of research investments show that the average of this return is over 15 percent. Increased investment in scientific research and technology development will contribute tremendously to pulling this country out of the recession and, as the President says in his Budget Request, laying "a new foundation of growth upon which we can renew the promise of America." It will also help offset the worrisome shift in the epicenter of world science and technology activities toward several rapidly growing Asian economies, led by

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China's emergence. To build that new foundation, and to renew the national promise for our children and generations to come, science, technology development, and education budgets must continue to grow. The FY 2010 appropriations provide a next step in the grand opportunity we have before us.

While I have stated that science budgets must grow, it is essential that growth happen in a responsible and efficient manner that contributes to solving problems and building a better future without bankrupting it. This is a fine line to walk in these difficult times. The environmental and societal problems to be addressed through science have never been more urgent or worrisome – and it would be easy to just throw money at these challenges, but we must be strategic. The atmospheric sciences, in particular, can play a critically important role in:

- developing strategies to mitigate damaging effects of climate change,
- providing the underlying knowledge upon which all communities can base climate change adaptation strategies,
- providing the understanding upon which to base an effective national climate and energy strategy,
- predicting climate change at the regional level and changes in severe weather (including weather that exacerbates wildland fires and catastrophic flooding),
- predicting the effects of solar storms on global communications,
- contributing information relevant to the nation's homeland security and defense,
- training the next generation of environmental leaders and stewards, and
- helping to build a new green economy.

The weather and climate enterprise has worked hard to identify its strategic role in this effort, including developing a "Community Document" that outlines what it will take to make our nation more resilient to severe weather and climate change. This document makes specific program, budget, and management recommendations for this task and can be found at: http://www.ucar.edu/td/. These are daunting task require major resources and talent to implement. Through the country's funding mechanisms, Congress and the Administration have the power to drive organizational changes that could revolutionize the way we approach and fund science and the supporting infrastructure, thereby benefitting the nation by making achievable and affordable all of the goals listed above. Allow me to explain in the following specific comments.

Office of Science and Technology Policy (OSTP). Collaboration and coordination among U.S. scientific agencies to address the major, expensive challenges confronting us is critical, yet the role of the very office that could have a positive effect (OSTP) was weakened seriously during the last administration. Dr. John Holdren, the new OSTP director, is capable of providing the strong scientific leadership that this country needs. By giving him guidance, resources, and the mandate needed to be effective, the Committee will enable him to make changes that could control costs, target the most critical science, and motivate agency leadership to collaborate rather than compete.

A current problem that needs to be addressed is the response to the federal law requiring the President to develop a coordinated, national policy on global climate change. A recent National Research Council (NRC) evaluation of the U.S. Climate Change Science Program (CCSP –

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formerly the U.S. Global Change Research Program [USGCRP]) concluded that, while our ability to predict climate change has improved, our understanding of the impacts on society is "relatively immature." (See the NRC report, *Understanding and Responding to Climate Change 2008 Edition*.) This lack of knowledge about regional and local effects of climate change will have serious consequences for the nation if not fixed soon through a coordinated effort in which all relevant agencies play a part. Given appropriate resources and direction, OSTP could coordinate that effort and reinvigorate the CCSP/USGCRP Program.

A second, related example involves the Earth and solar observations upon which we build all knowledge of the systems that support and enable life on this planet. There has been an erosion of key observational programs in this country at the precise time when policy makers need them the most. Cost overruns have contributed to the problem. The 2007 NRC report, *Earth Science and Applications from Space: National Imperatives for the Next Decade and Beyond*, outlines national priorities and timing for missions that would extend observations of this planet and inform the science and policies that will affect our lives for centuries to come.

To fund these missions will be expensive, so we need to be smart about it and good stewards of our resources. I applaud the Committee's FY 2009 guidance to OSTP to work with NASA and NOAA to develop a plan to encourage commercial, low-cost solutions and for OSTP to coordinate the research and development for a next-generation of ground-based radar. I'd recommend that you go farther with this guidance in the FY2010 bill, in particular, asking OSTP to create an integrated national strategy for both ground-based and space-based observing systems for our research, education, and policy needs. It is quite likely that you would build satellites differently if they were integrated with ground-based systems. Also, these don't all have to be large, expensive missions. There is tremendous wisdom in having a subset of these missions be done on small satellites, and there are groups that have impressive histories of delivering complex small-satellite missions on schedule and within budget. We must have these observations! Our lives depend on them, but we also need to do this in way that cost matters. We can't continue to tolerate enormous cost overruns that devastate other critical services to our citizens. I'd also recommend that you direct OSTP to examine how OMB and OSTP partnered together to coordinate these activities through the USGCRP in the 1980s and 1990s and apply these best practices again. The Community Document mentioned earlier can provide you guidance on this.

National Science Foundation (NSF). NSF provides approximately 20 percent of the nation's basic research funding and infrastructure through extremely effective competitive processes that ensure that grants are awarded to the best proposals. Stimulus funds gave NSF much needed capacity, and the Administration's goal to double NSF funding over 10 years must be met, at a minimum.

In this most critical moment for the health of our planet and the future of life as we know it, the geosciences contribute knowledge that is absolutely necessary to understanding climate, weather, the dynamics of water resources, solar effects on Earth, the interactions of Earth's systems`, energy resources, geologic hazards, and all aspects of the global oceans. It is estimated that the component of the U.S. economy exposed to risks associated with weather and climate variability alone reaches $3 trillion annually. The America COMPETES Act of 2002 authorized the

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doubling of funding for the physical sciences, but inexplicably did not include the geosciences in its definition. For the health of the planet, I urge the Committee to pay special attention to funding for NSF's Geosciences Directorate (GEO).

Within the FY 2009 funding for NSF, the Committee provided $10 million to develop a climate change education program plan. A similar emphasis is mentioned in the President's Request for FY 2010. The country need not reinvent the wheel here, but should leverage existing programs and infrastructure. For example, programs such as GLOBE (www.globe.gov) is planning a climate campaign involving over a million K-12 students and teachers around the world next year; the National Science Digital Program (www.nsdl.org); and Unidata (www.unidata.ucar.edu) are just a few examples of existing education programs and resources that could address this issue and have long and successful track records.

National Aeronautics and Space Administration (NASA) Science. NASA's Science program plays a central role in understanding our planet and the behavior of the Sun. Yet despite increasing policy-driven demand for information and analysis the funding in this area is not keeping up with needed support for observing systems and research, and, in fact, funding for this account declined from FY 2008 to FY 2009. NASA's overall role in this country's scientific endeavor is so strategic and central to our well being that the Science account should be one of this nation's highest priorities. ***I urge the Members to increase the NASA Science funding level to at least $4.703 billion, $200 million above the FY 2009 final appropriation.***

I appreciate the Committee's focus on Earth Science in the FY 2009 budget, particularly in the context of the cuts that other areas have received in this account. With climate change accelerating more rapidly than expected, there are few NASA responsibilities more important than monitoring the Earth's environment. The President's Request highlights "space-based research that supports the Administration's commitment to deploy a global climate change research and monitoring system," and mentions using the NRC recommended priorities as a guide in the development of new space-based research sensors. As mentioned above, cost increases will make on-time implementation of these recommendations difficult, but falling behind schedule increases the risk of losing continuity in important observational data, which presents serious calibration issues even if new sensors are eventually launched. These data and the accompanying research programs are critical to the health of our economy, to the health of the Earth, and to our national security. ***I urge Committee Members to plan for needed future investments to implement the Decadal Survey recommendations and to encourage innovative approaches (as mentioned under the OSTP section) that will enable us to sustain observations of our own planet and the Sun.***

National Oceanic and Atmospheric Administration (NOAA). In the FY 2009 budget for NOAA, the Committee stated that the agency does not provide enough extramural research funding and encouraged NOAA to provide additional support in future budget requests. I urge the Committee to follow up on this requirement in the FY 2010 funding bill. Inadequate budgets for NOAA's multifaceted mission have always resulted in too little extramural funding, too little leveraging of research funded by other agencies, and sub-optimal relations with the scientific community.

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In FY 2009 funding bill language the Committee also urged NOAA "to make atmospheric sciences a priority within the resources made available in the bill and to request additional resources in subsequent years to advance this research." NOAA should take full advantage of partnerships with the climate research community to make significant progress in this area. Much to its credit, the agency has announced that it would like to take the lead in establishing a national climate service. While the concept of such a service is not fully developed, if implemented correctly, it would support education, training, research, and communications efforts to use data, computer models, and application tools for the maximum benefit of society as the nation and state and local governments struggle to deal with a changing climate. A national climate service will require resources and extremely strong leadership to pull together all contributing agencies and to reach stakeholders efficiently and effectively. This is yet another example of where leadership from OSTP and OMB will be critical. It will be very challenging for NOAA to establish a national climate service on its own that involves over 15 agencies. The health of our environment and our quality of life depend on the success of a national climate service. Through funding, the Committee can provide tremendous help in establishing this service, but the Committee can also provide strong guidance to OSTP to explore a range of options for the service

NOAA has the potential to make much greater contributions, especially through activities such as a new climate service. With the new Administration, NOAA has excellent leadership at the top and a tremendous opportunity to enhance its operations and services by better partnering with the research community and private sector to meet its mission. Perhaps it is also time to consider organic legislation for NOAA, since it has operated for decades through confusing guidance set forth in hundreds of bills. While my recommendation of $5.0 billion is not sufficient to meet all of NOAA's current obligations well, it would at least begin to alleviate the pressures that have built up over many years and set a more realistic base on which to organize and mobilize this agency to meet current and future obligations that are of great importance to the health of this nation.

Conclusion. As President Obama has said, this country has a once-in-a-lifetime opportunity to chart a new path. With regard to the science community, that path should include certain paradigm shifts to deal with the challenges that threaten our way of life. I have attempted to outline how the Committee can help us achieve those shifts for the good of our citizens and the world. We must not waste this moment.

I sincerely thank the members of the Committee for your stewardship of the nation's scientific enterprise and your understanding that the future strength of the nation depends on the investments we make in science and technology today. I am pleased to answer any questions.

Mr. SERRANO. Thank you. A quick question. Does your group also include universities from the territories?

Mr. FELLOWS. No, it is North American universities, so Mexico, U.S., and Canada.

Mr. SERRANO. But Puerto Rico is right next to Florida.

Mr. FELLOWS. Yes. We do not actually have a university from Puerto Rico.

Mr. SERRANO. Okay. Or Guam? Or Samoa? Okay. Thank you. Dr. Caren Chang, American Society of Plant Biologists.

THURSDAY, APRIL 2, 2009.

AMERICAN SOCIETY OF PLANT BIOLOGISTS

WITNESS

CAREN CHANG, AMERICAN SOCIETY OF PLANT BIOLOGISTS

Ms. CHANG. Mr. Chairman, thank you for inviting me to testify on the National Science Foundation's fiscal year 2010 budget. My name is Caren Chang, and I am an Associate Professor at University of Maryland. I appear before you today on behalf of the American Society of Plant Biologists, ASPB.

With respect to my own career, the NSF has had a great impact. First by supporting my graduate research on developing the plant Arabidopsis as a model system for modern plant research, and then providing me with a postdoctoral fellowship that helped shape my career.

ASPB is an organization of more than 5,000 researchers, educators, graduate students, and postdoctoral scientists in all fifty states and throughout the world. Our mission is to promote the growth of plant biology, communicate research in plant biology, and promote the interests of plant scientists in general. And although many of our members are focused on basic plant research we are all keenly aware of the applied ramifications of our findings.

Plants are vital to our very existence by providing food, feed, and the oxygen we breathe. And research in plant biology is making fundamental contributions in sustainable development of better foods, fabrics, and building materials; in fuel security and environmental stewardship; and in understanding the basic biological principles that underpin improvements in the health and nutrition of all Americans. Yet the amount of funding invested in basic plant research is relatively small when compared with the impact this research has on multibillion dollar sectors of the nation's economy, such as energy and agriculture.

The fiscal year 2010 NSF budget overview released in February would fund the NSF at $7 billion in fiscal year 2010. ASPB enthusiastically supports this request and encourages proportional funding increases across all of the science disciplines supported by the NSF.

The NSF Directorate for Biological Sciences, known as BIO, is a critical source of funding for nonbiomedical research, supporting discoveries ranging from molecules, to cells, to ecosystems, to the biosphere. Within BIO the Plant Genome Research Program has profoundly influenced our understanding of biofuel crops, human

nutrition, the impact of climate change on agriculture, and the roles of plants in ecosystems. ASPB asks that the Plant Genome Research Program continue to be a separate funding line within the NSF budget as in years past, and that sustained funding growth continues for this program.

NSF chose to locate this and other groundbreaking programs, such as the iPlant Collaborative and the Arabidopsis 2010 Project in the Plant Biology Community, demonstrating the centrality of plant research to the NSF's mission. These decisions illustrate the vital role that basic plant research plays, and should continue to play, as America confronts the serious challenges it faces.

The NSF is also a major source of funding for the education and training of the American scientific workforce. The NSF's education portfolio impacts students at all levels in the science pipeline, and also offers programs focused on outreach to and engagement of underrepresented groups. ASPB encourages further development of the NSF's education and training programs. We also enthusiastically endorse President Obama's statement that the number of graduate student fellowships should triple in the coming years. And we support positive progress in this direction through the fiscal year 2010 budget request.

To conclude, sustained funding growth for the NSF and its BIO Directorate is of critical importance to the plant biology community and to ASPB members. The promise of such funding growth would lend encouragement to the hardworking undergraduate and graduate students in my lab and across the country to continue on in science. More importantly, without increasing support for the NSF promising discoveries with vital applications in energy independence, human health, agriculture, and the environment will be postponed and America's ability to respond to the pressing problems we face today will be further delayed.

Thank you for hearing our remarks.

[Written testimony by Dr. Caren Chang, member, American Society of Plant Biologists follows:]

American Society of Plant Biologists

Official Written Testimony for Fiscal Year 2010 Budget
Submitted to the Subcommittee on Commerce, Justice, Science, and Related Agencies
Committee on Appropriations
United States House of Representatives
Washington, DC

Submitted by
Dr. Sarah M. Assmann, President, American Society of Plant Biologists
&
Dr. Caren Chang, Member, American Society of Plant Biologists

March 27, 2009

On behalf of the American Society of Plant Biologists we submit this statement for the official record to support the requested level of $7 billion for the National Science Foundation (NSF) for Fiscal Year (FY) 2010. The testimony also highlights the importance of biology, particularly plant biology, as the nation seeks to address vital issues including climate change and energy security. We would also like to thank the Subcommittee for its consideration of this testimony and for its strong support for the basic research mission of the National Science Foundation.

Our testimony will discuss:

- Plant biology research as a foundation for addressing food, fuel, climate change, and health concerns;
- The rationale for robust funding for the National Science Foundation while maintaining a well proportioned science portfolio with support for all core science disciplines, including biology; and
- The rationale for continued support for NSF education and workforce development programs that provide support for the future science and technical expertise critical to America's competitiveness.

The American Society of Plant Biologists is an organization of more than 5,000 professional plant biologists, educators, graduate students, and postdoctoral scientists with members in all 50 states and throughout the world. A strong voice for the global plant science community, our mission—achieved through work in the realms of research, education, and public policy—is to promote the growth and development of plant biology, to encourage and communicate research in plant biology, and to promote the interests and growth of plant scientists in general.

Food, Fuel, Climate Change, and Health: Plant Biology Research and America's Future

Plants are vital to our very existence. They harvest sunlight, converting it to chemical energy for food and feed; they take up carbon dioxide and produce oxygen; and they are almost always the primary producers in ecosystems. Indeed, basic plant biology research is making many fundamental contributions in the areas of fuel security and environmental stewardship; the continued and sustainable development of better foods, fabrics, and building materials; and in the understanding of basic biological principles that underpin improvements in the health and nutrition of all Americans. To go further, plant biology research can both help the nation predict and prepare for the impacts of climate change on American agriculture, and make major contributions to our nation's efforts to combat global warming.

In particular, plant biology is at the interface of numerous scientific breakthroughs. For example, the interface between plant biology and engineering is a critical frontier in biofuels research. Similarly, the interface between plant biology and chemistry contributes to biofuel production, as well as the identification of novel, bioactive compounds for medical use. With the increase in plant genome sequencing and functional genomics, the interface of plant biology and computer science is essential to our understanding of complex biological systems ranging from single cells to entire ecosystems.

Despite the fact that basic plant biology research – the kind of research funded by the NSF – underpins so many vital practical considerations, the amount invested in understanding the basic function and mechanisms of plants is relatively small when compared with the impact it has on multibillion dollar sectors like energy and agriculture.

Robust Funding for the National Science Foundation

The American Society of Plant Biologists encourages the Subcommittee to fund the National Science Foundation at robust levels that would keep the Foundation's budget on a doubling path over the next several years.

The FY 2010 NSF budget overview released on February 26, 2009, would fund the NSF at $7 billion in FY 2010, keeping the Foundation on a path for doubling. We are enthusiastically supportive of this request and encourage proportional funding increases across all of the science disciplines funded by the NSF.

As scientific research becomes increasingly interdisciplinary with permeable boundaries, a diverse portfolio at the NSF is needed to maintain cutting-edge research and innovation. The most pressing problems of the 21st Century will not be solved by one science or method, but by numerous innovations across the research spectrum. This funding enables the scientific community to address challenging and basic cross-cutting research questions regarding climate change, sustainable food supply, energy, and health, all of which are impacted by or involve basic research in plant biology supported by the NSF.

The NSF Directorate for Biological Sciences (BIO) is a critical source of funding for nonbiomedical research, supporting innovative research ranging from the molecular and cellular levels to the ecosystem and even biosphere levels. Much of this funding has been provided to individual investigators; however, the NSF has also supported major research programs over the longer term. These investments continue to have significant pay offs, both in terms of the knowledge directly generated and in deepening collaborations and fostering innovation among communities of scientists.

The BIO Plant Genome Research Program (PGRP) is an excellent example of a high impact program, which has laid a strong basic research foundation for understanding plant genomics as it relates to energy (biofuels), health (nutrition and functional foods), agriculture (impact of climate change on agronomic ecosystems), and the environment (plants' roles as primary producers in ecosystems). *The American Society of Plant Biologists asks that the PGRP continue to be a separate funding line within the NSF budget, as in years past, and that the PGRP continues sustained funding growth.*

Modern genomics is exemplified by the generation of large datasets that reflect the complexity of biological systems. The NSF BIO program is to be commended for making a major investment in the plant biology community through the iPLANT Collaborative. The goal of this computational science initiative is to develop novel approaches to problem-solving; approaches that will be vital as the volumes of data that must be integrated to answer questions increase exponentially.

That the NSF chose to locate these two programs in the plant biology community, a richly collaborative and innovative community that the American Society of Plant Biologists represents, demonstrates the centrality of the plant sciences to much of what the NSF is doing and planning. Without significant and increased support for BIO and the NSF as a whole, promising fundamental research discoveries will be delayed and vital collaborations around the edges of the disciplines will be postponed, thus limiting the ability to respond to the pressing scientific problems that exist today.

Increased funding for the NSF with proportional increases throughout the Foundation will also serve as a catalyst to encourage young people to pursue a career in science. Low funding rates throughout the NSF can be discouraging to early career scientists and can dissuade them from pursuing a career in scientific research.

Continued Support for NSF Education and Workforce Development Programs

The National Science Foundation is a major source of funding for the education and training of the American scientific workforce. The NSF's education portfolio impacts students at all levels, including K-12, undergraduate, graduate, and postgraduate. Importantly, the Foundation also offers programs focused on outreach to and engagement of underrepresented groups.

The Integrative Graduate Education and Research Traineeship (IGERT) program is just one example of NSF's commitment to education. IGERT is successful in fostering the development of novel programs that provide multidisciplinary graduate training. As discussed above, it is at the intersections of traditional disciplines that the greatest opportunities for scientific advancement can be found.

The American Society of Plant Biologists encourages expansion of the IGERT program in order to foster the development of a greater number of innovative science leaders for the future. Additionally, we enthusiastically endorse President Obama's statement that the number of graduate student fellowships should triple in the coming years, and we support positive progress in this direction through the FY2010 budget request.

Furthermore, *we urge the Subcommittee to revitalize and expand NSF's postdoctoral fellowship programs* and, thereby, to provide continuity in funding opportunities for the country's most promising early career scientists of all ethnicities and backgrounds. Additionally, such continuity and the broader availability of prestigious and well-supported postdoctoral fellowships may help retain underrepresented groups in the science, technology, engineering, and mathematics (STEM) fields. *We further encourage the NSF to develop "transition" awards that will support the most promising scientists in their transition from postdoctoral research to full-time, independent, tenure-track positions in America's universities.* The NSF might model such awards after those offered by the NIH and initially championed by private philanthropies, such as the Burroughs Wellcome Fund and the Howard Hughes Medical Institute. *And we urge the NSF to further develop programs aimed at increasing the diversity of the scientific workforce by leveraging professional scientific societies' presence in higher education institutions: professional societies' commitment to provide a professional home for scientists throughout their education and careers can help to promote and sustain broad participation in the sciences.*

Thank you for your consideration of our testimony on behalf of the American Society of Plant Biologists. Please do not hesitate to contact the American Society of Plant Biologists if we can be of any assistance in the future.

Dr. Sarah M. Assmann
President
American Society of Plant Biologists
The Pennsylvania State University

Dr. Caren Chang
Member
American Society of Plant Biologists
University of Maryland

Mr. SERRANO. Thank you. Very quickly, you said something about keeping it as a separate entity?

Ms. CHANG. For the Plant Genome Research Program.

Mr. SERRANO. Okay. All right. Thank you so much.

Ms. CHANG. Thank you.

Mr. SERRANO. Thank you. Next we have Pam Johnson, National Corn Growers Association.

THURSDAY, APRIL 2, 2009.

NATIONAL CORN GROWERS ASSOCIATION

WITNESS

PAM JOHNSON, NATIONAL CORN GROWERS ASSOCIATION

Ms. JOHNSON. I am happy to follow up with Dr. Chang because we are on the same page. I am a fifth generation farmer from Floyd, Iowa. I am here today because I represent corn growers on behalf of the National Corn Growers Association. And I serve as Chair of the Research and Business Development Action Team there. The National Corn Growers represents 36,000 members, and also 300,000 people who contribute to the check off because they believe research needs to be done.

NCGA's top priority in this appropriations bill is maintaining the funding of $101 million for the National Science Foundation Plant Genome Research Initiative. We believe that this program is crucial to agriculture and urge that this budget remain intact. The goal as listed in the strategic plan is to develop a basic knowledge of the structure and functions of plant genomes, and to translate this knowledge to a comprehensive understanding of all aspects of economically important plants and plant processes. This bridges plant basic research to plant performance in the field.

The initiative will accelerate basic discovery and innovation in economically important plants, and it will enable management of agriculture, natural resources, and the environment to meet societal needs. The initiative is supported by the Interagency Working Group on Plant Genomes and has been a model of a true public/private partnership, integrating the stakeholders across the disciplines and promoting results-driven research.

Milestones this last year in 2008 included the release of the draft corn genome sequence, and access to this information is open to all and in the public domain. We have now reached a place where we can put basic research to work, and capitalize fully on the investments we have made.

When the human genome was mapped the researchers could take that knowledge from the lab to the patient to improve health. Much like this, plant scientists can take genetics and breeding and now be able to take this science from the lab to improve plants. A complete corn genome sequence and application of its information will provide a wide range of benefits. Both public and private sectors will be able to expedite their breeding programs and increase their knowledge of corn's important agronomic traits. For farmers, we will have access to varieties of corn that are better suited to the market and the environment, such as pest resistance, lower nitro-

gen and water needs, and higher yields, all increasing sustainability. Consumers will benefit from a more abundant and sustainable food, feed, and fuel supply. Improvements aim at not only increasing yield by enhancing the nutritional value to achieve an affordable, plentiful, and safe food product.

Corn is a model system for studying complex genomic structure and function for grasses and for other crops. And its high quality genetic map will serve as a foundation for studies that will lead to improved biomass and bioenergy resources from corn and related plant species.

So in conclusion, maintaining and improving upon the resources that have been available for crop systems is now more important than ever as agriculture steps up to meet the demands of consumers worldwide. We are poised to make a great contribution to society, providing a safe and secure supply of resources for human and animal nutrition, fiber, bioenergy, and industrial feeds. Continued strong governmental support of basic ag research is essential to ensure that this innovation pipeline remains robust. So NCGA requests that this Subcommittee include in the fiscal year 2010 appropriations bill language that secures the $101 million Plant Genome Research budget, applied exclusively to plants of economic importance keeping in line with the original intent of the program. Thank you for the opportunity to speak and I will take any questions.

[Written statement by Pam Johnson, Chair, Research and Business Development Action Team, National Corn Growers Association follows:]

Written Testimony of
Pam Johnson
Chair, Research and Business Development Action Team
National Corn Growers Association
April 2, 2009

Before the
Commerce, Justice, Science, and Related Agencies Appropriations Subcommittee

Regarding
Fiscal Year 2010 Appropriations Priorities

Mr. Chairman, members of the subcommittee, thank you for the opportunity to testify today on Fiscal Year 2010 appropriations priorities. I am Pam Johnson, from Floyd, IA, and I operate a grain and livestock farm in partnership with my husband and two sons. I am also the Chair of the Research and Business Development Action Team for the National Corn Growers Association.

The National Corn Growers Association (NCGA) is a national organization founded in 1957 and represents more than 36,000 members in 48 states, 47 affiliated state organizations and more than 300,000 corn farmers who contribute to state check-off programs for the purpose of creating new opportunities and markets for corn growers.

NCGA's top priority in the FY2010 Science, State, Justice and Commerce appropriations bill is maintaining funding and focus of the $101.22 million for the National Science Foundation (NSF) Plant Genome Research Initiative (initiative). The initiative is supported by the Interagency Working Group on Plant Genomes under the auspices of the National Science and Technology Council within the Office of Science and Technology Policy. We urge that this budget remain intact. For the first 10 years of this initiative we were doing basic research. We have now reached a place where we can use the important information we have gained to make real world applications and innovative technological advances to improve plants and expand their uses to meet societal needs.

In 1997, NCGA spearheaded the effort on legislation that authorized major plant genome research, which resulted in the Plant Genome Research Initiative. Obtaining genome sequence information frequently leads to breakthroughs in the study of a particular organism. The goal of the initiative is to understand the structure and function of plant genes in species of economic importance at all levels, the initiative has led to an unprecedented increase in our understanding

of the genomics and genetics of plants. The initiative also changed the way research is conducted in plant biology and helped to attract a new generation of scientists to the plant sciences field at U.S. colleges and universities.

Bringing agriculturally important plant species into the genomic age is an important goal. Initial major accomplishments included the completion of the model laboratory plant Arabidopsis and rice genome sequences. Completion of these genomes demonstrated that genomic sequence was the most comprehensive way toward gene discovery - a first step toward identifying the role of each gene. Building upon lessons learned sequencing smaller plant genomes, sequencing the corn genome became feasible.

In 2005, NSF, the United States Department of Agriculture (USDA) and the Department of Energy (DOE) awarded $29.5 million to sequence the corn genome. NSF selected a consortium of four research institutions to sequence the maize genome: The University of Arizona, Washington University in St. Louis, Iowa State University in Ames and Cold Spring Harbor Laboratory in Cold Spring Harbor, New York. The goal of the Maize Genome Sequencing Project is to unravel the DNA sequence of the maize plant, to identify the genes and to determine their position on the chromosomes, and ultimately create a path to crop improvement. The corn genome sequence will, in turn, help in the eventual completion of other major crop genome sequences. Corn will also serve as a model system to aid in elucidating clues to improve the growth and development of other related grass crops, such as wheat, sorghum, millet and barley. Importantly, access to all of this information is shared through GenBank, Gramine, MaizeGDB and other public repositories for genome-sequence data.

A complete corn genome sequence and the application of its information will provide a wide range of benefits. Both the public and private sectors will be able to expedite their breeding programs and increase their knowledge of corn's important agronomic traits. Corn growers will be able to plant varieties of corn that are better suited to market and environmental needs, such as pest resistant traits, lower nitrogen and water needs, and higher yields – all increasing sustainability. Quality researchers will continue to be attracted to the field of plant genomics and genetics. Consumers will also benefit from more abundant and sustainable food, feed and fuel supplies. Improvements aim at increasing yield and enhancing nutritional value to achieve cheap, plentiful and safe food products that will directly benefit consumers. Corn is also an important material for many industrial purposes and products including rubber, plastics, fuel and clothing. Corn is a model system for studying complex genomic structure, organization and function, and its high quality genetic map will serve as the foundation for studies that will lead to improved biomass and bioenergy resources from corn and related plant species.

With focused funding, we will be much closer to achieving the goal of this initiative – understanding the structure and function of all economically significant plant genes and transferring this science from the laboratory to the field. The corn industry, including the academic research community, grain handlers, growers, and seed companies supported the corn genome sequencing project, and will continue to support a program that maintains its focus on discovering the functionality of genes in economically important plant species.

Maintaining and improving upon the resources available for crop systems is now more important than ever, as agriculture tries to meet the demands of consumers worldwide by providing a safe and secure supply of resources for human and animal nutrition, fiber, bioenergy, and industrial feeds. Continued strong governmental support of basic agricultural research is essential to ensure that the innovation pipeline remains robust. NCGA requests that this subcommittee include in the FY2010 Science, State, Justice and Commerce appropriations bill language that secures the $101.22 million PGR budget to be applied exclusively to species of economic importance, keeping in line with the original intent of the program.

Thank you again Mr. Chairman for allowing NCGA to testify.

Mr. SERRANO. Thank you. Just a comment. We thank you for the work you do, and the important research you do. And we certainly know how important that is. And we thank you for your testimony.

Ms. JOHNSON. Thanks a lot.

Mr. SERRANO. Thank you. Next we will hear from Bruce Hoogstraten. I hope I am pronouncing that right.

THURSDAY, APRIL 2, 2009.

NASA AERONAUTICS SUPPORT TEAM

WITNESS

BRUCE HOOGSTRATEN, NASA AERONAUTICS SUPPORT TEAM

Mr. HOOGSTRATEN. Yes, sir.

Mr. SERRANO. That is a miracle.

Mr. HOOGSTRATEN. That is better than my third grade teacher could do.

Mr. SERRANO. I am not going to tell you what they used to do with Serrano. NASA Aeronautics Support Team.

Mr. HOOGSTRATEN. Yes, sir. Good morning. My name is Bruce Hoogstraten and I am the Executive Director of the NASA Aeronautics Support Team in Hampton, Virginia. I appreciate the opportunity to testify before the Subcommittee today on NASA's aeronautics enterprise. I am also currently the Governor's Chairman for the Virginia Aerospace Advisory Council.

We, like everyone else today, await the details of the fiscal year 2010 NASA budget with bated breath. Hopefully, due to the change in the administration it may signal a new direction for NASA aeronautics research. Yet at the same time, conditioned to accept the worst. The Subcommittee knows the gory details year after year. The program is rebaselined lower and lower on the out years and proposed for massive cuts for the previous year.

I first, however, want to thank both the Subcommittee and full Committee for both the $53.5 million above the requested NASA fiscal year 2009 aeronautics program budget contained in the omnibus bill targeted at the next generation air traffic control system and for green aviation, as well as the $150 million in the American Recovery and Reinvestment Act for research, development, and demonstration to improve aviation safety and next generation air traffic control. In taking these actions the Congress has at least put the aeronautics program on a firm budget footing for 2009 and 2010, which will enable the acceleration of the very badly needed research in the critical areas of more efficient aircraft, modernized ATC, and aviation safety.

We have engaged a new administration hoping that a fresh perspective will reverse the negative budget trends for NASA aeronautics. But it is more than reversing a budget trend. There is a larger picture that we implore Congress to consider. While the exploration and human space flight side of NASA have been given a grand vision and goals to develop the hardware necessary to reach the moon and then Mars, and space and earth sciences have their decadal surveys that drive NASA's mission planning well into the future, where is the grand vision for NASA aeronautics? There is

a desperate need for a major challenge with concrete deliverables and time lines rather than the ad hoc annual fundamental research that drifts here and there as the wind blows. If there is a mission the budget resources might logically follow. And we challenge you and the administration to challenge the NASA workforces at Langley, Glenn, Ames, and Dryden to accomplish a grand vision on behalf of the American people and the future of our aviation industry.

We believe that one grand vision could be the development of a radical new, next generation, subsonic air cab that is green by its total new design which will use 75 percent less fuel and emit a fraction of harmful greenhouse gases. And we have developed a white paper for this concept.

In order to realize such a grand, green aircraft vision, the administration and Congress must abandon the shortsightedness and nonsensical decision in recent years to restrict NASA's aeronautics research program to work on only basic or fundamental research. The program has been restricted to undertake studies on materials and design, modeling and using computers and wind tunnel testing, not actually aggressively pushing design limits for flight testing advance. Langley's major test aircraft, a Boeing 757, was mothballed due to budget constraints over two years ago. How can you flight test technologies with no airplanes?

The emphasis of the entire program must shift back to actually doing things relevant to the U.S. aircraft manufacturing base and provide the critical initial stages of R and D to prove new technologies so they are ready for hand off to industry. NASA should be directed to redirect a large proportion of its aeronautics resource and development for budget activities and achieve a higher level of technology readiness.

In conclusion, I would like to point out that we at NAST have written a white paper that can be found on our website, NASTUS.org titled The Future of NASA. This paper calls for a drastic shift at NASA to return back to innovative research that focuses on programs that are vital and important to the current needs of our country, and includes details on proposed innovation, research projects, such as the Green Aviation Initiative. Thank you for your time, and the testimony I am returning to the Subcommittee, I should say. And of course I would answer any questions.

[Written statement by Mr. Bruce Hoogstraten, Executive Director of the NASA Aeronautics Support Team follows:]

Written Testimony Provided By

Mr. Bruce Hoogstraten
Executive Director of the NASA Aeronautics Support Team

To

The House Commerce, Justice, Science and Related Agencies Appropriations Subcommittee

April 2, 2009
Room H-309 Capitol

As the Executive Director of the NASA Aeronautics Support Team (NAST) located in Hampton, Virginia, I appreciate the opportunity to testify before the House Commerce, Justice, Science and Related Agencies Appropriations Subcommittee today regarding the National Aeronautics and Space Administration's (NASA) Aeronautics research enterprise. I am also currently the Governor's Chairman for the Virginia Aerospace Advisory Council.

We, like everyone else here today, await the details of the FY10 NASA budget with baited breath. Hopeful due to the change in Administrations that may signal a new direction for NASA Aeronautics research, yet at the same time, conditioned to expect the worst. The subcommittee knows the gory details – year after year, the program is rebaselined lower and lower on the out years and proposed for massive cuts from the previous year.

We first however want to thank the Subcommittee and full Committee for both the $53.5 million above the request for NASA's FY09 Aeronautics program budget contained in the Omnibus bill targeted at Next Generation air traffic control and "Green Aviation", and the $150 million in the American Recovery and Reinvestment Act for research, development, and demonstration to improve aviation safety and Next Generation air traffic control. In taking these actions, the Congress has at least put the Aeronautics program on a firm budget footing for FY09 and FY10 which will enable the acceleration of very badly needed research in the critical areas of more efficient aircraft, modernized ATC and aviation safety.

We have engaged the new Administration hoping that a fresh perspective will reverse the negative budget trends for NASA Aeronautics. But it is more than reversing budget trends, there is a larger picture that we implore Congress to consider. While the Exploration and Human Space Flight side of NASA have been given a grand vision and goals to develop the hardware necessary to reach the moon then Mars, and Space and Earth Sciences have their Decadal Surveys that drive NASA mission planning well into the future, where is the grand vision for NASA Aeronautics?

There is a desperate need for a major challenge, with concrete deliverables and timelines, rather than the ad hoc annual "fundamental" research that drifts here and there as the winds blow. If there is a mission, the budget resources might logically follow, and we challenge you and the

Administration to challenge the NASA workforces at Langley, Glenn, Ames and Dryden to accomplish a grand vision on behalf of the American people and the future of our aviation industry. We believe that one grand vision could be the development of a radical new next generation subsonic aircraft that is "green" by its totally new design and which will use 75% less fuel and emit a fraction of harmful greenhouse gasses, and we have developed a white paper on the concept.

In order to realize such a grand "green aircraft" vision the Administration and Congress must abandon the shortsighted and nonsensical decision in recent years to restrict NASA's Aeronautics research program to working on only "basic" or "fundamental" research. The program has been restricted to undertaking studies on materials and designs, modeling using computers and wind tunnel testing – not actually aggressively pushing design limits and flight testing advanced aircraft concepts. Langley's major test aircraft, a Boeing 757, was mothballed due to budget constraints over two years ago. How can you flight test technologies with no airplanes?

The emphasis of the entire program must shift back to actually doing things relevant to the US aircraft manufacturing base and providing the critical initial stages of R&D to prove new technologies so that they are ready for handoff to industry for development into actual commercial aircraft. The unfortunate fact is that budget cuts in the past decade to a degree pushed NASA to make this unfortunate change which has lessened the overall value of the current Aeronautics research efforts. NASA should be directed to re-direct a large portion of its aeronautics research and development budget to activities that achieve a higher level of technology readiness.

We at NAST have written a White Paper that can be found on our website (http://www.nastus.org/)– titled "The Future of NASA". This paper calls for a drastic shift at NASA to return back to innovative research that focuses on programs that are vital and important to the current needs of our country and includes details on proposed innovative research projects such as the Green Aviation Initiative..

Regarding a proposed Green Aviation Initiative that we support and that NASA itself is working on internally, it is desperately needed for several reasons. The US aviation industry faces a potentially huge problem in the not so distant future – the pressure from governments (foreign and domestic) to address the issue of emissions from aircraft engines and their outsized impact on the environment. Aviation currently accounts for about 10 percent of greenhouse gas emissions from transportation in the U.S. Aircraft have complex effects on climate through contrail formation and by emitting water vapor into the dry stratosphere. These high altitude emissions have a far greater global warming impact than if the emissions were released at ground-level. Lest anyone think this is just an academic problem, in December 2007, a coalition of environmental groups, states and regional governments filed petitions with the U.S. Environmental Protection Agency urging the agency to address the effects of vast amounts of global warming pollution from the world's aircraft fleet. The petitions are the first step in a process that requires the EPA to evaluate the current impacts of aircraft emissions, seek public comment and develop rules to reduce aircraft emissions or explain why it will not act.

Additional effort and funding is needed in the relevant areas of NASA aeronautics research such as engine design and combustion, contrail formation and mitigation, lightweight structures and materials, alternative fuels and advanced fuselage concepts. NASA should also reinvigorate past research into alternative energy sources for aviation propulsion such as batteries and fuel cells with the goal to demonstrate powered flight. Additional research into the Blended Wing-Body aircraft flight tested in 2007 should occur. Such technologies are forward looking and would be employed on a next generation of commercial aircraft, not existing planes.

There are a number of technologies that, when combined, can lead to a new generation of transport aircraft that will use 75% less fuel for transporting people and goods. In order to eliminate the impact of climate change of depositing water vapor in the stratosphere, these aircraft will be required to operate below about 27,000 feet altitude. This operating restriction could have the effect of significantly reducing ride quality and will require additional new technologies. The major elements of the technology base for these new aircraft are in the traditional areas of aviation research, aerodynamics, structures and materials, propulsion, and avionics and exist currently in NASA's Subsonic Aircraft Research Program.

A program of research is proposed that will bring the above described technology base up to a technology readiness level (TRL) of at least 6. This program we propose would start at $50M per year and grow to $300M in four years. The program will be conducted by the NASA aeronautical research centers with close involvement of key universities and the US aircraft industry. It will expand many current programs and investigations, and allow the research to be done on a larger scale to gain better fidelity to real design challenges for a full scale system. Although a five-year budget is proposed, many of the program elements will require more than five years to reach TRL 6.

This research on developing an actual flying prototype "green" aircraft must also be supported simultaneously with research to accelerate the deployment of a Next Generation Air Traffic Control System. The requirements to provide efficient ground and in-flight aircraft operations to minimize fuel burn combined with the super-density traffic that will result from operations restricted to below 27,000 feet place new requirements on the airspace management system. This will also require development of airborne conflict detection and resolution systems. It is estimated that successful implementation of such a system could reduce fuel burn up to 15% and enable the implementation of operation below 27,000 feet. Specific technologies to be developed include 4-D trajectory based operations, highly automated ground systems, reduced in-flight separation, dynamic resource allocation, and integrated, a diagnostic approach to safety, real-time weather prediction incorporated into 4-D trajectory calculation and updating.

A five-year program of research is proposed that will result in demonstration of the system in a relevant operational environment, enabling the achievement of TRL 6. The program would be initially funded at $50M and grow to $100M per year in four years This flight demonstration program would be conducted in collaboration with package delivery fleet operators, and would involve equipping and operating a significant number of aircraft for a year-long demonstration.

Lastly, since the end of the Cold War NASA's aeronautics budget has been on the decline and resources have not been applied to properly maintain and upgrade NASA's test facilities; thus

the facilities have fallen in to a poor state of disrepair. Three years ago NASA initiated the Aeronautics Test Program to start addressing these issues. Although this program has been successful in addressing smaller maintenance issues, the resources available in this program will not sustain the facilities in the long term (no projects in the FY09 budget above $5M). NASA has just completed a year long assessment of the physical condition of its major facilities and it is clear that additional resources are needed to properly maintain and upgrade these facilities. It is estimated that $50M a year is an appropriate level of maintenance and upgrade funding for NASA's major facilities; but if new significant test capabilities are required in the future special requests for resources will be needed.

Background on the value of the NASA Aeronautics Program

Since the inception of the National Advisory Committee for Aeronautics in 1917 (NASA's predecessor Agency) NACA/NASA has invested heavily in world class, national test facilities (such as wind tunnels, structural test facilities, simulators, and flight test facilities) and has developed a technical staff of scientists, engineers, and technicians who are second to none in the world. NASA has become the national 911 for aviation problems, and is the only federal agency with the in-house expertise, experimental test facilities, computational tools, and far-term research focus required to provide long-term solutions to future civil and military aviation problems.

Military Value & Impact: NASA aeronautics research facilities have been utilized by the military since the dawn of military aviation, and every aviation asset currently in the inventory was designed with the help of NASA's experts. NASA conducted wind tunnel tests for DOD or their contractors on the F-14, F-15, F-16, F-18, F-22, JSF, B-1, B-2, C-141, C-5, and the C-17, as well as several classified systems, just to mention a few. Not only have NASA researchers made US military vehicles technologically superior, they have helped determine the capabilities of our enemies. In the 1970s and 1980s NASA did an enormous amount of testing and analysis of foreign warplanes for the defense and intelligence communities. NASA has a long history of cooperative research on military technical problems in aerodynamics, materials, structures, propulsion, propulsion integration, and stealth technologies. The Army has their own engineers assigned full-time at Langley and Ames to work with their NASA counterparts on rotorcraft and V/STOL vehicle technologies. Because there are fewer military airframe/engine manufacturers in the US these days, those that remain must be very careful in how they invest their R&D dollars. However, while these industry players cannot afford new cutting edge test facilities themselves, they still have an ongoing requirement for such facilities if they want to participate in future aircraft development efforts. Because of the stagnation in innovation at NASA aeronautics test facilities, currently, some US defense contractors are doing testing in European wind tunnels.

US Market Share in Aviation: America's aeronautics and aviation industries are at a critical crossroads. They face serious global competition and demanding economic circumstances. The path to recovery hinges on their ability to maintain their historical superiority in offering aeronautical vehicles, technologies, and systems that introduce cost-effective, yet dramatic innovation. Twenty-five years ago, the U.S. had over 90% of the world market for commercial

aircraft sales. Ten years ago the U.S. share of that market had dropped to about 70%. Today our market share is hovering around 50%. The Europeans have publicly announced – with a vision and investment strategy of over $20 billion to match – *a goal of dominating commercial aviation sales by 2020.* The plan calls for coordinating the research and manufacture of European-produced aerospace products among EU member states. The US trade surplus generated by aerospace foreign trade in 2003 totaled $28 billion, but that number continues to shrink annually.

Importance to the Nation's Economy: Aviation generates more than $1 trillion of economic activity in the United States every year. The aerospace industry is a powerful force within the U.S. economy and one of the nation's most competitive sectors in the global marketplace. It contributes over 15 percent to our Gross Domestic Product and supports over 15 million high quality American jobs. Each year more than 600 million passengers rely on U.S. commercial air transportation and over 150 million people are transported on general aviation aircraft. Over 40 percent of the value of U.S. freight is transported by air. These aviation capabilities have enabled e-commerce to flourish with overnight mail and parcel delivery, and just-in-time manufacturing.

The system is not, however, perfect, with an aging air traffic management system that is struggling to keep up with demand and that has built-in inefficiencies due to delays and airport use restrictions. We cannot ignore the need to build additional efficiencies into the system because air traffic is predicted to nearly double in the next decade and triple in 20 years. A safe, effective, and efficient national transportation system with ample capacity to match the increasing demand is essential for the U.S. economy to continue to grow. The national airway system is the only component of our transportation system (air, rail, highway, and sea) that has any hope of expanding to meet the needs of a growing U.S. economy (the US had added only 6% in highway capacity in the last 20 years). The coming transportation crisis could bring an end to U.S. economic expansion and will be a quality of life issue for all Americans.

Mr. SERRANO. Thank you. Just one quick one. NASA Support Team.

Mr. HOOGSTRATEN. Yes, sir.

Mr. SERRANO. Is that NASA employees? Or is that a separate——

Mr. HOOGSTRATEN. No. We are made up of mainly retired NASA employees, but it is a nonprofit group, community supported nonprofit group, back in the Hampton Roads area.

Mr. SERRANO. Thank you so much.

Mr. HOOGSTRATEN. Thank you.

Mr. SERRANO. Philip Bogden, Southeastern Universities Research Association.

THURSDAY, APRIL 2, 2009.

SOUTHEASTERN UNIVERSITIES RESEARCH ASSOCIATION

WITNESS

PHILIP BOGDEN, SOUTHEASTERN UNIVERSITIES RESEARCH ASSOCIATION

Mr. SERRANO. And in general I apologize for anyone that I do not pronounce their name properly.

Mr. BOGDEN. No, that was just fine. Thank you. Thank you for the opportunity to testify. My name is Philip Bogden and I am here representing the Southeastern Universities Research Association, also known as SURA. SURA is a consortium of over sixty universities from across the U.S. SURA operates the Thomas Jefferson Nuclear Accelerator facility for the Department of Energy. For the past five years I have been directing the SCOOP program at SURA, which is SURA's coastal research initiative. During that same period I have also served as CEO of the Gulf of Maine Ocean Observing System, GOMOOS.

GOMOOS is a nonprofit organization that delivers information to solve problems, predict events, and better understand the Gulf of Maine. GOMOOS was the first stakeholder organization of its kind created ten years ago as a pilot regional association for the Integrated Coastal and Ocean Observing System, ICOOS. The partnership between SURA and GOMOOS has been strategic for reasons that I will explain.

I first want to applaud passage of H.R. 146, which authorizes the national ICOOS. After more than a decade, ICOOS is finally law. This integrated coastal and ocean observing system will serve future generations by helping to assure a safe and healthy planet.

As the Committee knows, NOAA currently has an integrated ocean observing system, the NOAA/IOOS. This activity is underway. The NOAA/IOOS Data Integration Framework shares many features in common with the SCOOP program. This program is now two years old at NOAA.

Our story begins almost a decade ago. While various regions along the U.S. coast were deploying ocean observing capabilities similar to GMOOS, the SCOOP program at SURA focused on information technology needed to connect and integrate the disparate and varied regional data providers. To help turn those data into en-

vironmental predictions and to enable the broad array of research and end user applications. The focus at SURA has been to demonstrate that information technology can provide a foundation for simplifying the complexity and assuring maximum benefit from a system that is comprised of a wide variety of contributors.

Clearly, the most cost effective way to predict anything and everything, from weather to climate change, is not to create a centralized database or a single agency program. In fact, it is easy to argue that no centralized system of any kind will work. Rather, the solution must be a distributed system or a network. In this modern version of an observing system, the entire community participates. This type of ICOOS will be achieved using the same web technologies that have globalized the economy and changed social interactions.

How will Congress fund the network solution when so many agencies must take part? Herein lies the special challenge, if not a paradox. The most cost effective solution, the multidisciplinary, multiagency, multisector, network solution, may be the most difficult to fund from a budgetary perspective. Can a single line item in a single agency budget serve this purpose?

A National Academies report earlier this year calls for a nationally integrated education research extension model to develop a powerful alternative to the current pattern of investment in expensive, short term, and disconnected projects. At SURA we have found huge benefit from working with open standards and within the organizational framework of consensus standard organizations such as the Open Geospatial Consortium, the OGC. This organizational construct may offer a solution to the budgetary problem. All the agencies that must contribute to the ICOOS are already members of the OGC, as are many of the research institutions, nonprofits, and private companies that stand to contribute to and benefit from an ICOOS. We suggest that nongovernmental organizations like the OGC may be part of that solution.

Twenty years later, the concept of ICOOS is no longer new but it is still timely. And we are well positioned now because the last ten years has taught us not to underestimate the power of the network. The web has clearly demonstrated that standards enable innovation. But the biggest challenges are not technical or we would be there by now. The metaphor of an eight-person racing shell seems apt. The fastest boat rose in synch and there is unspoken magic when everyone works together. But when one person tries to go it on their own, even when they are twice as strong as everyone else on the boat, their effect on the boat is like throwing out an anchor.

The ICOOS will arrive when we all agree to work together to make it happen. Thank you.

[Written statement by Mr. Philip Bogden, Director of the Southeastern Universities Research Association follows:]

Written Testimony Provided By

Mr. Philip Bogden
Director of the Southeastern Universities Research Association (SURA)
Coastal Ocean Observing and Prediction (SCOOP) Program

To

The House Commerce, Justice, Science and Related Agencies Appropriations Subcommittee

April 2, 2009
Room H-309 Capitol

As the Director of the SURA Coastal Ocean Observing and Prediction (SCOOP) program, I appreciate the opportunity to testify before the House Commerce, Justice, Science and Related Agencies Appropriations Subcommittee regarding the National Oceanic and Atmospheric Administration's (NOAA) coastal research programs.

The Southeastern Universities Research Association (SURA) is a consortium of over 60 Universities from across the U.S. Among other activities, SURA jointly operates the Thomas Jefferson Nuclear Accelerator Facility for the U.S. Department of Energy. For the past five years, I have been directing the SCOOP program, which is SURA's Coastal Research initiative. During that same period, I have also served as CEO of the Gulf of Maine Ocean Observing System (GoMOOS). GoMOOS is a nonprofit organization that delivers information to solve problems, predict events, and better understand the Gulf of Maine. GoMOOS was the first stakeholder organization of its kind, created ten years ago as a pilot "Regional Association" for the Integrated Coastal and Ocean Observing System (ICOOS). The partnership between SURA and GoMOOS has been strategic, for reasons that I will explain. The beginning of the story predates my involvement. In fact, the vision for the ICOOS can be traced back twenty years to a resolution of the Intergovernmental Oceanographic Commission (IOC), which marked the formal beginning of the Global Ocean Observing System.

The purpose of my testimony today is first to applaud your efforts and to celebrate successful passage of H.R. 146, which authorizes a national Integrated Coastal and Ocean Observing System (ICOOS). After almost a decade of failed attempts, ICOOS has finally become law. The second purpose of my testimony is really intended for my son, for your children, and for future generations. Authorization of the ICOOS is a tremendous first step, but only the first step. I am here to encourage investment in what should become a truly multi-agency, multi-sector, international and sustained endeavor. Future generations deserve a safe and healthy planet -- the ICOOS is a critical part of their future.

SURA has been advancing a multi-institutional, trans-regional collaborative effort through the SCOOP program (http://scoop.sura.org). The goal has been a shared information technology (IT) infrastructure for distributed data-management and community modeling. SCOOP has engaged some member universities and partnering organizations with expertise in IT and coastal

wave and storm surge modeling. The SCOOP infrastructure is a prototype "distributed coastal laboratory" designed to support community-oriented research and development.

As the Congress/Committee knows, NOAA currently has an "Integrated Observing System (IOOS)" activity underway (see http://ioos.noaa.gov/). The NOAA/IOOS Data Integration Framework (DIF) shares many features in common with the SCOOP program. We have worked with part of the DIF team on a highly successful ocean-data network (http://www.OpenIOOS.org). In October 2008, the network instantly grew to include new data services from NOAA's National Data Buoy Center and National Water Level Observing Network. This huge accomplishment demonstrates the power of open standards for bridging the operational and research communities. Our open-access network now includes over one thousand platforms reporting real-time data from over fifteen different organizations. And the network continues to grow.

Given the maturity of our capabilities and approach, we know we can work well with NOAA to achieve other cost-effective solutions. We encourage stronger coordination (and funding). The differences in our respective approaches could work to mutual benefit. Whereas the NOAA/IOOS DIF team has been working largely within NOAA and on NOAA systems, the goal of SCOOP is an open access, community network. The benefit to society from a coordinated approach could accelerate progress toward the promise of safe and healthy coasts – "safe" meaning a reduced risk of loss of life due to lack of information about severe weather events and "healthy" meaning preserving ecosystems for fish and shellfish stocks in coastal areas and keeping water safe for recreation (control of water-borne pathogens).

Information Technology must play a central role in implementing the ICOOS. In the 90's, before the emergence of the World Wide Web, we may have been tempted to centralize the ICOOS, or to house it inside a single agency. The last twenty years have shown how to build the cost-effective solutions. The last decade demonstrates the power, economies and innovative capacity of the network. We chose the network solution with SCOOP.

A global ocean observing system was a good idea twenty years ago, and a U.S. ICOOS was a good idea ten years ago. Today, neither is functioning at adequate levels:

- The intended economies-of-scale have not been realized;
- The sustained funding for user-tailored products and services has not been achieved; and
- The integration of observational systems and product-delivery systems has only been demonstrated in a few geographic areas on a few topics with pilot-program money and no stable continuation of those efforts.

For example, despite over 1.5 million visitors per year on our website, I recently watched myself on the evening television news talking about how budget cutbacks have eliminated half of the GoMOOS buoy array. And despite the fact that we help the National Weather Service forecast coastal storm damage for emergency managers, the SCOOP program has run out of funding as well. These are two of many examples. In twenty years, some remarkable achievements have been made with meager funding by an international community of scientists and engineers. The system can be cost effective, but it is not free. Many individuals have already moved on to other

jobs. I hope the ICOOS does not have to start from scratch.

The origin of the doldrums is easy to explain. It's related to the complexity of the system: (1) a large number of possible observations feeds (2) a large number of possible products-and-services to provide (3) useful information to a large number of possible end-users. In addition, a large number of public, academic, industrial and government organizations would like to be involved in some or all three layers of this system. It has not yet been possible to simplify this complexity to a tractable set of efforts and players, although progress is being made within selected geographic regions. We have learned a lot in the last twenty years. In fact, I would argue that we now know what the system should look like.

Our experiences have taught us that the heart of a true ocean observing system is the capacity to link together many generators of ocean data and thousands of data collection systems. The system must turn raw observations into predictions – whether the navigability of waters a few hours from now, a harmful algal bloom or a flooding event a few days from now, recruitment of a fishery a few years from now, or the rate of climate change a few decades from now.

While various regions were deploying ocean-observing capabilities similar to GoMOOS, the SCOOP program at SURA focused on the Information Technology needed to connect and integrate the disparate and varied regional data providers, to help turn those data into environmental predictions, and to enable the broad array of research and end-user applications. The focus at SURA has been to demonstrate that Information Technology can provide a foundation for simplifying the complexity, and assuring maximum benefit from a system that is comprised of a wide variety of contributors.

We are rethinking our federal funding strategy and trying to diversify our business model in response to recent budget decisions. Our cutbacks reflect trickle down from bigger problems facing the nation and many other national science programs. These problems cannot be solved by any one entity. National leadership understands the real problem:

> "...observing and information systems reside in dozens of federal and state agencies, universities and private industries and are tailored to the individual missions of those who fund them. By continuing on this course of developing isolated, individual systems instead of an integrated system, the nation over the next 20 years could spend billions of additional dollars on ocean observations because of the multiplied costs of development, operations and maintenance." [Interagency Working Group on Ocean Observations, 2007]

The solution seems simple: integrate first, augment second. We see this wisdom in the five-year strategic plan of that working group, which goes on to advocate for the type of solution we have prototyped:

> "Existing data provided by observing systems operated by federal and state agencies, academic institutions, and other local or regional entities will expand the geographic distribution and scope of data types offered through ICOOS. The observations will be most useful and timely, and serve the broadest number of users

> when they are combined and conveyed in an integrated and standardized manner to ensure maximum interoperability."

Clearly, the most cost-effective solution is not a centralized database. In fact, it is easy to argue that no centralized system of any kind will work. Rather, the solution must be a distributed "system of systems" -- a network. In this modern version of an observing system, the entire community participates. This type of ICOOS will be achieved using the same Web technologies that have globalized the economy and changed social interactions.

The nation must advance an open-access network that enables data archive, discovery and reuse, as well as computational ability to turn data into predictions. The network must span multiple science domains, serve a variety of end-users and influence policy. The infrastructure is neither program specific, nor agency specific. Dr. Arden L. Bement, Jr. , former Director of the National Science Foundation, described it well in his letter to the community supporting the NSF vision for Cyberinfrastructure in the 21st century. Cyberinfrastructure "enables distributed knowledge communities that collaborate and communicate across disciplines, distances and cultures." These communities "extend beyond traditional brick-and-mortar facilities, becoming virtual organizations that transcend geographic and institutional boundaries." SURA agrees that the vision is new, exciting and bold -- and necessary for the ICOOS.

How will Congress fund the network solution when so many agencies must take part? Herein lies a special challenge, if not a paradox. The most cost-effective solution -- the multi-disciplinary, multi-agency, multi-sector network solution -- may be the most difficult to fund from a budgetary perspective. Can a single line item in a single agency budget serve the purpose? A National Academies report earlier this year calls for a nationally "integrated education-research-extension model" to develop "a powerful alternative to the current pattern of investment in expensive short-term and disconnected 'projects'."

The novelty lies in the architecture of the system. The ICOOS network must extend the standards of the World Wide Web consortium, and it must involve a process for adoption by the disparate communities. At SURA, we have found huge benefit from working with open standards and within the framework of consensus standards organizations such as the Open Geospatial Consortium (OGC). This organizational construct may offer a solution to the budgetary problem. All the agencies that must contribute to the ICOOS are already members of the OGC, as are many of the research institutions, nonprofits and private companies that stand to contribute to and benefit from an ICOOS. We offer that non-governmental organizations like the OGC could be part of the solution.

Twenty years later the concept of ICOOS is no longer new, but it is still timely. And we are well positioned now because that last ten years has taught us not to understimate the power of the network. The Web has clearly demonstrated that standards enable innovation. But the biggest challenges are not technical, or we'd be there by now. The metaphor of an eight-person racing shell seems apt. The fastest boat rows in sync, and there's unspoken magic when everyone works together. But when one person tries to go it on their own, even if they're twice as strong as everyone else in the boat, their effect on the boat is like someone throwing out the anchor. The ICOOS will arrive when we all agree to work together to make it happen.

Mr. SERRANO. Well, we thank you for your work and we thank you for your testimony. Thank you. Dr. Craig M. Schiffries, did I do bad there also?

Mr. SCHIFFRIES. You did very well. Better than me.

Mr. SERRANO. That is hard to believe. Geological Society of America.

THURSDAY, APRIL 2, 2009.

GEOLOGICAL SOCIETY OF AMERICA

WITNESS

CRAIG SCHIFFRIES, GEOLOGICAL SOCIETY OF AMERICA

Mr. SCHIFFRIES. Thank you very much Mr. Chairman and members of the Committee. My name is Craig Schiffries and I am here to represent the Geological Society of America. The Geological Society of America urges Congress to appropriate at least $7 billion for the National Science Foundation in fiscal year 2010. This would be an increase of approximately $500 million, or 8 percent, compared to the level enacted in the omnibus appropriations act for fiscal year 2009. This funding level would uphold the President's budget request. However, it is substantially below the authorized funding level of $8.1 billion under the America Competes Act. And we urge you to come as close to the authorized funding level as possible.

Science and technology are the engines of economic prosperity, environmental quality, and national security. The earth sciences are critical components of the overall science and technology enterprise. Growing investments in earth science research are needed to stimulate innovations that fuel the economy, provide security, and enhance the quality of life. As we speak, the United States is experiencing the volcanic activity in Alaska and major flooding in North Dakota. The National Science Foundation supports basic research that provides a scientific foundation for understanding these and other natural hazards. An improved scientific understanding will reduce future losses through better forecasts of their occurrence and magnitude.

The earth sciences, in fact, play a central role in addressing many of the nation's greatest challenges. So in addition to natural hazards, energy, climate change, and water resources are fundamentally about the geosciences. Energy and mineral resources are critical to the functioning of society and to national security. These resources are often costly and difficult to find, and new generations of geoscientists need the tools and expertise to discover them. In addition to managing their development, use, and disposal, we need a scientific approach that will maximize the derived benefits and minimize the negative effects. Improved scientific understanding of these resources will allow for their better management and utilization while at the same time considering economic and environmental issues.

The availability of fresh water is vital to the well being of both society and ecosystems, and a greater scientific understanding of these critical resources, and communication of new insights by

geoscientists to decision makers, is necessary to ensure adequate water resources for the future.

Forecasting the outcomes of human interactions with earth's natural systems, including climate change, is limited by an incomplete understanding of geologic and environmental processes. Improved understanding of these processes in earth history can increase confidence in our ability to predict future states and enhance the prospects for mitigating or reversing adverse impacts to the planet and its inhabitants.

Research in earth science is also fundamental to training and educating the next generation of earth science professionals. Increase NSF investments in earth science education at all levels is needed because knowledge of the earth sciences is essential to scientific literacy and to meeting the environmental and resource challenges of the 21st century.

There are a wide range of extraordinary scientific opportunities in the solid earth sciences that have been summarized by the National Academies and other organizations. And while NSF's Earth Sciences Division regularly receives a large number of exciting proposals that are highly rated both for scientific merit and their broader impacts, only a small percentage of these proposals have been funded in recent years due to budget constraints. Modest additional investments in this research can have significant impacts. For example, earth science studies may improve our ability to forecast earthquakes and volcanic eruptions. Underinvestment in earth sciences may result in not only lost opportunities but lost lives.

The fiscal year 2010 budget request comes at a critical juncture in the history of the National Science Foundation. The America Competes Act set the stage to double the NSF budget in seven years. Despite overwhelming bipartisan support for the American Competes Act, funding for NSF fell short of a doubling path in the regular appropriations cycles for fiscal years 2007, 2008, and 2009. NSF received $3 billion in economic stimulus funds under the American Recovery and Reinvestment Act. This one-time injection of funding is very helpful but NSF needs sustained annual increases in order to achieve the objectives of this legislation.

The Geological Society of American is grateful to the House Appropriations Subcommittee on Commerce, Science, Justice and Related Agencies for its past leadership in increasing the budget for the National Science Foundation and other science agencies. We are grateful to the Subcommittee for its leadership in providing $3 billion in stimulus funds for the NSF. Thank you for your thoughtful consideration of our request and we would be happy to answer any questions.

[Written statement by Geological Society of America Dr. Craig M. Schiffries, Director for Geoscience Policy follows:]

Testimony of the
Geological Society of America
Dr. Craig M. Schiffries
Director for Geoscience Policy

Regarding the
National Science Foundation
FY 2010 Budget Request

To the
U.S. House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Science, Justice and Related Agencies
March 27, 2009

Summary

The Geological Society of America urges Congress to appropriate at least $7.0 billion for the National Science Foundation (NSF) in fiscal year 2010, an increase of approximately $500 million or 8 percent compared to the enacted level in the Omnibus Appropriations Act for FY 2009. This funding level would uphold the President's FY 2010 budget request of $7.0 billion for the National Science Foundation. However, it is below the authorized funding level of $8.1 billion under the America COMPETES Act (Public Law 110-69).

The Geological Society of America supports strong and growing investments in earth science research at the National Science Foundation and other federal agencies. Substantial increases in federal funding for earth science research are needed to ensure the health, vitality, and security of society and for stewardship of Earth. These investments in earth science research are necessary to address such issues as energy resources, water resources, climate change, and natural hazards. Earth science research forms the basis for training and educating the next generation of earth science professionals.

The Geological Society of America, founded in 1888, is a scientific society with over 22,000 members from academia, government, and industry in all 50 states and more than 90 countries. Through its meetings, publications, and programs, GSA enhances the professional growth of its members and promotes the geosciences in the service of humankind. GSA encourages cooperative research among earth, life, planetary, and social scientists, fosters public dialogue on geoscience issues, and supports all levels of earth science education.

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Rationale

Science and technology are engines of economic prosperity, environmental quality, and national security. Federal investment in research pays substantial dividends. According to a recent report by the National Academies, "...the economic value of investing in science and technology has been thoroughly investigated. Published estimates of return on investment (ROI) for publicly funded R&D range from 20 to 67%" (*Rising Above the Gathering Storm*, 2007).

The earth sciences are critical components of the overall science and technology enterprise. Substantial increases in federal funding for earth science research are needed to ensure the health, vitality, and security of society and for Earth stewardship. Earth science research provides knowledge and data essential for developing policies, legislation, and regulations regarding land, mineral, and water resources at all levels of government. Growing investments in earth science research are required to stimulate innovations that fuel the economy, provide security, and enhance the quality of life.

Broader Impacts of Earth Science Research and Education

It is critically important to significantly increase NSF's investments in earth science research and education to meet challenges posed by human interactions with Earth's natural system in order to help sustain these natural systems and the economy. Additional NSF investments in earth science research are necessary to address such issues as natural hazards, energy, water resources, and climate change.

- Natural hazards, such as earthquakes, tsunamis, volcanic eruptions, floods, droughts, and hurricanes, remain a major cause of fatalities and economic losses worldwide. An improved scientific understanding of geologic hazards will reduce future losses through better forecasts of their occurrence and magnitude.
- Energy and mineral resources are critical to the functioning of society and to national security and have positive impacts on local, national, and international economies and quality of life. These resources are often costly and difficult to find, and new generations of geoscientists need the tools and expertise to discover them. In addition, management of their extraction, use, and residue disposal requires a scientific approach that will maximize the derived benefits and minimize the negative effects. Improved scientific understanding of these resources will allow for their better management and utilization while at the same time considering economic and environmental issues. This is particularly significant because shifting resource demands often reframe our knowledge as new research–enabling technologies become available.
- The availability and quality of surface water and groundwater are vital to the well being of both society and ecosystems. Greater scientific understanding of these critical resources—and communication of new insights by geoscientists in formats useful to decision makers—is necessary to ensure adequate water resources for the future.

- Forecasting the outcomes of human interactions with Earth's natural systems, including climate change, is limited by an incomplete understanding of geologic and environmental processes. Improved understanding of these processes in Earth's history can increase confidence in the ability to predict future states and enhance the prospects for mitigating or reversing adverse impacts to the planet and its inhabitants.
- Research in earth science is also fundamental to training and educating the next generation of earth science professionals.

Increased NSF investments in earth science education at all levels is needed because knowledge of the earth sciences is essential to science literacy and to meeting the environmental and resource challenges of the twenty-first century.

Earth science research and education should be a component of broader initiatives to increase overall public investments in science and technology. For example, earth science research should be included in a recommendation by the National Academies to "increase the federal investment in long-term basic research by 10% each year over the next 7 years..." (*Rising Above the Gathering Storm*, 2007). Likewise, implementation of the America COMPETES Act, which authorizes a doubling of the budgets of key science agencies in seven years, should encompass earth science research and education.

Extraordinary Scientific Opportunities in the Earth Sciences

Extraordinary scientific opportunities in the solid earth sciences have been summarized by the National Academies and other organizations, including the following reports:

- *Basic Research Opportunities in the Earth Sciences* (National Research Council, 2001)
- *The Geological Record of Biosphere Dynamics* (National Research Council, 2005)
- *Hydrology of a Dynamic Earth* (Consortium of Universities for the Advancement of Hydrologic Science, 2007)
- *Future Research Directions in Paleontology* (Paleontological Society and Society for Vertebrate Paleontology, 2007)
- *Seismological Grand Challenges in Understanding Earth's Dynamic Systems* (Incorporated Research Opportunities for Seismology, 2009)

While the NSF's Earth Sciences Division regularly receives a large number of exciting research proposals that are highly rated for both their scientific merit and their broader impacts, only a small percentage of these have been funded in recent years due to budget constraints. Modest additional investments in this research can have significant positive impacts. For example, Interferometric Synthetic Aperture Radar (InSAR) studies may improve our ability to forecast earthquakes and volcanic eruptions. Underinvestment in the earth sciences may result in lost opportunities and lost lives.

EarthScope is producing transformative science while being developed on time and on budget. The transition of EarthScope expenses from NSF's Major Research Equipment and Facilities Construction (MREFC) account to the Research and Related Activities (R&RA) account is

occurring at a time when the NSF budget has been nearly stagnant in real dollars. When the project was being developed, it was widely expected that the NSF budget would experience robust growth as indicated by the NSF Authorization Act of 2002, the American Competitiveness Initiative, and the America COMPETES Act.

As a result of budgetary developments beyond its control, members of the earth science community are concerned that new expenses for EarthScope operations and maintenance may have significant negative impacts on other time-sensitive opportunities in the earth sciences. The success rate for new proposals in the Earth Sciences Division is already too low and new expenses for EarthScope operations and maintenance expenses may drive the success rate even lower.

Conclusion

President Obama has not submitted a detailed FY 2010 budget request for the National Science Foundation and therefore we are unable to comment of the specifics of his budget proposal at this time. The FY 2010 budget request comes at a critical juncture in the history of the National Science Foundation. The America COMPETES Act set the stage to double the NSF budget in seven years. Despite overwhelming bipartisan support for the America COMPETES Act, funding for NSF fell short of the doubling path in the regular appropriations cycles for fiscal years 2007, 2008, and 2009. NSF received $3 billion in economic stimulus funds under the American Recovery and Reinvestment Act. This one-time injection of funding is very helpful, but NSF needs sustained annual funding increases in order to achieve the objectives of the legislation.

The Geological Society of America is grateful to the House Appropriations Subcommittee on Commerce, Science, Justice and Related Activities for its past leadership in increasing the budget for the National Science Foundation and other science agencies. We are also grateful to the subcommittee for its leadership in providing $3.0 billion in stimulus funds for NSF under the American Recovery and Reinvestment Act of 2009. Thank you for your thoughtful consideration of our request. For additional information or to learn more about the Geological Society of America, please visit www.geosociety.org or contact Dr. Craig Schiffries at cschiffries@geosociety.org.

Mr. SERRANO. We just thank you for your work, and for your testimony. Thank you.

Mr. SCHIFFRIES. Thank you.

Mr. SERRANO. Our next witness is John C. Gregory, Alabama Space Grant Consortium.

THURSDAY, APRIL 2, 2009.

ALABAMA SPACE GRANT CONSORTIUM

WITNESS

JOHN C. GREGORY, ALABAMA SPACE GRANT CONSORTIUM

Mr. GREGORY. Thank you for the opportunity to address the Committee and provide testimony. My name is John Gregory. I am the Director of the Alabama Space Grant Consortium, and also a teaching faculty member in the Department of Chemistry in my home university, and a practicing researcher in space science.

My purpose here today is to speak on behalf of the fifty-two space grants who are organized together under a corporation called the National Space Grant Alliance. And to request you to appropriate $44.8 million for Space Grant, which is managed by NASA, created by the Congress and managed by NASA, for the next year. We ask specifically that the language that is written in your written testimony, that the forty-two states or jurisdictions should be funded at $900,000 each and ten states or jurisdictions at $700,000 each.

This funding will enable us to provide our space grant programs to more students and teachers in all of the fifty states, and of course the District of Columbia, and the Commonwealth of Puerto Rico.

You have had over the past months some very distinguished speakers here talking about the perilous state of science education, so I shall not attempt to compare my prose to theirs. I also noted that the Chairman asked the question as to where is the stream of U.S. students in science and engineering who are going to keep us at the forefront of, in so many ways that has been described by other speakers, in the next decades.

Space Grant, of course, is not large enough to solve all those problems, but it is a proven program that addresses those problems directly and is proven to be effective. And I think many of you, or many of the Committee, know very well in their own states quite a lot about the Space Grant Program.

I have attached on page three some statistics of the national program, which I am obviously not going to go over here, but thousands of students that we deal with. But I would like to say a few things about my own program which is only one of fifty-two. But it is duplicated in its own way in all of your states and territories.

Our main mission is to prepare a diverse body of Alabama students for careers in aerospace, science, and technology. That is an abbreviated version of our mission. What do we do? Well, we run programs of scholarships and fellowships. Alabama awards sixty scholars and fellows each year. I have seventy programs in the state. So what is one that distinguishes Space Grant from all oth-

ers? And that is our program where students design, build, and fly space hardware. These are hands on projects. We have twelve projects in our state involving something like 250 students.

What do they do? They design a piece of hardware which will fly on a rocket. They may design a rocket, too. They design a satellite analog which flies on a helium balloon to 100,000 feet. The important thing is here, this is different from my research work where I have a grant to do certain things for NASA and my students, you know, do what they are told to help that happen. Here the students must design their own project. They must set their goals. They are given maybe $1,000. They have to do a trade off analysis. They have to make this thing work. And they build it, and they fly it.

And we have seen, it is quite remarkable how students, this is the first time they learned to define the problem themselves, not just answering the professor's problems. And they find their own solution, and they find out that there is often more than one solution and it is not in the back of the book. So this kind of discovery is a remarkable thing. And I think one that distinguishes Space Grant. And we would like to convey this to more students in our states. Thank you.

[Written testimony by John Gregory, Alabama Space Grant Director follows:]

Testimony before the Commerce, Justice and Science Appropriations Subcommittee
John Gregory
Alabama Space Grant Director
April 2, 2009

Mr. Chairman and distinguished Members of the Subcommittee, thank you for allowing me to provide testimony on behalf of the National Space Grant Alliance (NSGA) as you consider funding priorities relevant to the FY2010 Commerce, Justice, Science and Related Agencies Appropriations Bill. My name is John Gregory. I am the Director of NASA's National Space Grant College and Fellowship Program in the State of Alabama. I am also Professor of Chemistry and Materials Science at the University of Alabama in Huntsville. I am one of 52 State Space Grant Directors in the US and have been a NASA- and NSF-funded researcher over several decades.

Today, I speak to you in support of NASA's National Space Grant College and Fellowship Program (Space Grant).national network. In an effort to bring greater national coherence to our advocacy efforts, the 52 Space Grant Directors formed the National Space Grant Alliance (NSGA). The NSGA is a non-profit national organization that is working to: (a) galvanize support and enthusiasm for aerospace education and research; (b) ensure that Space Grant has an appropriate level of financial and programmatic support to meet the needs of the students and teachers it serves ; and (c) align Space Grant's education, workforce development and research activities in the individual States with NASA's national "commitment to excellence in science, technology, engineering and mathematics (STEM)..." Comprised of 52 Space Grant consortia including 867 affiliates – located in every state of the country, the District of Columbia, and the Commonwealth of Puerto Rico – the NSGA requests that you appropriate $44.8 million for Space Grant with the following language: "The Committee has included $44.8 million for the National Space Grant College and Fellowship Program to fund 42 states or jurisdictions at $900,000 each and 10 states or jurisdictions at $700,000 each." We believe that funding the Space Grant program at $44.8 million and including the requested language will (1) improve Space Grant's ability to increase the number of students participating in SG and the variety of the activities carried out to enhance entry into and retention in STEM career pathways relevant to achieving NASA's mission, (2) strengthen the nation's and NASA's future S&T workforce; and (3) engage the American people's support of NASA's mission through partnerships and alliances.

As I was preparing to write this testimony, I saw that the Commerce, Justice, and Science Appropriations Subcommittee has had many hearings on STEM education issues over the last month. I was struck with the statement that the Chairman made "that the US graduate education in science and engineering is highly respected throughout the world and there are other countries working to emulate it. However, this is not the case with K-12 science education..... We have all seen the reports about the poor average

performance of US student on comparative tests of science learning...engineering graduate enrollment is now overwhelming drawn from abroad, and while that is good to the extent that it draws bright, creative minds to our shore and economy, it begs the question as where is the stream of US students to pursue graduate engineering degrees"

As you know, scientists and engineers comprise only 4 percent of the U.S. workforce; however, they have created jobs for a large percentage of the American workforce through new knowledge production and innovation. In testimony presented in March from the update of the National Academies' "Gathering Storm" committee they stated that in their view the U.S. is rapidly falling behind other nations in key STEM areas.

One proven program that directly and effectively addresses these critical issues is Space Grant. Space Grant is a unique national program focused on STEM education, workforce development and research inspired by the mission and work of NASA. University-led Space Grant consortia include other colleges and schools, state, industry, non-profit and sometimes federal partners that share an interest in aerospace-relevant STEM education, workforce development and research.

The Space Grant Consortia work as a national network at the individual (serving state educational, workforce, and economic needs), regional (focusing on shared objectives with regional partners), and national (implementing nationwide directives and programs) levels. Space Grant programs are active and effective catalysts in each state, highly leveraging NASA funding with more than a dollar-for-dollar match from other local resources. This level of cost-sharing is clear evidence from our stake-holders that we are addressing their concerns at the State and local levels.

Space Grant's key program elements include college-level fellowships and scholarships, often with a research component; interdisciplinary student hands-on mission programs and design projects; internships; higher education programs such as faculty and curriculum development initiatives; university-based NASA-related research initiatives; in-service and pre-service teacher-training programs for precollege teachers; K-12 student programs; and public outreach programs that inform and educate.

Space Grant engages and inspires a new generation of Americans who dream of life beyond the confines of Earth. We educate and prepare the next generation of US aerospace scientists and engineers with the goal of maintaining the US leadership in space. Space Grant provides support for a strong national program of aeronautics research and technology that contributes to the vitality of the U.S. aeronautics industry, the efficiency of the U.S. air transportation system, and the economic well-being and quality of life for citizens.

The Space Grant network delivers positive outcomes for a relatively small investment. At no other time in the history of this country have we had a greater need for a coordinated, effective, national effort to encourage and train students for careers in science. Prior Congressional enhancements to the program have paid considerable dividends. Increased investment in the program is timely.

Let me close by showing some national statistics from the Space Grant program, that show the scope and reach of the program. In 2007, Space Grant:

- Awarded more than 1,000 internships, fellowships and research opportunities for undergraduates, graduate students and faculty in STEM disciplines.

- Awarded 270 competitive scholarships, internships, fellowships, and research opportunities to underrepresented and underserved students, teachers, and faculty in STEM disciplines.

- Provided 95 grants to enhance the capability of 50 underrepresented and underserved colleges and universities to compete for and conduct basic or applied NASA-related research.

- Assisted high-potential young faculty to become NASA Principal Investigators and effective partners with NASA centers and contractors.

- Trained 17,220 teachers through Space Grant programs.

- Reached ,through Space Grant's 288 general public programs, 196,813 participants from the general public were directly impacted.

- Tracked student participants-- In 2007, 40% of the students tracked were employed in STEM fields (NASA, industry, and academia) and 42% were pursuing advanced STEM degrees.

- Involved over 5,700 undergraduate and graduate students in Space Grant programs, nationally.

- Engaged 44 consortia in student-led flight projects (28 of which involve NASA centers) with more than 200 student-led flight projects involving 180+ institutions of higher education and nearly 90 industry partners which engaged nearly 2,200 college students, 275 faculty, and 115+ precollege educators.

Thank you for the opportunity to testify.

Mr. SERRANO. Thank you. Thank you very much. Our next witness, Henry M. Cagey.

Is it the Lummi?

Mr. CAGEY. Lummi.

Mr. SERRANO. Lummi Indian Nation, welcome.

THURSDAY, APRIL 2, 2009.

LUMMI INDIAN NATION

WITNESS

HENRY M. CAGEY, LUMMI INDIAN NATION

Mr. CAGEY. Okay, well good morning. My name is Henry Cagey, Chairman of the Lummi Nation. And the Lummi Nation is 100 miles north of Seattle in Washington State. A little bit about the tribe is the Lummi Nation is a fishing community. So why we are here in Commerce is that we are here to ask some help and some relief to what is happening with our salmon populations up in the Frasier River. And the Lummi Nation, again, is a fishing tribe that depends heavily on the sockeye run that runs through the Puget Sound, and we are one of the eight tribes that harvest the sockeye salmon in the Northwest.

What we are here today is to look at the congressional research study that is in our testimony that reflects a study that declared the sockeye a natural disaster. And so right now we have been patiently waiting for the last seven years on this declaration that the research center has made. As you look in the study, the money has not be appropriated to provide some relief to the sockeye disaster. And what the Lummi people are asking for, Mr. Chairman, is that we need some relief to our fishermen. We need some relief to take a look at some sustainability plans that we have in investing our hatcheries. And what we want to do is basically get off the declaration of disaster cycle and take a look at what we need to do to sustain our economy.

And again, the Lummi people are fishing people. And we are not about, you know, welders, or farmers. We are fishermen. And what we need your help in, Mr. Chairman, is to recognize the study that was done by the congressional research study, the declaration that was made by former Secretary Carlos Gutierrez, was made in November of 2008. What we need the Committee to do is recognize the need to fund the declaration now.

So the Lummi people are asking in our testimony for $24 million to take a look at what we need to do to turn our economy around. Within our testimony is that we have money to invest in our hatcheries. We are looking at investing in the NICMRE alignment, with the partnership through NICMRE with our Northwest Indian College. And then looking at some relief for our fishermen.

And what our fishermen are going through and our families are going through for the last ten years, we have basically ruined our way of life. We have lost our boats. We have lost our homes. We have lost our automobiles. And the Lummi fishermen, at one time we had 800 fishermen. And we are down to 500 now. And we are just one of eight. So we have all the fishermen in the Northwest,

you are probably talking about 2,000 families that are affected by this declaration.

So Mr. Chairman, we do have a packet for you but I guess due to the space that we are limited. Our Director of Natural Resources is not here, but we do have a packet for you that describes the Lummi Nation. We describe the investment that we want to make. Currently, we are producing 1 million a year. We would like to increase that production up to maybe 6 million Coho, as well as Chum and Chinook.

The other part of our request is the shellfish hatchery. And one of the ways we plan to get out of the disaster declaration mode is to invest in a shellfish hatchery which will allow us to diversify our fishermen to becoming more diversified and to raising shellfish, such as Manila Clams, geoduck, and other things that the shellfish hatchery will do.

So with that, Mr. Chairman, I want to thank you for your time. Our testimony is there. I hope you are able to take a look at it. And we are here to answer any questions that you may have.

[Written testimony by Honorable Henry M. Cagey, Lummi Nation Chairman follows:]

Testimony of the Honorable Henry M. Cagey,
Lummi Nation Chairman
on the FY 2010 Appropriations for the
US Department of the Commerce

Good Morning to the distinguished Committee Members, thank you for this opportunity, I am honored to present the appropriations requests of the Lummi Nation for the FY 2010 Department of the Commerce.

The Lummi Nation Specific Total Request is: $24,400,000
This is being requested under a Section 312(a) Magnusson Steven Act Economic Fisheries Disaster Declaration

- **In 2008, Carlos M. Gutierez, Department of Commerce reissued the disaster declaration**
  "I wish to inform you that I am making a determination that the disaster previously determined in 2002 under Section 312 (a) of the Act continues to exist for tribal and non-tribal fishermen of Washington State, and that this disaster resulted in a 2007 and 2008 commercial fishery failure due to a fishery resource disaster. This disaster was, and continues to be, the result of a combination of natural and unknown factors predominately outside the control of fisheries managers."
- **See also –Congressional Research Services – CRS Report to Congress, Commercial Fishery Disaster Assistance, (RL-34209) May 2, 2008**

+ $3.5 million - Fishermen Disaster Declaration Assistance for sustainable interventions
Itemized Breakdown includes:
- *$1.5 million Expanded Market Access*
- *$1.5 million Fishermen Critical Grant Assistance*
- *$500,000 – Fishermen's Financial Revolving Loan Fund*

+$17. million - Salmon/Shellfish Hatchery (Skookum, Lummi Bay, Sea Ponds)
- *$8,000,000 Lummi Bay and Skookum Hatchery Improvements*
- *$9,000,000 Lummi Shellfish Hatchery Improvements*

+3.9 million - NICMRE Project
- *$3.9 million for NICMRE Facility project construction as a Center for Excellence affiliated with the National Oceanic Atmospheric Administration.*

LUMMI NATION – Background Information
The Lummi Nation is located on the northern coast of Washington State, and is the third largest tribe in the State serving a population of over 5,200. The Lummi Nation is a fishing Nation. We have drawn our physical and spiritual subsistence from the marine tidelands and waters since

time immemorial. Now the abundance of wild salmon is gone. The remaining salmon stocks do not support commercial fisheries.

Our people are seeking a return to practicing our traditional healthy lifestyles. Our families are struggling to hold traditional values against the onslaught of poverty, drug abuse, and mental & physical illness. Domestic violence among our people is three times the rate experienced by our non-Indian neighbors. Our fishermen (41%) go without basic living needs and subsist at household incomes near or below the federal poverty level.

Today I am presenting a long-term, sustainable, strategic plan and set of coordinated proposals to address the prolonged economic and cultural disaster suffering of our people. This socio-economic hardship is a direct result of the declining sockeye salmon resource; starting over ten (10) years ago, in 1999. This strategy is a comprehensive approach combining the National Indian Center for Marine Environmental Research and Education (NICMERE Project) and Lummi Hatchery Infrastructure Improvements with direct Fishermen Critical needs grants for relief assistance.

The Lummi Nation's income from fishing has decreased by over 50% due to the lack of fish stocks. In 2002, 2007 and 2008 Sockeye salmon fisheries were cancelled. This has caused a cumulative annual loss of tribal fishermen licenses issued. The sockeye fishery resources disaster has reduced 260 tribal fishermen licenses during the Commerce Disaster declaration period. (In 2008 LIBC-540 fishermen licenses, down from 800 fishermen licenses in 2002).

Fisherman Disaster Declaration Assistance Needs

As stated above, in 2008, Carlos M. Gutierez, Department of Commerce reissued the disaster declaration in a statement contained in a letter to Lummi Nation. This conforms with the findings of the Congressional Research Services – CRS Report to Congress, Commercial Fishery Disaster Assistance, (RL-34209).

In Partnership with Lummi Natural Resources, our strategy is to consolidate our native and scientific knowledge of fish biology, behavior and management into the Northwest Indian Center for Marine Environment and Research Education (NICMERE). We propose to merge our professional and traditional practitioners and field workers into a team to plan, design, finance, construct, and operate hatcheries. The same group would instruct and train hatchery workers needed by theses facilities, through Northwest Indian College. Hatcheries insure future salmon stock populations large enough to support our families and our way of life. These salmon stock include *Chum, Coho and Chinook salmon species and other fishery resources.*

Our goal is to increase fish returns by improving hatchery production. This creates a reliable backup resource to salmon fishers by increasing other salmon stocks. Additionally, we seek to raise the value of these harvests through advanced marketing, the introduction of a fishermen's co-operative, and grow out operations for shellfish products. ***The Lummi Nation requests disaster assistance funding to support this strategic plan to eliminate the tribe's dependence upon Frasier River Sockeye salmon stock. The Lummi Nation appropriation requests represent an investment for a sustainable strategy and plan to maintain a future moderate living for fishermen as guaranteed by the treaty, decided the U.S. Supreme Court. (1979)***

Lummi Nation Specific Requests – Department of Commerce - NOAA

+ $3,500,000. –Fishermen Disaster Declaration assistance for sustainable intervention

Lummi Nation is requesting funding to support sustainable and immediate relief services for our fishers. This assistance is needed to help fishers make the transition from sockeye salmon to other salmon species and other commercial fishery resources. Lummi Nation is requesting the Committee to provide the $3,500,000 in sustainable fishermen disaster declaration assistance, services. Coordinated intervention activities consist of:

1. ***$1.5 million to support Lummi Fishermen production and marketing capability:*** to market marine harvest products through a seafood outlet at the newly constructed LUMMI GATEWAY multi-purpose facility for Lummi fisherman.
2. ***$1.5 Million for a Fishermens' Direct Grant:*** assistance for fishermen for operating expenses and critical needs relief for FY 2002-2008. This includes maintenance and upkeep of vessels. Fishermen's critical relief grant assistance needs include costs for boat moorage, boat insurance, and basic living needs. As a result of the fishing disasters since 1999, most fishermen have lost credit-worthiness and therefore cannot qualify for commercial operating loans.
3. ***$500,000 to create a Fishers-Disaster Revolving Loan Fund*** at the Lummi Native Community Development Financial Institution (NCDFI), aimed at cleaning up fishers' credit status. The Lummi Native CDFI is presently one of twenty-six tribal institutions registered with US Department of Treasury. The goal is to dedicate a special fund within the CDFI to enable current fishers to gain access to lines of credit, and thereby repair their current credit ratings. This fund is similar to federal disaster assistance recently provided to US Financial markets during the last industry crisis.

$17. Million for Lummi Hatchery Infrastructure- Stock Re-Building Program

The Lummi Nation currently operates two (2) salmon hatcheries and one (1) shellfish hatchery that support tribal and non-tribal fisheries in the region. Lummi Nation hatcheries were originally constructed utilizing Department of Commerce funding received from 1969-1971. At the time of construction, those hatcheries were state of the art.

The original Hatchery infrastructure needs to be repaired, replaced or completely modernized. *Lummi Nation Fish Biologists estimate that these facilities are now operating at 40% of their productive capacity.*

Through the operation of these hatcheries, the tribe annually produces a total of 1 million fall Chinook salmon, 2 million coho salmon, and 6.5 million shellfish seed and 300,000 lbs of clams. These production numbers simply do not provide the fishing opportunity and associated economic benefits necessary to offset the financial loss caused by the Sockeye Salmon Fisheries Disaster.

To provide sufficient salmon stock resources and shellfish harvest opportunity on an annual basis to the Lummi Fishing Fleet, the hatchery operations and associated infrastructure require the following rehabilitation:

- Five (5) projects for the salmon hatcheries with an estimated total cost of $8,000,000 yield a projected increase in production of 9 million salmon fry, and an expected harvest return to the fishery of $7,500,000 in the first three years of adult salmon returns. **This hatchery infrastructure improvement plan represents an investment that increases the immediate annual return and is a long-term sustainable activity.**

- Three (3) projects for the shellfish hatchery with a total estimated cost of **$9,000,000,** yield an expected increase in production of 60 million shellfish seed and 600,000 **lbs** of clams, and an expected harvestable return to the fishery of $2,920,000 in one year.

Detailed Hatchery line-itemized descriptions are listed below:

+$2.175,000 Lummi Skookum Hatchery – Salmon

$710,000 Hatchery Intake – South Fork Nooksack Chinook Recovery program – replace failing intake structure and avoid catastrophic loss at the hatchery.

$620,000 Large Pond Improvement – increase annual production capacity.

$855,000 New Raceways – replace originally constructed infrastructure that is deteriorating and falling apart.

+$5,360,000 Lummi Bay Hatchery

Nooksack River pump station - This will increase annual production by 300% via constructing a new pump station and installing a new pipeline to convey water to hatchery.

+ $455,000 Lummi Bay Pond Rearing Hatchery Improvements

Pave and restructure rearing pond.

+$4,100,000 Lummi Shellfish Hatchery

Repair and expand facilities to increase seed production capacity by improving building insulation, heating & cooling systems, feed production, and grow-out tank space. Increased shellfish seed production increases enhancement activities on Lummi tidelands to create jobs for tribal shellfish harvesters and increase sales to the West Coast shellfish industry to create jobs for growers and associated businesses.

+$1,400,000 Lummi Shellfish Hatchery – Water Line Installation

Connect shellfish and salmon hatcheries and clam plant to Lummi Water and Sewer system to ensure continued certification of Lummi shellfish products.

+$3,500,000 Lummi Seapond Tide Gate Improvements

This project rehabilitates the Lummi Seapond to protect shellfish and salmon hatchery production capabilities. Tide gate improvements will increase water circulation and safeguard against contamination in case of an oil spill.

$3.9 Million for National Indian Center for Marine Environmental Research and Education (NICMRE Project)

Northwest Indian College (NWIC) and the National Oceanic and Atmosphere Administration (NOAA) entered into an MOU to support the Lummi Nation NICMRE Project in December 2003. The NICMRE Project provides an opportunity to promote coordinated services, research, and education for tribal groups involved with the stewardship and management of natural resources of the Pacific Northwest. The Lummi Nation, NOAA and NWIC propose to have NICMERE become a Center for Excellence for Minority Serving Institutions affiliated with NOAA. The NWIC is currently accredited to provide four-year degrees in Native Environmental Science and is the only Tribal College in Washington, Oregon and Idaho.

NICMRE Facility Construction

Lummi Nation is seeking funding to support a construction project to build a 10,000 square foot, facility that includes furnishings accouterments.

Mr. SERRANO. We will take a look at it. We thank you for your testimony. And you had a number of $48 million, you said?

Mr. CAGEY. $24 million.

Mr. SERRANO. $24 million. I just cut it in half.

Mr. CAGEY. That is just the Lummi request. And again, Mr. Chairman, there are seven other sockeye tribes that are also dependent. We are only representing our interests. The other tribes, and the nontreaty fishermen, are also affected by this recovery of the sockeye. So we only look at what the Lummi need.

Mr. SERRANO. Thank you so much.

Mr. CAGEY. Thank you.

Mr. SERRANO. Madeleine Jacobs, American Chemical Society.

THURSDAY, APRIL 2, 2009.

AMERICAN CHEMICAL SOCIETY

WITNESS

MADELEINE JACOBS, AMERICAN CHEMICAL SOCIETY

Ms. JACOBS. Thank you very much. It is a pleasure to be here today. I am Madeleine Jacobs, Chief Executive Officer of the American Chemical Society. ACS was founded in 1876 and we have grown to be the world's largest scientific and professional society with more than 154,000 members, including 8,000 in the State of New York, mostly concentrated in New York City, and 400 members in Puerto Rico. ACS also has the distinction of operating under a national charter of incorporation passed by Congress in 1937 and signed by President Franklin Roosevelt.

From the outset I would like to thank the Subcommittee for the wonderful support it has given to the National Science Foundation and request that this support be increased for fiscal year 2010 and beyond. Also testifying before this Committee today are my colleagues from the American Mathematical Society, the American Physical Society, and the Federation of American Societies for Experimental Biology. Together these four organizations represent more than 300,000 scientists, engineers, and mathematicians in a wide variety of fields. We are united in our request for a fiscal year 2010 budget for the National Science Foundation of $7 billion.

I have two main messages today. There is a critical need for sustained support of NSF foundational research, and for support of NSF funding for what is known as STEM education, that is education in science, technology, engineering, and mathematics, that underpins our economy. First on research. Within the science and technology enterprise, chemistry is both a central and an enabling science. Chemistry plays a role in conquering disease, solving energy problems, providing the discoveries that lead to new industries, and developing new materials and technologies for national defense and homeland security. The chemistry enterprise also drives and sustains the American economy. Federal investments in chemistry and chemical engineering have had a significant impact on the U.S. economy. A study from the Council for Chemical Research shows that each $1 billion in federal investment coupled with $2 billion from industry has helped to create over 600,000

jobs, increased gross domestic product by $40 billion, and contributed $8 billion in taxes over a twenty-year period.

Robust and sustained federal investments in NSF's basic scientific research will help bolster our country's capacity for innovation and global economic competitiveness. NSF investments in research have returned exceptional dividends to the American people as globalization has accelerated the worldwide competition for ideas, science and engineering talent, and leadership in turning new technologies into real world applications.

NSF funding has been instrumental in the work of forty-seven Nobel Laureates in chemistry, thus underscoring the critical need to fund our nation's future innovators to help chart new discoveries to improve our economy and people's lives.

One final thought on NSF research funding. Continuity of funding is just as important as level of funding. Large increases in funding followed by stagnating or declining budgets can cause long term harm even when it supports short term priorities. Irregular funding undermines long term research investments and creates real disincentives to young people who are considering careers in science and technology.

Now to STEM education. In addition to research funding the American Chemical Society also supports NSF's important educational mission. America must improve the way our students learn science, math, technology and engineering if we want our nation to remain competitive in the global economy and continue to be a world leader in scientific and technical breakthroughs. We urge you to provide increased support for NSF's innovative Math and Science Partnership program which has improved student proficiency in math and science in many schools. We also urge you to increase the federal investment in the Noyce Scholarship Program, which is aimed at preparing high quality teachers and was expanded in the America Competes Act to encourage college STEM majors to pursue teaching careers in high needs schools. We need high quality, well prepared teachers if we hope to improve student performance.

Finally, I urge the Subcommittee to fund the Partnerships for Access to Laboratories science pilot program, often known as PALs. That will provide research to help our children experience high quality, hands on science learning in a safe lab setting. We will never spark the imagination of the next generation of Einsteins if our students never have the experience of the excitement of working in a lab

Thank you for the opportunity to offer the American Chemical Society's strong support for the NSF budget. Thank you.

[Written testimony by Madeleine Jacobs, Ph.D., Chief Executive Officer, American Chemical Society follows:]

Testimony of
Madeleine Jacobs, Ph.D., Chief Executive Officer, American Chemical Society

On
FY 2010 Appropriations for the National Science Foundation

Before the
House Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies
Congressman Alan B. Mollohan, Chair
Congressman Frank R. Wolf, Ranking Member

April 2, 2009

Chairman Mollohan, Ranking Member Wolf and members of the subcommittee, it is an honor to speak to you today. I would also like to thank you both and all members of the subcommittee for supporting the NSF throughout the years. I am Madeleine Jacobs, Chief Executive Officer of the American Chemical Society. Also testifying before this committee today are representatives from the American Mathematical Society, American Physical Society and Federation of American Societies for Experimental Biology. **These organizations together represent more than 300,000 scientists, engineers and mathematicians in a diversity of fields, and we are united in our request for an FY 2010 budget for the National Science Foundation (NSF) of $7 billion.**

Robust and sustained federal investments in NSF's basic scientific research will help bolster our country's capacity for innovative research global economic competitiveness. NSF funding has been instrumental in the work of 47 Nobel laureates in chemistry. NSF, for instance, funded the chemists who discovered that the old generation of propellants in aerosol spray cans was destroying Earth's protective ozone layer.

It is also clear that if we want our nation to remain competitive in the global economy and continue to be a world leader in scientific and technical breakthroughs, we must renew our commitment to NSF's educational mission.

We thank you for the historically significant increases provided for NSF's Education and Human Resources (EHR) Directorate, the Math and Science Partnership program, and the Robert Noyce Scholarship program in FY 2009 and the American Recovery and Reinvestment Act of 2009 (ARRA). For FY 2009, you provided $845 million for EHR, an amount that is close to the COMPETES FY 2009 authorization level of $895 million. We extend our sincere appreciation for this investment.

NSF's EHR Directorate seeks to advance discovery and innovation at the frontiers of STEM learning and teaching. NSF supports the conceptualization, design, testing, assessment, study and evaluation of highly innovative models of and approaches to learning in formal and informal settings. NSF programs advance equity and participation for all by building and strengthening participation in the scientific-technical enterprise. And most importantly, the EHR Directorate

fosters linkages between STEM education research and practice, serving as the intellectual nexus that unites education research and evaluation activities across the Foundation and with other federal agencies.

Thanks in part to NSF's innovative Math and Science Partnership program, student proficiency in math and science in many schools is increasing. A 2006 NSF analysis of schools participating in the MSP program showed that one large group of high school students who participated in the MSP program showed a 17 percent improvement in math proficiency in just two years. We urge you to continue to provide increased federal investment in this vital and broadly supported program.

The preparation of high quality teachers is essential to improving student performance in the STEM fields. Within NSF, one such teacher preparation program is the Noyce Scholarship Program which was expanded in the America COMPETES Act to encourage college STEM majors to pursue teaching careers in high-need schools. We urge you to increase the federal investment in this well regarded STEM initiative.

Finally, I urge the Subcommittee to provide funding for the Partnerships for Access to Laboratory Science Pilot Program that was authorized by the America COMPETES Act. This research program would permit NSF to explore the best models for improving science laboratory facilities at the highest-need high schools. By establishing a firm research basis through the PALS pilot program, we will be able to facilitate the improvement of high-school laboratories on a wide-scale basis that will be funded by the Department of Education, state education agencies, and other primary funding sources. Providing our children with high-quality hands-on science learning opportunities in a proper laboratory setting is an essential element of a well-rounded education. It is difficult to spark the imagination of the next generation of Einsteins if our students never have the hands-on experience gained in a lab.

Thank you for the opportunity to offer my support for NSF. I would be happy to answer any questions the committee has.

Mr. SERRANO. We thank you for your testimony. You encouraged the Committee by telling us that there will be another generation of Einsteins. Thank you.

Kevin Coyle, National Wildlife Federation.

Mr. COYLE. Good morning, Mr. Chairman.

Mr. SERRANO. Good afternoon.

THURSDAY, APRIL 2, 2009.

NATIONAL WILDLIFE FEDERATION

WITNESS

KEVIN COYLE, VICE PRESIDENT FOR EDUCATION AND TRAINING, NATIONAL WILDLIFE FEDERATION

Mr. COYLE. It is morning for me. My name is Kevin Coyle. And I am the Vice President for Education and Training at the National Wildlife Federation. The Federation is an organization of four million members across the country, and we have 48 affiliates, including Puerto Rico. And we are an organization whose education programs reach about five million students per year.

I am really here to talk about the education budgets of all three agencies, NOAA, the National Science Foundation, and NASA. And in particular to talk about the need for not only increased environmental education, but also increased climate education.

There are two main reasons for this. The first reason being that as these agencies operate in, as we have heard certainly here today, there is a tremendous amount of expertise in research, program applications, scientific application, and so forth.

When we look at that at the National Wildlife Federation and when a number of the folks who work in education look at those questions, we basically conclude that there is a need for taking the tremendous expertise and knowledge of these agencies and really translating it into good education programs for students.

There are a couple of good reasons for that. One of those reasons obviously being creating a pipeline. There is no doubt that a lot of students, even by the age of 12 years old, have pretty much opted out of science. And so we are interested in trying to create more vital, interesting parts of science for young learners.

The second area is with the 2010 budget. We are really looking at two generations of people before mid-century that will come out of our school systems. And we are really asking them in so many ways to address the issues, the science, and the solutions of global warming and climate change. Along those lines we feel that taking—increasing the education budgets of these various agencies in these areas of environmental education and climate could be very helpful.

So we have really a couple of recommendations here, five recommendations altogether. The first is that we would increase the—or recommend to you increasing the NOAA education and grants budget to $12 million. The second would be to expand the Water Resource Education Program at NOAA, which is called the B–WET Program, to $15 million and to include the Great Lakes in that equation. The third, also with NOAA, is to actually establish a new climate education program with $12 million.

And then the two other recommendations to the Committee are to increase the National Science Foundation K–12 Climate Education Program, which is now at $10 million, to $20 million. And to increase the NASA program, which is now at $10 million to $20 million.

So those are a set of very specific recommendations that we feel would be very helpful in bringing not only the expertise of these agencies into mainstream American education, but also preparing a generation that may or may not become scientists in the long run but are just people who need to learn to live in a world that is going to be very different.

And we feel that this investment will also leverage a lot of the public education funds that schools have been fairly reluctant to get into the climate area. And I think that the lead of these agencies with this expertise could be very helpful in reforming American education as well.

So thank you very much for the opportunity to come and talk to you today.

[Written testimony by Kevin Coyle, Vice President for Education and Training, National Wildlife Federation follows:]

Kevin Coyle
Vice President for Education and Training
National Wildlife Federation

Testimony on Environmental Education and Climate Change Education at NOAA, NSF and NASA and the Need to Enact Comprehensive Climate Change Legislation

For the Subcommittee on Commerce, Justice, Science & Related Agencies
Committee on Appropriations
U.S. House of Representatives

Mr. Chairman, members of the Subcommittee, on behalf of the National Wildlife Federation (NWF), our nation's largest conservation advocacy and education organization, and our more than four million members and supporters, I thank you for the opportunity to provide funding recommendations for the National Oceanic and Atmospheric Administration (NOAA), the National Science Foundation (NSF) and the National Aeronautics and Space Administration (NASA). While NWF supports numerous programs under the jurisdiction of this Subommittee, the purpose of this testimony is to recommend levels of funding for specific environmental education and climate change education programs that we believe are vital to NWF's mission to inspire Americans to protect wildlife for our children's future.

This Subcommittee has taken a leadership role in funding environmental education and especially climate change education at the federal level. In addition to growing NOAA's Office of Education, the Subcommittee has initiated new Climate Change Education programs at NASA in FY 2008 and at NSF in FY 2009. While we appreciate the Subcommittee's leadership, we believe that the overall federal investment in environmental education and climate change education programs nationwide – pennies per capita – is woefully inadequate. The National Wildlife Federation also supports climate change education and environmental education programs across the federal agencies at the U.S. Forest Service, Environmental Protection Agency, U.S. Department of Education and U.S. Department of Interior.

Summary of Recommendations:

Agency	Program	FY 2010 Recommendation	FY 2009 Level
NOAA	Environmental Education Initiatives	$12.0 million	$8.5 million
NOAA	Bay Watershed Education and Training (B-WET)	$15.0 million	$9.7 million
NOAA	Climate Change Education	$12.0 million	n/a
NSF	Climate Change Education	$20.0 million	$10 million
NASA	Climate Change Education	$20.0 million	$10 million

Funding for these programs is supported broadly through the Campaign for Environmental Literacy's *Green Education Budget* and the conservation community's *Green Budget* documents.

The Need for Environmental Education and Climate Change Education
As our nation moves towards a clean energy economy and creates new "green jobs," we must ensure that our education infrastructure keeps pace. Congress and President Obama have stated their desire to cap global warming pollution this year, a priority that the National Wildlife Federation strongly supports. To be successful as a nation under a new cap and trade system, we must have an environmentally literate citizenry that has the knowledge to find new and innovative solutions to protect our planet. While public awareness and concern about global warming continues to rise, the vast majority of the public does not understand how climate change works, how it impacts their lives and careers, and how their decisions and actions contribute to it. Consider the following examples:

- Survey research shows that most Americans do not know what the carbon cycle is or understand what actually causes global warming. They do not know how most electricity is generated or the importance of healthy forests and oceans in generating oxygen and absorbing carbon dioxide.
- Less than half of the population recognizes that the cars and appliances they use contribute to global warming, and eight out of 10 parents admit that they know "little" to "nothing" about the specific causes of climate change.
- The average high school student fails a quiz on the causes and consequences of climate change (nearly 82 percent of participants affirmed, incorrectly, that "scientists believe radiation from nuclear power plants cause global temperatures to rise.").
- In addition, most students don't see themselves at risk: Only 28 percent believe it's very likely that climate change will affect them personally in their lifetimes.

Educating Americans about climate change is a huge opportunity for our nation to prepare today's leaders, and the leaders of tomorrow, to implement the solutions created by a cap and trade system. Unfortunately, some still mistakenly see environmental protection programs as a costly burden on prosperity. In fact, the challenge posed is an entrepreneur's dream. Addressing global warming will generate millions of good new jobs and put the U.S. at the exciting forefront of a new clean energy economy. The successful transition to this new green economy hinges on education.

National Oceanic and Atmospheric Administration (NOAA):

Environmental Education Initiatives and Environmental Literacy Grants
The National Wildlife Federation supports funding NOAA's Environmental Education Initiatives at $12.0 million in FY 2010, including $10.0 million for Environmental Literacy Grants. NOAA's Office of Education oversees several Environmental Education Initiatives, the largest initiative being the Environmental Literacy Grants (ELG) program which helps to establish new partnerships that deliver educational materials to thousands of teachers and students. The ELG program enables NOAA to partner with the top science centers, aquaria, and educators in the country to educate the public about vital issues around our changing planet. It also allows NOAA to leverage the vast array of climate science being undertaken to increase public understanding and the quality of education. These funds are awarded on a competitive basis and are increasingly used to build capacity at the national and regional levels.

Funding NOAA Environmental Education Initiatives at $12.0 million, including **$10.0 million** for Environmental Literacy Grants, will enable NOAA's Office of Education to implement the education recommendations in the President's U.S. Ocean Action Plan, particularly the goal to strengthen collaboration among public and private sectors, states and regions, scientists and educators, and the federal agencies. Funding would also further leverage the existing capabilities of formal and informal education partners through competitive grants and coordinate regional education efforts. These funds are important to NOAA because they represent virtually all of the discretionary funds available to the Office of Education for addressing annual NOAA education goals as called for in the America COMPETES Act. In FY 2009, Congress funded a new Ocean Education Program through the Environmental Education Initiatives line item at NOAA Education. **While NWF certainly supports ocean education, we are concerned that this new Ocean Education grant program came at the expense of the very successful, Environmental Literacy Grants program.**

Bay Watershed Education and Training Programs

The National Wildlife Federation supports funding NOAA's Bay Watershed Education and Training (B-WET) program at $15.0 million in FY 2010. Administered by the NOAA since 2003, the B-WET program offers competitive grants to leverage existing environmental education programs, foster the growth of new programs, and encourage development of partnerships among environmental education programs within watershed systems. B-WET's rigorously evaluated programs are implemented by region, which allows the unique environmental and social characteristics of the region to drive the design of targeted activities to improve community understanding, promote teacher competency, and enhance student interest and achievement in science. A fundamental goal of the program is to demonstrate how the quality of the watershed affects the lives of the people who live in it. B-WET supports programs for students as well as professional development for teachers, while sustaining regional education and environmental priorities. B-WET awards have provided environmental education opportunities to more than 100,000 students and 10,000 teachers. An increase in funding in FY 2010 will enable this successful program to expand to additional watersheds. **NWF and its partners in the Great Lakes strongly support an increase in funding to enable the expansion of the B-WET program to the Great Lakes Region.**

Climate Change Education Grant Program

The National Wildlife Federation supports the creation of a new Climate Change Education Grant Program at NOAA, funded at $12.0 million in FY 2010. Implementation of comprehensive global climate change policies being considered by Congress will require coordinated and effective federal efforts to help improve broad public understanding of the core ecological, social, and economic concepts and principles involved in climate change mitigation and adaptation. NOAA's Office of Education has legislative authority for such education initiatives through the America COMPETES Act (PL 110-69, Sec. 1502). Funding in FY 2010 for a new Climate Change Education Grant Program will enable NOAA to leverage the vast array of climate science being undertaken at the agency as part of developing strategies for addressing the gaps between the state of climate change education and the state of public climate change literacy. Grants would contribute to improving the climate literacy of the nation's citizens, students, workforce, policy makers, and decision makers by systemically and

strategically strengthening climate change education in formal and informal education at all age levels.

National Aeronautics and Space Administration (NASA)

Climate Change Education Grant Program

The National Wildlife Federation supports funding NASA's Climate Change Education Grant Program at $20.0 million in FY 2010. In FY 2008, Congress appropriated funds for the first time to address climate change education by providing funding for climate change education grants through NASA. In August 2008, NASA announced a Request for Proposals for a first-ever competitive grant program seeking applications from educational and nonprofit organizations to use NASA's unique contributions to climate and earth system science. The goals of the program include: improving the teaching and learning about global climate change in elementary and secondary schools and on college campuses, increasing the number of students using NASA earth observation data/NASA earth system models to investigate and analyze global climate change issues, increasing the number of undergraduate students prepared for employment and/or to enter graduate school in technical fields relevant to global climate change, and increasing access to high quality global climate change education among students from groups historically underrepresented in science. The National Wildlife Federation recommends that the NASA climate change education program be primarily used for grant-making purposes, and focus not only on education about climate science, but also advance education that focuses on the connections and relationships between climate change, the economy, energy, health, and social wellbeing.

National Science Foundation (NSF)

Climate Change Education Grant Program

The National Wildlife Federation supports funding NSF's Climate Change Education Grant Program at $20.0 million in FY 2010. In FY 2009, Congress appropriated funds for the first time to create a climate change education grant program at NSF. Such a program at NSF has also been proposed in legislation in the 110th Congress sponsored by then-Senator Barack Obama (Climate Change Education Act – S.1389) and Congressman Michael Honda (Global Warming Education Act – H.R.1728). NSF implements highly-leveraged, successful nationwide education, research, and science programs focused on systems education and key environmental issues, from global warming to biodiversity education. Through its competitive grants programs, NSF has supported public and private partnerships and education initiatives at all levels of society, including opportunities to engage underserved audiences in environmental issues, and tools and training for educators at schools, museums, zoos and aquariums, nature centers, and conservation organizations. NSF emphasizes excellence in science and education, with a focus on STEM initiatives, systems education, and the importance of engaging diverse audiences and supporting creative partnerships and coalitions to create a more environmentally and scientifically literate society. In the global environment of science and conservation, support for transformative, high-risk, high reward research and education is critical to U.S. competitiveness. As with the NASA program, the National Wildlife Federation recommends that the NSF climate change education program be primarily used for grant-making purposes, and focus not only on

education about climate science, but also advance education that focuses on the connections and relationships between climate change, the economy, energy, health, and social wellbeing.

Enacting Comprehensive Climate Legislation
Global warming represents the world's gravest danger to people and wildlife and threatens to undermine decades of on-the-ground conservation and sustainable development progress around the globe. As the broad agreement among scientists continues tell us, to avoid the worst effects of global warming we must limit additional warming to no more than 2 degrees Celsius over pre-industrial levels. According to the Nobel Prize-winning Intergovernmental Panel on Climate Change (IPCC), we have a reasonable chance of meeting this objective if developed countries, such as the United States, as a whole cut their emissions by 25-40 percent below 1990 levels by 2020 and by 80-95 percent below 1990 levels by 2050.

More recent findings since the publication of the IPCC scientific assessment in 2007 suggest that the need for action is ever more urgent. Earlier this month, scientists from around the world gathered in Copenhagen to discuss their most recent findings and concluded that the worst-case scenarios found in the 2007 assessment were being realized and even exceeded. The melting of Arctic sea ice has been found to be vastly outpacing previous predictions, new studies have revised projections of sea level rise dramatically upward, and there is rapid new release of methane from thawing permafrost and deep sea ice. Simply put, science mandates that there is no excuse for inaction and we must act as swiftly as possible to reduce greenhouse gas emission as deeply as possible.

Therefore, that the National Wildlife Federation's (NWF) top priority is enactment of legislation that places mandatory caps on global warming pollution from major emitters and invests in transforming America to a new clean energy economy. This legislation must reduce domestic global warming pollution as swiftly as possible by 2020 and by over 80 percent by mid-century in order to protect wildlife and future generations from the most destructive impacts of climate change. Designed and implemented correctly such legislation can also provide the financial resources needed to invest in new clean energy solutions, protect the public from rising energy prices, and safeguard America's natural resources from the impacts of global warming.

NWF believes the best means to accomplishing these goals is by implementing an economy-wide cap and invest system. Through such a system, revenue generated from polluters paying for emission allowances can be directed to meet our moral obligation to solve global warming, facilitate an energy transition, and preserve and protect our communities and natural resources from the impacts of a warming climate. While the cap sets out a path to reduce global warming pollution, the choices of how we invest the financial resources generated from such a system will have a major impact on ensuring a solution to the climate crisis and creation of a low cost, productive, and sustainable transition to a clean energy economy.

Conclusion
Providing federal support for climate change education is a critical strategy in securing our new clean energy future and preparing the next generation for the challenges and opportunities ahead. Thank you again for providing the National Wildlife Federation with the opportunity to provide testimony.

Mr. SERRANO. Thank you. And thank you for your testimony and for your work. Thank you.

Staff will note that this group of folks here have quickly picked up on the fact that of mentioning New York and Puerto Rico. It is a good thing. It is a good thing with me. For the record, I was born in Puerto Rico and raised in New York, which is redundant in a way.

And as we speak now, there is a ceremony in Puerto Rico celebrating the issuing of a quarter, which includes the first territory ever on the back. If you recall, there was a quarters program that included the 50 states. And I expanded it under a law last year to include the territories and D.C. D.C. went first. Puerto Rico goes second today.

And I think Lou Dobbs is going to have a heart attack, because it is a territory, and they are Spanish on the back of it. He says he is not going to come to the island of enchantment. That will upset somebody in this society. And that is what I do. Well. So thank you.

James Glimm, Ph.D., American Mathematical Society.

THURSDAY, APRIL 2, 2009.

AMERICAN MATHEMATICAL SOCIETY

WITNESS

JAMES GLIMM, PH.D., PAST PRESIDENT, AMERICAN MATHEMATICAL SOCIETY

Mr. GLIMM. Thank you, Mr. Chairman. I am James Glimm, past president of the American Mathematical Society. Also testifying today are representatives of the American Chemical Society, American Physical Society, and the Federation of American Societies for Experimental Biology. Together these organizations represent more than 300,000 scientists, engineers, and mathematicians in a diversity of fields. We are united in our request for the fiscal year 2010 budget for the National Science Foundation of $7 billion.

This investment will allow the NSF to continue innovative and transformational scientific research to fuel the American economy, uphold national security, and maintain global competitiveness.

I would like to begin by thanking you for recent investments in NSF. These investments will increase the ability of NSF to support highly rated proposals that have heretofore gone unfunded because of inadequate budgets. And they will allow the NSF to concentrate on funding young investigators who will be key to building research infrastructure facing critical problems such as climate, energy conservation, environment, and so on.

The fiscal 2009 Omnibus Bill provided strong increases for NSF. We were grateful for the $3 billion investment in NSF through the American Recovery and Reinvestment Act, in combination this gives a NSF fiscal 2009 budget of approximately $9.5 billion.

This level is consistent with previous authorization bills, but is a short increase relative to actual appropriations, which from the years 2004 to 2008 were in fact in decrease in constant budgets.

But given that the funding for the ARRA is temporary, we have an issue with the future NSF budgets, which we urge to continue

to grow at rates that sustain research and innovation enterprise and allow the United States to maintain its scientific leadership and technological competitiveness.

And I would say that there is a—it seems to me there is a kind of Moore's law, which you may have heard of in connection with computing. It is a kind of Moore's law for the role of science in American life. And if we do not increase the level of science funding, we are simply underinvesting in the proper role, the true role, of science in our own lives.

So if the NSF budgets do not grow adequately in the future, all of this—was gained from this new funding will be lost. And we will have a debilitating effect on our science enterprise, causing future generations of scientists to look at other career paths.

So I want to emphasize as a main message today the necessity of adequate yearly investments in NSF. NSF is very important to the mathematical sciences. It accounts for 60 percent of the federally-funded mathematical research in colleges and universities and the only agency that funds mathematics research broadly across all of the subfields.

Many NSF-supported mathematical science projects have benefitted society. I mentioned, for example, a study at the University of Houston to design prosthetic devices called stents, which are inserted in the artery in the case of an aneurysm. And they strengthen the arteries and the veins and prevent coronary artery disease.

The idea there was the combination and collaboration between the mathematicians doing the fluid dynamics research and the medical biologists and doctors who were dealing with the patients and providing the expertise on the medical side.

Another project involving mathematical modeling and new experimental data took place at the University of Maryland designing individual doses for the drug therapy for Chronic Myelogenous Leukemia.

And a third item I would cite is a University of Utah mathematician's work on polar sea ice, which will improve forecasts of global warming and how it effects the ice packs and the polar ecosystems.

These are just a few of the contributions of the mathematical sciences. With sustained NSF funding, there will be many more.

So I want to thank you for the opportunity to offer my support for the NSF. And I would be delighted to answer any questions you might have.

[Written testimony by James Glimm, Ph.D., Past President, American Mathematical Society follows:]

Testimony of
James Glimm, Ph.D., Past President, American Mathematical Society

On
FY 2010 Appropriations for the National Science Foundation

Before the
House Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies
Congressman Alan B. Mollohan, Chair
Congressman Frank R. Wolf, Ranking Member

April 2, 2009

Chairman Mollohan, Ranking Member Wolf and members of the Subcommittee, I am James Glimm, Past President of the American Mathematical Society. Also testifying before this committee today are representatives from the American Chemical Society, American Physical Society and Federation of American Societies for Experimental Biology. **These organizations together represent more than 300,000 scientists, engineers and mathematicians in a diversity of fields, and we are united in our request for an FY 2010 budget for the National Science Foundation (NSF) of $7 billion.** This investment will allow the NSF to continue innovative and transformational scientific research that fuels the American economy, upholds national security, maintains our global competitiveness and improves health and quality of life for millions of Americans.

I would like to begin by thanking you for the recent investments in NSF. These investments will increase the ability of NSF to support highly rated proposals that heretofore have gone unfunded because of inadequate budgets. Moreover, these investments allow NSF to concentrate on funding young investigators who will be key to building the research infrastructure needed for facing critical problems requiring technical expertise, problem areas such as climate change and its effects, energy conservation and alternative sources, and environmental and ecological consequences of human activity.

The Fiscal Year 2009 Omnibus provided strong increases for NSF. We are also extremely gratified about the $3 billion investment in NSF through the American Recovery and Reinvestment Act (ARRA). With funding from ARRA and the FY 2009 Omnibus Appropriations Act, the NSF FY 2009 budget has reached $9.49 billion. This budget level comes close to the $9.84 billion authorized for NSF in FY 2007 under Public Law 107-368, the 2002 NSF Authorization Act and is more than the $8.13 billion FY 2010 budget authorized in Public Law 110-69, the America COMPETES Act. In constant dollars, NSF budgets decreased from 2004 to 2008. This year's increases in the NSF budget help reverse that decline. However, given that the funding from ARRA is temporary, it is important that future NSF budgets continue to grow at rates that will sustain the research and innovation enterprise and allow the United States to maintain its scientific leadership and technological competitiveness.

We are mindful that if future NSF budgets do not grow adequately, all that will be gained through the new funding will be lost. If this were to happen, it could have a debilitating affect on our science enterprise, squashing morale and causing current and future generations of scientists to look at other career paths. I strongly emphasize the necessity of adequate yearly investments in NSF. Dependable increases allow for planning, infrastructure development, feasible expectations, a manageable pipeline of graduate and postdoctoral students, and the creation of jobs that can be sustained over time. A predictable pattern of funding will facilitate a continuous stream of high-level research and researchers.

NSF is very important to the mathematical sciences. NSF accounts for 60 percent of federally funded mathematical research in colleges and universities and is the only agency that funds mathematics research broadly across all subfields. Many NSF-supported mathematical sciences research projects have benefited society. For example, mathematical research taking place at the University of Houston led to an improved design of vascular prostheses called stents and stentgraphs used in non-surgical repair of aortic abdominal aneurysms and coronary artery disease. In another project—combining mathematical modeling with new experimental data—a University of Maryland researcher and his team are proposing a new low-risk, clinical approach to enhancing the effect of drug therapy for Chronic Myelogenous Leukemia, possibly leading to a cure for the disease. A University of Utah mathematician's current work on polar sea ice promises to improve forecasts of how global warming will affect Earth's icepacks and how polar ecosystems may respond. These are just a few of the contributions of the mathematical sciences; with sustained NSF funding there will be many more to come.

Thank you for the opportunity to offer my support for NSF. I would be delighted to answer any questions the committee has.

Mr. SERRANO. Well, we want to thank you for your testimony. And at the risk of making an editorial comment, which I am not supposed to do in this temporary position that I hold here, the minute the quarter is issued in Puerto Rico I am out of here, I am told.

But the good news is that I think the folks that are in charge of this government in our country now understand the value of research and the value of looking forward. And a real, real personal editorial comment. I think it is good to have a President who has got little children in the White House, because there is a look towards the future.

The bad news is that it couldn't have come at a harder time, as most of us in this room know. But I think you are going to see a balance and attempt to attack the big problem while maintaining the need for research and for moving forward.

Mr. GLIMM. Thank you very much for your comments.

Mr. SERRANO. And we thank you for the work you do. Thank you.

Mr. Richard B. Marchase. Oh, I am sorry, I apologize. And I don't have to worry about that until later. Judy Franz, Ph.D., American Physical Society. And I apologize for that.

Ms. FRANZ. Thank you. And thank you for your editorial comments, which we all appreciate.

Mr. SERRANO. Thank you.

THURSDAY, APRIL 2, 2009.

AMERICAN PHYSICAL SOCIETY

WITNESS

JUDY FRANZ, PH.D., AMERICAN PHYSICAL SOCIETY

Ms. FRANZ. Mr. Chairman, thank you for the opportunity to testify today. I too wish to add my appreciation on behalf of the American Physical Society and its members for the much needed science funding included in the American Recovery and Reinvestment Act of 2009 and the fiscal year 2009 Appropriations Act.

Despite these significant increases, I would like to identify two related issues that should be taken into account. The out-year shortage created by the use of $2 billion in the ARRA for new grants and the impact of state budget strictures and steeply declining university endowments on new faculty hires.

According to information provided by the Administration, ARRA funding must be obligated this year with outlays not extending beyond fiscal year 2011. However, NSF director, Dr. Ardent Bement, has said that all grants issued with the ARRA funding will be standard grants with durations of up to five years. In this case, even if the NSF budget continues to grow at the rate recommended by President Obama, covering those stimulus-funded grants will cause a budget shortfall in 2012. The exact size of the shortfall will depend on the funding schedule for new grants. But we expect it to be several hundred million dollars.

It is important that we avoid the "boom and bust" cycle for science funding that has been seen in the past, one in which science funds rise abruptly and then fall short of the needs several

years later. This kind of funding pattern has been well documented as evidenced by the physical sciences in the 1970s and the biomedical sciences most recently. Such disruptions in the academic community tend to fall disproportionately on the most vulnerable, students and young faculty members.

To alleviate the out-year shortages, I recommend that the Committee consider appropriating an aggregate of $150 to $200 million in fiscal year 2010 and fiscal year 2011 for one shots in the form of one-year startup funds for new, young, non-tenured faculty members. Young faculty members may be facing a perfect storm as three separate threats caused by the bad economy merge.

First, senior faculty members will retire more slowly and thus fewer new positions will become available. Second, some universities are instituting hiring freezes, also decreasing new positions. Third, for young experimental scientists to be successful and do great science, they must purchase new equipment for their labs. Universities usually provide startup funds for this, amounting to about $500,000 per hire. But many universities can't make such commitments today due to declining endowments and in the case of public universities, sharp reduction in state support. Thus they are even less able to hire young faculty members.

As a result of these factors, many worthy, young investigators coming through the academic pipeline may be unable to gain employment in their fields. If this is the case, they will either leave science entirely or look for employment in other countries. Five years from now the academic science pipeline could be remarkably damaged. Providing universities with startup funding for young researchers could help alleviate this, while also helping decrease the fiscal year 2012 shortfall.

Without sustained funding for NSF to support researchers at universities across the nation, the academic pipeline for young investigators and the future of the scientific enterprise will suffer.

Thank you very much.

[Written testimony by Judy Franz, Ph.D., Executive Officer, American Physical Society follows:]

Judy Franz, Ph.D., Executive Officer, American Physical Society

Chairman Mollohan, Ranking Member Wolf and members of the Subcommittee, thank you for the opportunity to testify today. I, too, wish to add my appreciation, on behalf of the American Physical Society and its members, for the much-needed science funding included in the American Recovery and Reinvestment Act of 2009 and the FY 2009 Omnibus Appropriations Act. Despite these significant increases, I would like to identify two related issues that should be taken into account: the out-year shortage created by the use of $2 billion in the ARRA for new grants, and the impact of state budget strictures and steeply declining university endowments on new faculty hires.

According to information provided by the Administration, ARRA funding must be obligated this year with outlays not extending beyond FY 2011. However, NSF Director Dr. Arden Bement has said that all grants issued with ARRA funds will be standard grants with durations of up to 5 years. In this case, even if the NSF budget continues to grow at the rate recommended by President Obama, covering those stimulus-funded grants will cause a budget shortfall in FY 2012. The exact size of the shortfall will depend on the funding schedule for new grants, but we expect it to be several hundred million dollars.

It is important that we avoid the "boom and bust" cycle for science funding that has been seen in the past; one in which science funds rise abruptly and then fall short of needs several years later. This kind of funding pattern has well documented consequences, as evidenced in the physical sciences during the 1970's and the biomedical sciences most recently. Such disruptions in the academic community tend to fall disproportionately on the most vulnerable: students and young faculty members. To alleviate the out-year shortage, I recommend that the Committee consider appropriating an aggregate of $150 to $200 million in FY 2010 and FY 2011 for "one-shots" in the form of one-year start-up funds for new, young, non-tenured science faculty members.

Young faculty members may be facing a "perfect storm" as three separate threats caused by the bad economy merge. First, senior faculty members will retire more slowly, and thus fewer new positions will become available. Second, some universities are instituting hiring freezes, also decreasing new positions. Third, for young experimental scientists to be successful and do great science, they must purchase needed equipment for their new labs. Universities usually provide start-up funds for this, amounting to about $500,000 per new hire. But many universities can't make such commitments today, due to declining endowments and, in the case of public universities, sharp reductions in state support. Thus they are even less able to hire young faculty members.

As a result of these factors, many worthy young investigators coming through the academic pipeline may be unable to gain employment in their fields. If this is the case, they will either leave science entirely or look for employment in other countries. Five years from now the academic science pipeline could be remarkably damaged. Providing universities with start-up funding for young researchers could help alleviate this, while also helping decrease the FY2012 shortfall. Without sustained funding for NSF to support researchers at universities across the nation, the academic pipeline of young investigators and the future of the scientific enterprise will suffer.

Mr. SERRANO. Thank you. Thank you so much for your testimony.

Ms. FRANZ. I have slightly revised my testimony. Would it be possible to submit this?

Mr. SERRANO. Sure, absolutely.

Ms. FRANZ. Is that okay?

Mr. SERRANO. Absolutely.

Ms. FRANZ. Thank you.

Mr. SERRANO. Richard B. Marchase, Ph.D., Federation of American Societies for Experimental Biology.

THURSDAY, APRIL 2, 2009.

FEDERATION OF AMERICAN SOCIETIES FOR EXPERIMENTAL BIOLOGY

WITNESS

RICHARD B. MARCHASE, PH.D., PRESIDENT, FEDERATION OF AMERICAN SOCIETIES FOR EXPERIMENTAL BIOLOGY

Mr. MARCHASE. Well, again, I thank you for the opportunity to testify before you today and for your ongoing commitment to science.

I am the President of the Federation of American Societies for Experimental Biology. And as you have heard, we are here today in tandem with the physicists, the chemists, and the mathematicians to make a unified plea for a budget of $7 billion for the National Science Foundation. Together we represent over 300,000 scientists, engineers, and mathematicians. And I think it is an important event that we are all here together speaking as a unified voice.

NSF is the only federal research agency dedicated to supporting all fields of fundamental science. And it is the principal source of federal research support in fields such as mathematics, computer science, plant science, and social science.

I am also personally grateful to this Subcommittee responsible for NSF funding. Over the years I have received support to attend a high school Adventures in Physics Program, a graduate fellowship, a Presidential Young Investigator Award, research grants, and training grants all supported by the NSF.

NSF plays an especially important role at the interface of different disciplines, signified sort of by our being here together today. One example is the interface between physical sciences and biological sciences that is currently the subject of a new study by the National Academy. This study highlights the importance of biological research through issues such as energy, climate change, and environmental science.

NSF also plays a significant role in improving health by advancing medical research, often at the earliest stages and often in the work that first might seems unrelated to medicine. Forty one Nobel Prizes have been awarded to NSF- funded scientists for contributions in physiology or medicine, including the groundbreaking work at the interface of physics, math, and medicine that lead to the development of magnetic resonance imaging or MRI.

A more recent example involves the area of organ transplant technology. NSF-funded research discovered that certain frogs produce an anti-freeze that prevents their cells from being damaged by the stresses that occur at low temperature. As a result, these frogs can survive for months in freezing weather even though their major organ systems have come almost completely to a halt. Research in this area may lead to technologies that will enable human organs to be preserved longer, resulting in improved transplantation success rates.

Of course, NSF's mission is not limited to advancing scientific research alone. The agency is also committed to achieving excellence in science, technology, engineering, and math education at all levels.

NSF supports a wide variety of initiatives aimed at preparing science teachers, developing innovative curricula, and engaging students in the process of scientific discovery. Each year, NSF funds more than 200,000 scientists, teachers, and students engaged in cutting-edge projects at thousands of institutions across the country.

Harking back to my first experience with NSF, I too was raised in New York but in a very small town, 500 people in upstate New York. As a high school junior I was chosen for a six week exposure to world-class physicists at Cornell University. It was a life changing opportunity for me, and is one of the really important reasons why I have been in science for the last however many years it has been.

But since its creation in 1950, NSF support for research projects across the country has fueled innovation, energized the economy, and improved health and quality of life for all. In the years ahead, funding for NSF will allow the agency to enhance support that scientists need to advance discovery, promote transformational, interdisciplinary research projects, and foster innovative approaches to science education and training at all levels.

So I thank you for the opportunity to, with my colleagues, offer our support for NSF.

Mr. SERRANO. Well it is good to have you all here as a group. It is also good to know that frogs continue to amaze me. It is an anti-freeze. Now they can also survive in very hot weather, right?

Mr. MARCHASE. They can do it both. Understanding those stresses that allow—or the ways the adaptations that allow them to make those adaptations are—is going to be applicable to an improved health I am sure.

[Written testimony by Richard B. Marchase, Ph.D., President, Federation of American Societies for Experimental Biology follows:]

Testimony of
Richard B. Marchase, Ph.D, President
Federation of American Societies for Experimental Biology

On
FY 2010 Appropriations for the National Science Foundation

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House Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies
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Congressman Frank R. Wolf, Ranking Member

April 2, 2009

Mr. Chairman, Mr. Wolf and members of the Subcommittee, thank you for the opportunity to testify before you today, and thank you for your ongoing commitment to science. I am Richard Marchase, President of the Federation of American Societies for Experimental Biology. Also testifying before this committee today are representatives from the American Mathematical Society, American Chemical Society and American Physical Society. **These organizations together represent more than 300,000 scientists, engineers and mathematicians in a diversity of fields, and we are united in our request for an FY 2010 budget for the National Science Foundation (NSF) of $7 billion.** As you know, NSF is the only federal research agency dedicated to supporting all of fundamental science and engineering, and is the principal source of federal research support in fields such as mathematics, computer science and social science.

NSF also plays a significant role in improving health by advancing medical research: forty-one Nobel Prizes have been awarded to NSF-funded scientists for contributions in physiology or medicine, including the groundbreaking work that lead to the development of magnetic resonance imaging or MRI's. The innovative research projects supported by NSF cover a broad spectrum, and I would like to share a few exciting examples.

In the areas of organ transplant technology, researchers discovered that certain frogs produce an "anti-freeze" that prevents their cells from being damaged by the chemical changes that occur when they are frozen. As a result, these frogs can survive for months in freezing weather even though their major organs have come almost to a halt. Research in this area may lead to technologies that enable human organs to be preserved longer, resulting in improved transplantation success rates.

NSF researchers are also investigating another area of concern for many Americans, the safety of materials used in cars and airplanes. Materials scientists and engineers have invented a super-strong and lightweight metal foam that significantly reduces the force of collisions by absorbing much of the energy of the impact. At a fraction of the weight of bulk steel, this foam has an array of life-saving applications in the automobile, aerospace and health care industries.

Still, NSF's mission is not limited to advancing scientific research: the agency is also committed to achieving excellence in science, technology, engineering, and math education at all levels. NSF supports a wide variety of initiatives aimed at preparing science teachers, developing innovative curricula, and engaging students in the process of scientific discovery. Each year, NSF funding results in grants to more than 200,000 scientists, teachers, and student researchers for cutting-edge projects at thousands of institutions across the country.

Since its creation in 1950, NSF support for research projects across the country has fueled innovation, energized the economy, and improved health and quality of life for all Americans. NSF's strategic plan for the future will ensure that, even as the global science and engineering landscape changes, the U.S. remains at the forefront of the enterprise. In the years ahead, funding for NSF will allow the agency to enhance support that scientists need to advance discovery, promote transformational, interdisciplinary research projects, and foster innovative approaches to science education and training at all levels.

Thank you for the opportunity to offer my support for NSF. I would be pleased to answer any questions the committee has.

Mr. SERRANO. That is wonderful. Thank you so much.

Karl Glasener, American Society of Agronomy, Crop Science Society of America, Soil Science Society of America.

Mr. GLASENER. Yeah. That is a mouthful.

Mr. SERRANO. All of the above?

Mr. GLASENER. Yes, sir. Good afternoon.

Mr. SERRANO. Good afternoon.

Mr. GLASENER. I am not from Puerto Rico or New York. But I will tell you my wife is from Guatemala.

Mr. SERRANO. There you go.

Mr. GLASENER. We have a coffee bar. And we sell our coffee here in the United States. And we went to Puerto Rico last spring for our 20th anniversary. And for the first time we had coffee of equal quality to what we expect from our own farms.

Mr. SERRANO. That is wonderful.

Mr. GLASENER. So I was really impressed. And I didn't know that until I went to Puerto Rico.

THURSDAY, APRIL 2, 2009.

AMERICAN SOCIETY OF AGRONOMY

CROP SCIENCE SOCIETY OF AMERICA

SOIL SCIENCE SOCIETY OF AMERICA

WITNESS

KARL GLASENER, SCIENCE POLICY DIRECTOR, AMERICAN SOCIETY OF AGRONOMY, CROP SCIENCE SOCIETY OF AMERICA, SOIL SCIENCE SOCIETY OF AMERICA

Mr. GLASENER. Thank you again for having us here today to testify. I am the Science Policy Director for the Agronomy, Crop, and Soil Science Societies. And we are basically the largest life science professional societies in the U.S. dedicated to agronomic crop and soil sciences. We produce food, feed, fiber, fuel, and antibiotics, and other important issues for America.

Our membership has 25,000 academics, federal government and industry scientists, graduate and undergraduate students, and practicing professionals in all our sciences through our more than 14,000 certified professionals who work daily on the land with farmers impact over 70 percent of the managed agronomy systems in the U.S.

As a lot have done before me, I would just like to first express a heartfelt thank you for the tremendous support you have provided in the economic stimulus. That will allow a lot of highly-rated NSF grants that were not going to be funded to actually be funded. And it will make a lot of improvements in our innovation and technologies.

Our Societies would recommend a $7 billion funding level for 2010. We believe that, in concert with the $3 billion provided through the economic stimulus, it will allow NSF to continue to fund worthy projects that promote transformational and multi-disciplinary research, provide needed scientific infrastructure, and

contribute to preparing a globally-engaged science, technology, engineering, and mathematics society.

In the couple of minutes I have left I would like to focus on three majors areas: agro-ecosystems, climate change, and renewable energy and basically NSF's role in them.

Regarding agro-ecosystem research, after 30 years, almost 30 years, the National Science Foundation has had the visionary, long-term, ecological research network program in place. It is a coordinated network of 26 field sites representing diverse natural ecosystems that supports fundamental ecological research that requires long time periods and large spacial scales.

Though the Agronomy, Crop, and Soil Science Societies applaud those efforts, but think it is time we moved on to the nation's agricultural lands. Right now the LTER focus is almost exclusively on our pristine natural lands, which is great. But if you consider that over 900 million acres of the land area of the United States is an agro-ecosystems or managed ecosystems, which is 41 percent of the land area, we think it is time that we expanded the LTER concept into the agro-ecosystems.

And if you think about it, we have 400 million acres of intensively managed crop lands. And they are going to have a large impact on our nation's water, air, and soil resources. So we need to understand them thoroughly. So understanding the ecological phenomena associated with these agro- ecosystems, over these long temporal and spacial, especially watershed scale, huge areas, is critical for land managers to achieve sustainable yields while minimizing the environmental impacts.

On to climate change. We applaud NSF support for the Climate Change Science Program, which in 2008 they tell us accounted for $205 million, with the GEO directorate contributing $157 million, and the BIO directorate $15 million. Research supported by BIO and GEO will help us achieve a more complete understanding of the capacity of the agricultural lands and natural lands to sequester carbon or myth carbon. A misunderstanding is critical if the nation's managed lands are to serve as offsets for emissions under cap-and-trade legislation, which seems to be the topic du jour these days in Congress.

The National Science Foundation also has a key role to play in renewable energy production. The Agronomy, Crop, and Soil Science Societies had two other witnesses before me recommend that the Plan Genome Research Program be expanded to support science to bridge this gap between the fundamental biological discoveries, which occur in the laboratory and the greenhouses, into the field where you get the reliable expression of nutrates. Basically these plants, these cultivars that are created, aren't field tested often. And you can't just throw them out in a farmer's field in Minnesota and expect them to grow and thrive.

So basically, Mr. Chairman, that is all I have to say. I want to thank you again for this opportunity. And look forward to interacting more with the Committee.

[Written testimony by Karl Glasener, Director of Science Policy, American Society of Agronomy follows:]

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March 27, 2009 —BY E-mail to CJ.Approp@mail.house.gov

Subcommittee on Commerce, Justice, Science, and Related Agencies
Committee on Appropriations
H-310 Capitol Hill Building
United States House of Representatives
Washington, DC 20515

RE: FY10 Appropriations—Support for National Science Foundation

Dear Chairman Mollohan, Ranking Member Wolf and Members of the Subcommittee:

The **American Society of Agronomy, Crop Science Society of America, Soil Science Society of America** (ASA-CSSA-SSSA) are pleased to submit the following funding recommendations for FY 2010 (FY10). ASA-CSSA-SSSA thank Congress for the significant funding ($3 billion) for NSF in Public Law 111-5, the American Recovery and Reinvestment Act of 2009. ASA-CSSA-SSSA understand the challenges the House Commerce, Justice, Science, and Related Agencies Appropriations Subcommittee faces with the tight science budget for FY10. We also recognize that the Commerce, Justice, and Science Appropriations bill has many valuable and necessary components, and we applaud the efforts of the Subcommittee to fund critical research through the National Science Foundation (NSF). ASA-CSSA-SSSA recommend the Subcommittee increase FY10 funding for NSF by 7.85% ($509,496,400) over FY 2009 (FY09) enacted, bringing total funding to $7.00 billion, the budget allocated to NSF in the President's FY10 Budget Request. This strong level of funding will enable NSF to continue to fund worthy projects that promote transformational and multidisciplinary research, provide needed scientific infrastructure, and contribute to preparing a globally engaged science, technology, engineering, and mathematics workforce.

With more than 25,000 members and practicing professionals, ASA-CSSA-SSSA are the largest life science professional societies in the United States dedicated to the agronomic, crop and soil sciences. ASA-CSSA-SSSA play a major role in promoting progress in these sciences through the publication of quality journals and books, convening meetings and workshops, developing educational, training, and public information programs,

providing scientific advice to inform public policy, and promoting ethical conduct among practitioners of agronomy and crop and soil sciences.

Biological Sciences Directorate

Molecular and Cellular Biosciences (MCB)

The Molecular and Cellular Biosciences division of NSF Biology directorate provides funding for critical research that contributes to the fundamental understanding of life processes at the molecular, subcellular, and cellular levels. Programs such as the ***Microbial Observatories and Microbial Interactions and Processes*** program increase the understanding of microbial distribution in a variety of ecosystems- the first step in evaluating microbial impact on ecosystem function. Furthermore, while we agree that considerable advances investigating interactions between microbial communities and plants have been made, critical gaps do remain requiring additional study to understand the complex, dynamic relationships existing between plant and microbial communities.

Biological Infrastructure (DBI)

The emergence of a bioeconomy requires greater reliance on plants and crops, further expanding their use into the energy sector. To meet the increased demands and develop more robust crops, additional fundamental understanding regarding the basic biology of these crops is needed. The ***Plant Genome Research Program*** (PGRP) accomplishes these objectives by supporting key NSF projects. The *Developing Country Collaborations in Plant Genome Research* program links US researchers with partners from developing countries to solve problems of mutual interest in agriculture and energy and the environment. Additionally, in collaboration with the U.S. Department of Energy and the U.S. Department of Agriculture, the ***Plant Genome Research Program*** has financed the *Maize Genome Sequencing Project* – a sequencing project for one of the most important crops grown globally. Finally, the *International Rice Genome Sequencing Project* published in 2005 the finished DNA blueprint for rice, a crop fundamental to populations worldwide. To continue the discovery of new innovative ways to enhance crop production for a growing population, sustained funding is needed for similar projects.

Geological Sciences Directorate

Atmospheric Sciences (ATM)

Changes in terrestrial systems will have great impact on biogeochemical cycling rates. The Atmospheric Sciences division funds critical programs, such as ***Atmospheric Chemistry***, that increase understanding of biogeochemical cycles. Soils and plants make up one of the largest sinks and sources for several environmentally important elements.

Earth Sciences (EAR)

The Earth Sciences division supports research emphasizing improved understanding of the structure, composition, and evolution of the Earth, the life it supports, and the processes that govern the formation behavior of the Earth's materials. EAR supports theoretical research, including the biological and geosciences, the hydrologic sciences, and the study of natural hazards. An important program funded within this division is the ***Critical Zone Observatories*** which focuses on watershed scale studies that advance

Mr. SERRANO. Thank you so much for your testimony. Just a quick question. Your suggestions are for Congress to tell the agency to move into these areas, or you think that if they had the proper funding or more funding they would move into them anyway?

Mr. GLASENER. I think it is a combination of both. Mr. Chairman, I believe that for some reason historically NSF has been a little bit resistant to doing agricultural research. And yet recently they just did a joint deal with the Gates Foundation on this bread proposal. So I believe it is time.

When you think about it, you know, 41 percent of the land area is agriculturally managed. And that has a huge impact on the natural areas.

Mr. SERRANO. Right.

Mr. GLASENER. So you get to understand them.

Mr. SERRANO. Thank you so much.

Mr. GLASENER. Thank you.

Mr. SERRANO. Thank you.

Jacqueline Johnson Pata. It says here Director of National Congress of American Indians.

THURSDAY, APRIL 2, 2009.

NATIONAL CONGRESS OF AMERICAN INDIANS

WITNESS

JACQUELINE JOHNSON PATA, DIRECTOR, NATIONAL CONGRESS OF AMERICAN INDIANS

Ms. JOHNSON PATA. Thank you very much. I would like to thank you also for inviting us here to present our testimony.

The National Congress of American Indians is the largest and the oldest national organization representing American tribal governments, American-Indian tribal governments. And in my time today what I want to do is just a short overview on criminal justice in Indian reservations, and Indian country as we call it, in order to better place our requesting context. And my written testimony has more detail about our requests having to deal with economic development for Indian country and Department of Commerce requests.

Criminal justice is complicated enough. And is often a very frustrating issue for Native Americans. And we need your help. Public safety is the tribal leader's number one top priority. Constitutionally tribes are sovereign entities. And as you know, they are not subsidiaries of state governments. Our relationship is directly with the federal government.

Tribal governments have the same responsibilities for healthcare, welfare, and for the safety of the people as any other government. And, unfortunately, we don't always have the same tools to address particularly public safety.

Like other communities within the United States, the federal government has assumed the responsibility of much of the day-to-day—excuse me, unlike much of the day-to-day, law enforcement services in Indian reservations under the Major Crimes Act and other federal laws, many Indian communities are dependent upon

the federal government for investigation and prosecution authority of felony and other crimes committed on Indian reservations.

In practice that means that in cases of felony crime we depend on the U.S. Attorneys Office to serve as our local prosecutors and the FBI or the BIA to serve as our local police investigators, roles in which neither one excel. In fact, a recent study found that between 1997 and 2006, the U.S. Attorneys declined to prosecute in Indian country cases more than two thirds of the time at a rate more than double that of the average of federally-prosecuted crime.

This dysfunctional criminal justice system has led to the suffering of the highest crime rates in America. Natives are victims of violent crime at rates more than double those of any other community in the U.S. One out of three of our women will be raped in their lifetime. Crime rates have been rapidly increasing in Indian country while crime rates in—has been following in similarity low-income communities throughout the United States.

I recognize, however, that the conversation—Congress needs to restore the ability of our communities to protect themselves. And I recognize this conversation is beyond the scope of this Appropriations hearing. But in the interim, Congress needs to take two steps, both of which are within the purview of the Committee.

First, we want to make sure that you fund the federal agencies at a level that they can protect and oversee us. And that the money is actually being spent by those agencies in Indian country. And second, adequately fund the tribal criminal justice system so that we can continue to build our own infrastructure to protect our own communities.

For the COPS grant tribal set-aside, we are requesting $30 million. More than 200 tribal police departments ranging from small departments with only two officers to those with more than 200 officers, help to maintain the public safety in Indian country. A good example of that is in the Cheyenne River Sioux Reservation, which is about the size of Connecticut. There is only ten police officers for the entire reservation. If three officers were on time—were on duty at any time, it would still take two hours for them to get to an emergency situation.

In the economic stimulus COPS money, it didn't provide for a set-aside that CGS usually—normally applies, puts in there. So we are asking for about $30 million.

The tribal correctional facilities, we are asking for staffing at $50 million. Seventy nine percent of the correction facilities fall between the minimum staffing levels in Indian country. We have new facilities in Indian country that can't open, because we don't have the staffing. And then with the economic stimulus, we also got more correctional facilities, which we desperately needed. The Department of Interior estimates that we have about $100 million in staffing need. And so we are asking for at least the minimum of $50 million for staffing.

And then tribal correctional facilities. We have deplorable conditions. Reports have documented—detention facilities has been well documented. In fact in 2008, there was a Department of Interior report that said that a number of our offenders are being released in informal practices just because the facilities aren't able to address them given the severe overcrowding. And in that report it

made a—it said that $8.4 billion was needed in the next ten years to address the need. This would mean that in the next ten years we would be having to appropriate about $840 million to address that need.

In my testimony I also address the tribal courts situation where we are requesting $25 million, and for programs such as alcohol and substance abuse and youth programs to be able to deal with prevention and issues that bring up the public safety concerns in Indian country.

I thank you very much for our being able to present this testimony. And would love to follow up with any other questions that you may have. Thank you.

[Written testimony by National Congress of American Indians follows:]

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NCAI TESTIMONY TO THE COMMERCE, JUSTICE, AND SCIENCE SUBCOMMITTEE ON FY 2010 APPROPRIATIONS

On behalf of the tribal nations of the National Congress of American Indians (NCAI), we are pleased to present our recommendations for FY 2010 funding of Indian programs in the Department of Justice and Department of Commerce. NCAI is the nations oldest and largest national organization representing Native American tribal governments.

DEPARTMENT OF JUSTICE

A primary role of tribal government is to ensure the security and safety of Indian communities. Tribal governments serve as the primary instrument of law enforcement and justice delivery for the more than 50 million acres of land that comprise Indian Country. As a result of historic underfunding and complex jurisdiction issues, American Indians experience disproportionately high rates of violent crime. American Indians experience per capita rates of violence that are much higher than those of the general population. The rate of aggravated assault among American Indians and Alaska Natives is roughly twice that of the country as a whole (600.2 per 100,000 versus 323.6 per 100,000). Indians are the victims of violent crime at twice the rate of African-Americans, two and a half times that of Caucasians, and four and half times as often as Asian Americans.[i] These crime rates have been rapidly increasing in Indian Country, while crime rates have been falling in similarly low-income communities throughout the United States.

Across the nation, tribal leaders have called for more resources, making public safety and justice the top priority in budget consultations over the years. The current lack of resources for public safety poses a direct threat to Native children and the future of Indian Country.

Recent media attention has highlighted the unconscionable breakdown in public safety in tribal communities. Although U.S. attorneys have the sole authority to prosecute felony crime on most reservations, the Denver Post's article, "Lawless Lands," details how U.S. attorneys declined to prosecute 65 percent of all reservation cases between 1997 and 2006, twice the rate of declination for all other federally prosecuted crime.[ii] Federal agents focus on terrorism and organized crime, while the investigation of serious crimes on reservations sits for years, leaving suspects free to commit other crimes. Tribal leaders point out that federal prosecutors respond least to the kinds of crime that most affect Indian reservations: aggravated assault, domestic assault, sex crimes and drug crimes. The Department of Justice simply is not meeting its responsibilities to Indian Country. Hundreds of these serious cases are sent through tribal misdemeanor courts instead, over-taxing the tribal courts and jails.

The breakdown of justice in Indian Country has also contributed to high rates of methamphetamine abuse and international drug cartels' targeting reservations. Nationally, American Indians/Alaskan Natives have the highest rates of methamphetamine abuse of any ethnic group.[iii] Meth abuse contributes to increases in violent crime, suicide, and child abuse.

In short, the Department of Justice and Bureau of Indian Affairs are not meeting the legal, treaty, and trust responsibilities to provide for the public safety of Indian Country. There must be a wide-spread change within all branches of the federal government with respect to tribal public safety.

In October 1997, the Executive Committee for Indian Country Law Enforcement Improvements issued its final report to the Attorney General and the Secretary of the Interior. The report concluded that "there is a public safety crisis in Indian Country," and "the single most glaring problem is a lack of adequate resources in Indian Country."[iv] In the wake of this report, funding for tribal justice systems was increased for several years. Ten years later, however, funding levels have been cut and law enforcement and justice systems in Indian Country are once again operating without the resources they need. As a result, tribal communities continue to suffer crisis levels of crime.

TRIBAL CORRECTION FACILITIES CONSTRUCTION

- **Significant increases for detention center maintenance and construction in FY 2010 and beyond until the gap in law enforcement funding for tribal communities is closed.**
- **Maintain the tribal set-asides at the Department of Justice and allow funding to be used for staffing and maintenance of correction facilitities.**

In September 2004, the US Department of Interior Inspector General's Office issued a report, *Neither Safe Nor Secure: An Assessment of Indian Detention Facilities*, which outlined the deplorable and life-threatening conditions of tribal jails. The report detailed the stark realities: 79 percent of facilities fall below minimum staffing levels on a regular basis; poorly maintained facilities that provide ample opportunity for escape are common; unusually high rates of suicide, a trend that generally correlates with reduced staff supervision and the influence of drugs and alcohol; and jails dilapidated to the point of condemnation.[v] Another recent 2008 Department of Interior study confirms that tribal jails are still grossly inefficient.[vi] The study finds that only half of the offenders are being incarcerated who should be and the remaining are released due to severe overcrowding. It identifies a need to construct or rehabilitate 263 detention facilities at a cost of about $8.4 billion over the next 10 years.

$225 million was appropriated for Tribal Corrections Facilities Construction in the American Recovery and Reinvestment Act of 2009. This was a very important down payment on addressing the deplorable conditions in Indian Country corrections facilities. Congress should follow-up on this initial investment with a second substantial appropriation and instruction that the funds can be used for staffing and maintenance in addition to construction.

TRIBAL COURTS

- **$25 million for tribal courts.**
- **Maintain the set-aside for tribal courts and increase funding for this important component of the administration of justice.**

Tribal courts are overwhelmed with hundreds of serious cases declined by U.S. attorneys as well as increasing meth and drug crimes. Tribal courts have been level funded for at least the last five years.

ALCOHOL AND SUBSTANCE ABUSE

- **$25 million for the Indian Alcohol and Substance Abuse programs at the Bureau of Justice Assistance.**

American Indians now experience the highest meth usage rates of any ethnic group in the nation.[vii] Drug cartels have begun to target reservation communities because of the rural terrain, history of community addiction, and limited law enforcement resources.[viii] The Bureau of Indian Affairs Office of Law Enforcement Services surveyed tribes with whom they work closely on law enforcement, and found that 64% of the BIA Study respondents indicated increases in domestic violence and assault/battery as a result of increases in methamphetamines in their community. Nationwide 48% of Tribal law enforcement respondents reported an increase in child neglect/abuse cases due to recent increases in meth use. An informal survey of the seven FBI offices located primarily in Indian Country estimated that approximately 40-50% of violent crime cases investigated in Indian Country involve meth.[ix]

The Senate version of the American Recovery and Reinvestment Act included $25 million for the Indian Alcohol and Substance Abuse Program, but this funding was not included in the final bill. With this money, Indian tribes would be able to develop comprehensive, multi-disciplinary, multi-jurisdictional efforts to reduce crime associated with alcohol and other drugs.

JUVENILE JUSTICE

- **Increase funding for juvenile justice programs by increasing the Tribal Youth Program to $36 million.**
- **Provide a separate construction fund for regional tribal juvenile facilities.**

A critical piece of law enforcement is juvenile detention facilities and juvenile rehabilitation and treatment programs. Many tribes have no place to house juvenile offenders and are required to shoulder the cost of transportation and bed rentals in order to send their youth to another jurisdiction – often far from their communities. In addition, tribes have no ongoing source of funds for non-detention programs for youth. Research on juvenile justice has shown that detention is the most expensive and often the least effective way to deal with young offenders; it should be the last resort. However, without the resources to support alternatives to detention, tribes have few options for addressing juvenile crime.

VIOLENCE AGAINST WOMEN

- **Fully fund the programs under the Violence Against Women Act, including $1M for the National Tribal Sex Offender and Order of Protection Registry and $1M for the baseline study of violence against Indian women.**

When Congress unanimously authorized the Violence Against Women Act in 2005, new tribal provisions were included with the goals of decreasing the incidents of violence against Indian women, strengthening the capacity of Indian Nations to exercise their sovereign authority to respond to violent crimes against Indian women and ensuring that perpetrators of violent crimes against Indian women are held accountable. Congress and this Administration have the opportunity to take the next step toward ending domestic violence and sexual violence by fully funding the tribal provisions of the Violence Against Women Act.

DEPARTMENT OF COMMERCE

Indian Country is a world of economic extremes. There are a few high-profile examples of tribes around the country who have prospered economically. However, there are hundreds more who are struggling to preserve their reservations and their culture with economic conditions comparable to those in developing nations around the world. Real per-capita income of Indians living on reservations is still less than half of the national average. Unemployment is still double what it is for the rest of the country, and the poorest counties in the United States are on tribal lands. In addition, tribal governments have a severely restricted tax base. Meaningful economic development is sorely needed.

Studies show that over the last decade, small businesses owned by tribal members have become an increasingly important part of the economic base in many Native communities.[x] Research has also shown, however, that while Native entrepreneurship is on the rise, the rate of growth among programs supporting those entrepreneurs is much slower than in the field as a whole.[xi] The Department of Commerce plays an important role in supporting economic recovery and growth in Indian Country.

OFFICE OF NATIVE AMERICAN BUSINESS DEVELOPMENT

- **$3 Million - Office of Native American Business Development**

The Office of Native American Business Development (ONABD) was authorized in 2000, yet no significant or independent funding has ever been provided. The ONABD must be elevated as required by the "Native American Business Development, Trade Promotion, and Tourism Act of 2000" (Public Law 106-464), with the Director of the Office reporting directly to the Secretary of Commerce. The Office should receive line-item funding of $3 million initially. The current lack of funding is completely inadequate to operate the Office of Native American Business Development. Plans to implement the Office of Native American Business Development should be developed.

MINORITY BUSINESS DEVELOPMENT AGENCY

- **$3 Million - Minority Business Development Agency**

Funding for the Minority Business Development Agency (MBDA) should be increased by $3 million for the MBDA to provide more funding for at least eight Native American Business Centers (NABEC) at levels commensurate with the average funding levels of other MBECs. MBDA funding averaged about $29 million during the Bush Administration, of which about $12 million has been allotted for its Minority and Native American Business Enterprise Centers (MBECs and NABECs). NABECs' funding has declined over the years from about $2 million in the 1990s down to less than $1.6 million in recent years.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

- **$2 Million- Public Telecommunications Facilities, Planning and Construction**

The Public Telecommunications Facilities Planning and Construction program is a competitive grant program which funds the build-out of critical communications infrastructure for tribal communities. There is need for radio expansion over large swathes of tribal lands. In 2007, over 50 tribes applied for these funds and only 30 grants were awarded to tribes. This program has historically been funded at $20 million and tribal applicants have secured an amount of funding that would be supported by a dedicated $2 million portion of the $20 million. This would fund additional opportunities for radio broadcast which supports the efforts of Native Nations to police and secure

their often remote homelands as part of homeland security and emergency preparedness by keeping citizens informed of news and information about emergencies and disasters, both natural and man-made as well as local programming in Native languages.

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[x] Jennifer Malkin, et al., CFED, "Native Entrepreneurship," (Dec. 2004).
[xi] First Nations Development Institute, "The Native American Entrepreneurship Report," (March 2002), *available at* http://www.firstnations.org/Publications/NativeAmericaEntrepReport.pdf.

Mr. SERRANO. The National Congress is composed of how many groups?

Ms. JOHNSON PATA. The National Congress represents the interests of all tribes. And our members at any given time are over 250 tribes, including those in New York.

Mr. SERRANO. Okay. That is important. Thank you so much.

Ms. JOHNSON PATA. Thank you.

Mr. SERRANO. Thank you.

We are going now to Dr. Steven Breckler, American Psychological Association.

THURSDAY, APRIL 2, 2009.

AMERICAN PSYCHOLOGICAL ASSOCIATION

WITNESS

STEVEN BRECKLER, PH.D., EXECUTIVE DIRECTOR FOR SCIENCE, AMERICAN PSYCHOLOGICAL ASSOCIATION

Mr. BRECKLER. Thank you, Mr. Chairman. Good afternoon. I am Steve Breckler, Executive Director for Science at the American Psychological Association.

APA is a scientific and professional organization of more than 150,000 psychologists and affiliates, many of whom play vital roles in the National Science Foundation and in the National Aeronautics and Space Administration.

I would like to address the proposed fiscal year 2010 research just for these two agencies. But first I want to thank you and the Committee on behalf of our scientific and research community for increases in research supported at NSF in both the fiscal year 2009 Omnibus Appropriations Bill and in the American Recovery and Reinvestment Act. And the small but really critical boost in research support at NASA as part of the Reinvestment Bill.

For fiscal year 2010, EPA, like others you have heard today, urges this Subcommittee to support the President's request of $7 billion for NSF and to implement plans for doubling the NSF budget over the next ten years.

As you know, NSF is the only federal agency whose primary mission is to support basic research and education in mathematics, engineering, and science, including the behavioral and social sciences. NSF's investment in basic research across these disciplines has created extraordinary scientific and technological progress, ensuring contributed economic growth, improvements in the design implementation and evaluation of public education, strength in the national security, and the generation of cutting-edge, new knowledge.

But here's my point. Many critical national challenges have at their core the need to better understand human behavior. That is why APA supports a strong investment in psychological research throughout the NSF portfolio and including all of the research and education programs of the foundation. The America Competes Act specifically noted the importance of funding the social sciences. This must be reflected in an increase for NSF's behavioral and social science research portfolio that is comparable to proposed increases for other sciences supported by NSF.

In terms of NASA, the APA recommends funding NASA at the President's fiscal year 2010 request of $18.7 billion to allow for substantial increases in NASA advanced capabilities, which houses the human research program and in NASA aeronautics research.

Over the last 20 years, the NASA research budget has gone down steadily. Yet support for space exploration has been expanding at the same rate. The result is an increasing gap in life sciences and human factors knowledge. Knowledge that is critical for successful NASA missions and for improving both the safety and efficiency of our current and future aerospace systems.

Longer space missions place increasing demands on psychological health and performance in space. Psychological scientists are meeting these challenges head on to improve human decision making and to allow humans to function in extremely challenging environments such as space flight. The need for science-based practical principles to enhance systems, interfaces, team dynamics, decision making, training, and psychological health continues to grow. But with a diminishing research budget, NASA behavioral scientists are ill-equipped to take on this crucial task.

Thank you for hearing me.

[Written testimony by Steven Breckler, Ph.D., Executive Director for Science, American Psychological Association follows:]

Written Testimony of the American Psychological Association
Steven Breckler, PhD, Executive Director for Science

Submitted March 27, 2009 to the
United States House of Representatives Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies
The Honorable Alan Mollohan, Chairman

Fiscal Year 2010 Appropriations for the National Science Foundation and National Aeronautics and Space Administration

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The American Psychological Association (APA), a scientific and professional organization of more than 150,000 psychologists and affiliates, is pleased to submit testimony for the record. Because our behavioral scientists play vital roles within the **National Science Foundation (NSF) and the National Aeronautics and Space Administration (NASA),** APA will address the proposed FY10 research budgets for both of these agencies:

- **APA recommends that the Subcommittee support the President's FY10 request of $7.00 billion for NSF.**
- **APA recommends that the Subcommittee support the President's FY10 request of $18.7 billion for NASA, to allow for substantial increases in NASA Advanced Capabilities (which houses the Human Research Program), and NASA Aeronautics research.**

National Science Foundation

Core Psychological Research at NSF

NSF is the only federal agency whose primary mission is to support basic research and education in math, engineering and science – including the *behavioral and social sciences*. NSF's investment in basic research across these disciplines has allowed for extraordinary scientific and technological progress, ensuring continued economic growth, improvements in the design, implementation and evaluation of public education, strengthened national security, and the generation of cutting edge new knowledge.

APA supports the Administration request of $7 billion for NSF in FY10, and urges Congress to implement a doubling of the NSF budget over the next ten years. This is consistent with Administration and Congressional plans to invest substantially in federal science agencies with the capacity to stimulate global competitiveness and innovation. Within the overall NSF budget, APA supports a strong investment in psychological research throughout the research and education directorates foundation-wide, in order to address critical national challenges with an understanding of human behavior at their core. The America COMPETES Act specifically noted the importance of funding the

social sciences and this must be reflected in an increase for NSF's behavioral and social science research portfolio comparable to proposed increases for other sciences at NSF.

Although psychologists receive funding from diverse programs within NSF, most core psychological research is supported by the **Social, Behavioral and Economic Sciences Directorate (SBE)**, with its focus on the variables that determine human behavior across all ages, affect interactions among individuals and groups, and decide how social and economic systems develop and change. In addition to core behavioral research in cognitive neuroscience, human cognition and perception, learning and development, and social psychology, SBE also will continue to support the development of science metrics through its **Science of Science and Innovation Policy (SciSIP)** research program. Funding SciSIP research is fundamental to identifying processes by which investments in research are transformed into social and economic outcomes, and providing a more effective evaluation of the "return" on scientific investments.

The **Biological Sciences Directorate** at NSF also provides support for research psychologists who ask questions about the very principles and mechanisms that govern life at the level of the genome and cell, or at the level of a whole individual, family or species. In previous testimony, APA has expressed concern about diminishing support for key behavioral research programs within this Directorate, most notably those focused on learning and cognition. NSF recognizes the importance of learning and cognition to many branches of science already, and supports Foundation-wide initiatives and individual research projects that seek to understand the neural or genetic mechanisms by which learning occurs, that use learning as an assay for the effects of environmental change on a biological system, that construct and evaluate artificial learning systems, that conceptualize the role of learning in biodiversity and evolution and that apply learning principles to education and workforce challenges.

However, we hope that NSF's focus on transformational science will continue to recognize that behavior links everything from molecular biology to ecology because in a sense behavior is the ultimate genetic phenotype. Animals behave to eat, defend and reproduce, so an understanding of how the molecular processes within and beyond the central nervous system lead to behavior and how behavior serves an adaptive function seems essential to integrating biology across levels. Within the field of animal behavior and cognition there are clear demonstrations that this integration is occurring. For example, individual differences in gene expression can now be linked to individual differences in memory, attention, decision making, individual adaptation and fitness. The opportunity for understanding individual differences is unprecedented.

National Aeronautics and Space Administration

Behavioral Research is Critical for Space Exploration and Air Safety

Over the last 20 years, the NASA research budget has gone down steadily, with space exploration expanding at about the same rate. The result is an increasing gap in life sciences and human factors knowledge – knowledge that is critical for successful missions and for improving both the safety and efficiency of our current and future aerospace systems. Longer space missions place increasing demands on psychological health and performance in space. Psychological scientists are meeting

these challenges head on by extending the information management capacity of individuals through computational systems - systems that can sense when the user is overloaded, or determine what needs to be done next and automatically adapt. Such systems improve human decision-making and allow humans to function in extremely challenging environments, such as space flight. The need for science-based practical principles to enhance systems, interfaces, team dynamics, decision-making, training, and psychological health continues to grow, but with a diminishing research budget, NASA behavioral scientists are ill equipped to take on this crucial task.

In 2005, Congress endorsed the Vision for Space Exploration (VSE) to send humans to the moon and then to Mars. An understanding of human performance in space is critical for VSE, and the ability to measure and predict human performance through all mission phases enhances mission safety and mission success. APA urges NASA to prioritize life sciences and human aeronautics research and to restore its support for these programs to a level commensurate with other NASA programs.

In the NASA Authorization Act of 2005, Congress authorized $18,686,300,000 for FY08. The actual allocation for FY08 shortchanged the agency by over $1 billion. Although the FY09 appropriation of $17.8 billion exceeded the FY09 administration request, NASA remains underfunded. The President's FY10 budget will help address these lingering shortfalls. APA supports the President's request of $18.7 billion for NASA in order for the agency to succeed in moving forward with the Vision for Space Exploration (VSE) while also sustaining its non-Exploration missions.

Human Research Program

Over the past several years, support for programs in the life sciences has diminished significantly, despite a renewed commitment in 2005 to extend human presence in space, and an unprecedented interest in behavioral research. Now, what remains of the Human Research Program is budgeted at $152 million, an increase of just 3.4% over FY08. Human research must be securely and adequately funded and considered an integral component of space mission planning. A successful overall behavioral health program will require a broad perspective, multiple convergent research strategies, and a variety of settings, including space itself.

Aviation Safety

Aeronautics research (including human factors) has long been a cornerstone of NASA. APA applauds NASA Ames Research Center for its historic attention to human factors research, but continued cuts to aeronautics programming and a recent reorganization of the Aeronautics Research Mission Directorate threaten to dismantle this once world-class center for human factors research. The Aeronautics Research Mission has been re-oriented to emphasize disciplines such as aerodynamics over human performance and operational issues. Further, the diminished spending power of the aeronautics program has forced NASA centers to cut jobs and university grants in aeronautics research, especially in the area of human performance and aviation safety. NASA's continual underfunding of

aeronautics research also poses a significant threat to the Next Generation's (NextGen) schedule and budget.

For more information, please contact:
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Mr. SERRANO. Well, we thank you. We thank you for your testimony, for your work. And I must tell you that I don't think of it much. But there must be psychological issues to deal with in those space flights. I mean, I have a problem just being in the elevator going down. So I can't imagine what that's like.

Mr. BRECKLER. It is hard to imagine.

Mr. SERRANO. Thank you so much.

Our Chairman has arrived. And with that in mind, I turn it over to you.

Mr. MOLLOHAN [presiding]. I understand we have gone through the witnesses. And we are down to the last witness?

Mr. SERRANO. Yes, one last witness.

Mr. MOLLOHAN. Please take the stand. The Committee would like to welcome Chief Michael S. Miller. Chief Miller is from my Congressional District and welcome from Ridgeley.

Mr. MILLER. Thank you, Chairman.

Mr. MOLLOHAN. Yeah. Pleased you are here. And he's going to testify on behalf of Fight Crime: Invest in Kids. It doesn't get much better than that. Welcome to the hearing.

THURSDAY, APRIL 2, 2009.

RIDGELEY POLICE DEPARTMENT

WITNESS

MICHAEL MILLER, CHIEF OF RIDGELEY POLICE DEPARTMENT AND FIGHT CRIME: INVEST IN KIDS

Mr. MILLER. Thank you again. Thank you for the opportunity to testify. As has been stated, I am Michael Miller. I am the Police Chief of Ridgeley, West Virginia. I am also a member of Fight Crime: Invest in Kids. It is a national anti-crime group of 5,000 police chiefs, sheriffs, prosecutors, and victims of violence who look at what really works to keep kids from becoming criminals.

Now as a Police Chief, I know there is no substitute for tough law enforcement. Across the United States, my law enforcement brethren everywhere are busy arresting, prosecuting, and holding in custody offending juveniles.

Research shows, however, that punishment alone is often not going to be enough. Repeat offense rates, particularly among juvenile offenders who have committed two or more offenses, is high. That means America's failing its young people and endangering its communities.

Fortunately, research and our experiences are showing that targeted investments to help keep kids away from crime and that intervene effectively to redirect offending juveniles onto a different path, can make our communities safer.

Quality after-school programs can transform the prime time for juvenile crime, 3 p.m.–6 p.m., into hours of academic enrichment and constructive activities. An example would be a study of a boys and girls club showed that comparable housing projects without boys and girls clubs had 50 percent more vandalism. And scored 37 percent worse on drug activity than those with clubs.

One source of funding for the after-school efforts is Title V of the Federal Juvenile Justice and Delinquency Prevention Act, JJDPA.

Of course because of a lack of funding, more than 14 million children and teens are going home from school to an empty house each week.

Juvenile mentoring has also been shown to cut crime. A study of Big Brothers/Big Sisters has found that young people with a mentor were about half as likely to begin illegal drug use and nearly one third less likely to hit someone compared to those without a mentor.

There are also effective interventions that reduce recidivism. Functional family therapy has been shown to cut rates of rearrest in half by intervening with families to teach them how to better control their children's behavior and save the public an average of $32,000 per youth treated.

Juvenile accountability block grants and JGDPA Title II state formula grant funds have been used to support these efforts. Evidence-based programs that use effective reentry approaches such as multidimensional treatment, foster care are also working. The MTSC approach cuts the average number of repeat arrests for seriously delinquent juveniles in half. And saves the public an average of over $77,000 for every juvenile treated.

The Second Chance Act can support programs like the MTSC. The President has requested $75 million for the Second Chance Act. I urge you to fully fund these programs, including the Adult and Juvenile Reentry Demonstration Projects authorized to receive $55 million for fiscal year 2010.

Effective prevention and intervention activities such as those supported by Title V, Juvenile Mentoring Grants. Title II and JABG remains so woefully underfunded that they only reach a fraction of the kids who could benefit from them.

I have seen the consequences of these myself locally. I actually arrested a juvenile who burglarized the local business. He served his time in a juvenile facility. Shortly after his release he committed another burglary, but now he was an adult. At 18, he went to an adult facility to serve his time.

I will not out of respect for the sensibilities of people here explain what happened to him. But a traumatic event occurred. I have seen him since he has gotten out. He walks along the street. He can't hold his head up. He can't hold a job. He can't do anything. The system broke him. As a Chief, I think he should have been punished for what he did. But I can't help but wonder if things might have turned out differently. Perhaps his life wouldn't have been destroyed if he had had access to some of the programs that I have discussed today.

I urge at a minimum that the Committee restore funding to the 2002 levels for Title II, Title V, and JABG, and to fund juvenile mentoring at $80 million as a first step towards fully addressing the needs of our youth and access to these effective approaches.

I believe if we as a nation continue to refuse to adequately invest in proven crime prevention strategies, we not only fail to give a better chance for a better future to millions of kids, but we are permitting the further cultivation of criminals. And I think that we are jeopardizing the safety of all Americans for years to come.

I thank you all again for the opportunity to testify. And I would be happy to answer any questions that I can.

Mr. MOLLOHAN. Sometimes with you being the last witness that we do have an opportunity maybe for you to elaborate a bit. Tell us about what programs you are involved in. And how these programs impact your community.

Mr. MILLER. Well presently as it pertains to juveniles, I just recently became a member of Fight Crime: Invest in Kids.

Chairman, as I am sure you are well aware, West Virginia, particularly our area of West Virginia, is not abundant with a large number of programs to help youth offenders. So presently I am not involved in anything other than this organization. And sadly being a police chief in my department, means about 40 hours as a regular patrolman and another 40 as a chief. And it tends to take up the majority of my time. However, I am constantly looking for anything to become involved in to help with the community.

Presently, our community is rather small, even though we have just taken on the law enforcement activities of another community as well.

Mr. MOLLOHAN. What community is that?

Mr. MILLER. Carpendale, sir. We don't have any grassroots programs in play at the moment. We presently just work as best we can as individual officers to promote these ideals with our youth. Of course, we practice effective community policing and try to employ help from the underfunded Child Protective Services Agencies whenever we can.

Mr. MOLLOHAN. How many officers do you have on your force?

Mr. MILLER. We have five officers now. We are looking to hire. If you all know of any qualified candidates, please send them our way.

Mr. MOLLOHAN. There is reputed to be a lot of them out there who are looking for jobs.

Well, Chief, thank you very much for your testimony today. We look forward to working with you, and we will follow up on some of these programs with you. And see if some of them might not be something that could implemented in Mineral County or in your community.

Mr. MILLER. Well, I thank the Committee for their time. And, Chairman, I think all of West Virginia thanks you for what you've done for us.

Mr. MOLLOHAN. Thank you, Chief. Thank you.

[Written testimony by Ridgeley Police Department Chief Michael Miller follows:]

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

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

Written Testimony of Chief Michael Miller

Ridgeley Police Department
Ridgeley, WV

On Behalf of
FIGHT CRIME: INVEST IN KIDS

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

Thank you for the opportunity to submit this written testimony. My name is Michael Miller and I am the Chief Michael Miller of Ridgeley Police Department in West Virginia. I am also a member of FIGHT CRIME: INVEST IN KIDS, an anti-crime group of nearly 5,000 police chiefs, sheriffs, prosecutors, and victims of violence from across the country who have come together to take a hard-nosed look at the research about what really works to keep kids from becoming criminals.

As a Sheriff, I know there is no substitute for tough law enforcement. Across the United States, law enforcement is busy arresting, prosecuting, and holding in custody offending juveniles. The most dangerous of these youths are locked up. Research shows, however, that punishment alone will often not be enough. The good news is that for juveniles who come before the court for their first offense, six out of ten will not return to juvenile court again. But for the second-time juvenile offenders who are age 14 or younger, 77 percent will come back for a third court appearance.

These recidivism rates indicate that America is failing its young people and endangering its communities. Fortunately, research—and our experiences—show that targeted investments, that help keep kids away from crime and that intervene effectively to redirect offending juveniles onto a different path, can make our communities safer.

Title V and Title II of the Juvenile Justice and Delinquency Prevention Act, Juvenile Mentoring, and the Juvenile Accountability Block Grant (JABG) provide needed support for these evidence-based prevention and intervention approaches to reduce recidivism. The recently enacted Second Chance Act can provide additional support for some of these approaches.

Keeping Kids Away from Crime

The Title V Local Delinquency Prevention Grants program is the only federal funding source dedicated solely to the prevention of youth crime and violence. Almost 1,500 communities have received Title V grants since 1994 through a competitive grant process that requires states and localities to match at least 50% of the grant with cash or in-kind contributions. To participate in the program, localities must engage in collaborative, comprehensive planning regarding needed community-based delinquency prevention efforts. The grants can be used to fund a wide range of prevention programs, including after-school activities, mentoring, and tutoring, as well as drop-out, gang, and substance abuse prevention.

After-school programs funded by Title V help at-risk youth avoid criminal activity in the first place. In the hour after the school bell rings, violent juvenile crime soars and the prime time for juvenile crime begins. The peak hours for such crime are from 3:00 pm to 6:00 pm. These are also the hours when children are most likely to become victims of crime, be in an automobile accident, smoke, drink alcohol, or use drugs. After-school programs that connect children to caring adults and provide constructive activities during these critical hours are among our most powerful tools for preventing crime. For example, a study compared five housing projects without Boys & Girls

Clubs to five receiving new clubs. At the beginning, drug activity and vandalism were the same. But by the time the study ended, the projects without the programs had 50 percent more vandalism and scored 37 percent worse on drug activity.

Juvenile Mentoring, like after-school, has also been shown to cut crime. A study of Big Brothers Big Sisters found that young people who were randomly assigned to a Big Brother or Big Sister mentor were about half as likely to begin illegal drug use and nearly one third less likely to hit someone compared to those who were assigned to a waiting list.

Despite the proven benefits of after-school and quality mentoring programs, inadequate funding for these critical investments leaves millions of children at needless risk of becoming delinquent teens and adult criminals. For example, more than 14 million children still lack constructive adult supervision after school.

Reducing Recidivism through Effective Interventions

Several interventions for young offenders that incorporate community sanctions have also been shown to reliably cut crime. One such program is the Functional Family Therapy (FFT) program. FFT works to engage and motivate youth and their families to change behaviors that often result in criminal activity. In one evaluation, families with troubled youths were randomly assigned to either a group that received FFT or one that did not. The youths who families received FFT were half as likely to be re-arrested as the youth whose families did not receive the family therapy. By reducing recidivism among juvenile offenders, FFT saves the public an average of $32,000 per youth treated.

The Multi-Systemic Therapy (MST) program targets kids who are serious juvenile offenders by addressing the multiple factors – in peer, school, neighborhood and family environments – known to be related to delinquency. One MST study followed juvenile offenders until they were, on average, 29-years-old. Individuals who had *not* received MST were 62 percent more likely to have been arrested for an offense, and more than twice as likely to be arrested for a violent offense. It is also less expensive than other mental health and juvenile justice services like residential treatment and incarceration, saving the public $4.27 for every dollar invested.

Juvenile Accountability Block Grant (JABG) or JJDPA Title II state formula grant funds have been used to support these efforts, but funding levels have declined since 2002 and the unmet need is substantial.

Reducing Recidivism through Effective Reentry Approaches

The transition of juvenile offenders from confinement to "life on the outside" presents great risks and opportunities for young people and society. Each year, approximately 100,000 juveniles leave correction facilities. Unfortunately, many young people are released without access to critical services, thereby increasing the likelihood that they will return to crime. Juveniles released from confinement still have their likely "prime crime years" ahead of them. Perpetrators over age 17 commit 85% of all violent crimes and young adults aged 18 to 21 account for a greater percentage of crime than any other four-year age group. Unsuccessful transitions into the community result

in an alarmingly high recidivism rate for juvenile offenders of 55-75%. Fortunately, the likelihood that young people will successfully transition back into society after confinement improves markedly with comprehensive, research-based reentry efforts. Comprehensive reentry programs are especially effective among young people. With their brain development still in progress—especially the part of their brain that performs "executive functions" like decision-making—young ex-offenders are more amenable to effective behavior modification interventions, thus saving lives, anguish, and public tax dollars.

Effective offender reentry efforts include programs like Multidimensional Treatment Foster Care (MTFC). MTFC provides specially trained foster parents and ongoing supervision by a program case manager, as well as frequent contact and coordination of services with a youth's parole or probation officer, teachers, work supervisors and other involved adults during and after a youth's out of home placement. Compared to similar juveniles placed in non-secure group facilities, the MTFC approach cuts the average number of repeat arrests for seriously delinquent juveniles in half, and six times as many of the boys in MTFC as boys in a group home were not arrested again. MTFC is also cost-effective: it saves the public an average of over $77,000 for every juvenile treated.

The bipartisan Second Chance Act can support effective reentry efforts, including programs like Multidimensional Treatment Foster Care. The Second Chance Act authorizes assistance to states and localities to develop and implement strategic plans for comprehensive efforts to enable ex-offenders to successfully reenter their communities such as: family reunification, job training, education, housing, and substance abuse and mental health services. The bill would also provide for research on reentry, as well as create a national resource center to collect and disseminate information on best practices in offender reentry. We all want safer communities and the Second Chance Act can be a step toward reducing the high recidivism rate among juvenile and adult offenders.

Needed Investments

When we know what works to prevent kids from committing crime in the first place and how to steer them away from crime once they have committed an offense, it seems silly that we don't fully utilize these approaches. But many states and communities are not yet able to adequately fund such efforts, and federal funding falls *far* short of meeting the need. In 2002, Title V was funded at $95 million, Title II was funded at $89 million, JABG was funded at $249 million and juvenile justice funding as a whole equaled about $550 million. In contrast, last year, juvenile justice programs only received about $300 million, including $64 million for Title V, $79 million for Title II, $55 million for JABG and $80 million for juvenile mentoring. I urge you to, at a minimum restore funding to the 2002 levels for Title II, Title V and JABG, and to fund juvenile mentoring at $80 million. I also urge you to fully fund the programs recently authorized by the Second Chance Act, including funding the Adult and Juvenile Offender State and Local Reentry Demonstration Projects at the authorized amount of $55 million. If we, as a nation, continue to refuse to adequately invest in proven crime-prevention strategies, we are not only failing to give a chance for a better future to millions of kids but are also permitting the further cultivation of criminals—jeopardizing the safety of all Americans for years to come.

Law enforcement leaders' commitment to putting dangerous criminals in jail must be matched by Congress' commitment to keep kids from becoming criminals. On behalf of my fellow law enforcement leaders around the country, I urge you to increase our nation's investments in these proven crime-prevention strategies that save lives and taxpayer dollars.

Thank you for this opportunity to present our views on how your Subcommittee can invest in approaches that will reduce crime and make us all safer.

Appropriations Commerce, Justice, Science Subcommittee on Energy and Water Development

Written Testimony Submission

March 27, 2009

Dr. Kristin A. Bennett
Executive Director
On behalf of 21st Century NanoConsortium for Energy and the Environment (21NCEE)

I thank the Committee for the opportunity to submit this testimony on nanotechnology as it applies to energy and the environment. I am submitting this testimony on behalf of the 21st Century NanoConsortium for Energy and the Environment, a non-profit group of universities and private companies working together and dedicated to the promotion of nanoscience and nanotechonology as it applies advanced energy technologies, climate change and global environmental challenges. Our group strives to ensure adequate government funding in nanoscience for basic research and development, applied engineering innovation, and education and workforce development that will ensure that the U.S. remains a global leader in the crucial field of exploration.

This Committee understands the crucial role it has to play in helping to reverse our nation's dependence on oil through innovative science and transformational research. Nanotechnology is the key to addressing these important issues because it will allow us to harness alternative energy sources, like wind and solar power, to replace oil. Nanotechnology offers the game-changing solution for accelerating the advancement and commercialization of clean, efficient, and safe energy technologies. Novel nanoscale materials demonstrate new worlds at the foundations of chemistry, physics, mechanics and materials science and open up pioneering pathways to reducing carbon emissions and creating new fuels.

Working primarily through the National Science Foundation, this Committee has the power to help fund increases in fundamental research that will lead to impressive new technologies and create education workforce programs necessary to realize the promise of nanotechnology, while at the same time addressing pressing concerns about climate change, energy dependence and national security. Nanoscale materials offer dramatically higher levels of form and function allowing us to create new materials for environmental cleanup and alternative energy solutions. The technology based on these new materials, nanotechnology, where atoms may be manipulated one atom at a time, controlled and tailored on the Nanoscale, are the foundation of our energy, climate and environmental future.

Engineered nanoscale materials and nanotechnology-enabled products have the potential not only to greatly reduce existing environmental harm associated with fossil fuels, but also to prevent future environmental degradation with affordable, efficient and effective clean-energy alternatives. Examples of such nanotechnology-enabled products include environmental monitoring devices that allow for quick and accurate detection of compounds at extremely low concentrations in both accessible and hostile environments. The availability of real-time data can help expedite cleanup efforts, minimizing damage when an accident occurs.

Nanotechnology is also a driving force in the development of novel filter materials that remove contaminants from air and water. These approaches promise to achieve safety levels far better than current standards require and impact on developing world technologies. Due to size and cost reductions, these technologies can be ubiquitously placed in environmental settings.

The most important aspect, however, of this next or what has been dubbed the 'third' industrial revolution, may be the development of cost-effective and efficient "green" or environmentally benign energy sources. The use of solar and wind power as viable and sustainable energy sources may be achieved more rapidly and effectively using nanotechnology and reducing the carbon footprint.

At present, solar energy devices have low-energy efficiencies and often exist as large, unwieldy attachments to structures. Nanotechnology researchers are advancing the state of dye-synthesized and organic photovoltaics to enable increased energy production, while achieving reductions in component size and cost.

In addition, the development of novel solar energy storage units will enable continuous operation of electrical, heating/cooling equipment using the sun's power. Further successes will propel solar energy forward as a more desirable option among the various energy sources available.

The effect of nanotechnology on the evolution of wind as an energy source could lead to improved designs incorporating novel energy-storage capabilities, improved energy-transmission devices and more compact structures. Using nanotechnology, it may be possible to make wind turbines that are smaller with higher energy yields and to use this harnessed energy to generate electricity and heat with minimal energy losses.

Current research into fuel cell technology is another area where nanoscience and nanotechnology use and development is making great strides. Advances include increases in size to power ratios and energy efficiency, reductions in cost, increased flexibility in fuel type used, improved integration with other systems and improvements in reliability and durability.

The technological advances that nanotechnology offers through environmentally benign energy sources could help achieve the goals of a sustainable planet and a healthy environment for all of us.

I thank the Committee for the opportunity to submit this testimony.

Statement by
John Huchra
President, American Astronomical Society
To
House Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies
Concerning NASA's FY 2010 Budget Request

I appreciate the opportunity to comment on NASA's 2010 budget from my perspective as President of the American Astronomical Society (AAS).

The AAS believes that the President's FY 2010 request of $18.7 billion is the minimum necessary to meet the agency's many challenges – from the reinvention of manned spaceflight, to the agency's many scientific missions in Earth Science, Heliophysics, Astrophysics, and Planetary science. The AAS recommends that Congress fund NASA astrophysics at 5% over the FY 2009 level.

The AAS is the major organization of professional astronomers in the United States. The basic objective of the AAS is to promote the advancement of astronomy and closely related branches of science. The membership, numbering approximately 7000, includes physicists, mathematicians, geologists, and engineers whose interests lie within the broad spectrum of modern astronomy. AAS members advise NASA on scientific priorities, participate in NASA missions, and use the data from NASA's outstanding scientific discoveries to build a coherent picture for the origin and evolution of the Earth, the solar system, our Galaxy, and the Universe as a whole.

In recent years, the astronomical community, working together with NASA, has produced a remarkable string of successes that have changed our basic picture of the Universe. Observations with the *Hubble Space Telescope (HST)* of exploding stars whose light has been traveling for half the age of the Universe, combined with the exquisite map of the glow from the Big Bang itself from the *Wilkinson Microwave Anisotropy Probe* and information from other observatories, shows that the Universe we live in is not the Universe we see. Mysterious Dark Matter makes the ordinary particles clump together to form stars and galaxies. Even more mysterious Dark Energy makes the expansion of the Universe speed up. Both of these concepts challenge our understanding of the nature of matter and energy in the Universe and open up broad new vistas for future work.

Similarly, exploration of the solar system has been a resounding success for NASA, with exciting missions to Mars and to Saturn revealing a beautiful and intricate history that is interwoven with the history of our planet Earth. A new mission is now on its way to Pluto. The discovery of planets around other stars has been a great triumph of the past decade, raising hopes for seeing planets like our own Earth, and placing our own solar system, and life itself, in a new context.

Investment in science and technology, such as NASA science, reaps benefits far beyond expanding our knowledge of the cosmos. NASA science creates jobs ranging from scientist to technicians and students. In addition, investment in technology in NASA leads to technology spinoffs. Hubble Space Telescope (HST) images form one of the key databases behind *GoogleSky* bringing state-of-the-art imagery of the Universe into a tool now available to anyone, anywhere in the world with a computer (http://www.google.com/educators/spacetools.html). NASA's leadership brings high visibility to U.S. science and technology achievements and attracts young people to these fields.

NASA's key role in these discoveries makes its science program of deep interest to AAS members. In the past, NASA has worked with the astronomical community to find the most promising paths forward. The *James Webb Space Telescope (JWST)* is a large program that was endorsed by the National Academy of Sciences (NAS) Decadal Survey in astronomy. When completed in the next decade, it will help expand the frontier of knowledge to the deepest reaches of space and time and into the hidden places where stars and planets are formed. The astronomical community also recommended, and NASA plans to execute, a wide range of other programs—some of moderate scope and others that nourish the infrastructure for a healthy and vibrant community. This balanced approach has proved best—with a range of opportunities carefully crafted to get the best science from NASA's Science budget.

While we enjoy a generous flow of data from past and current space telescopes, we are looking forward to new telescopes and new scientific challenges in the next decade. The astronomical community, under the leadership of the National Academy of Sciences (NAS), has undertaken the next Astronomy and Astrophysics Decadal Survey that is carried out once every ten years. This is an opportunity to look forward toward the future of space astrophysics in the context of a broad, national astronomy and astrophysics program. The newest Decadal Survey will provide guidance for federal investment in the next generation of ground and space-based telescopes.

Recognizing the current challenging budget climate, in which federal non-security, discretionary spending is severely constrained, the current NASA budget for science is nonetheless cause for concern. Specifically, I am concerned about the overall drop in funding for Astrophysics from $1.363 billion in FY2008 to an enacted $1.2 billion in the FY2009 omnibus.

The fundamental issue is that NASA is under-funded for its overall mission and received no extra funds to help with the recovery of the Columbia disaster. This, in turn, creates budgetary stress for all of the Directorates including Science. In my view, this is the key problem that must be addressed by the Congress and the next Administration

The AAS therefore recommends that Congress fund NASA astrophysics at 5% over the FY 2009 level. This modest increase will help maintain balance within the science

portfolio, which is critical to our community. This increase is also considerably less than the proposed increase for the top-line NASA budget. Small missions and research grants to individual investigators must also be supported. Otherwise, many exciting programs to explore the solar system, to detect planets around other stars, to measure gravitational waves from astronomical events, to explore black holes in all their manifestations, and to seek the nature of the dark energy may be threatened.

Finally, the AAS strongly encourages the Administration and Congress to uphold the priorities of the NAS Decadal Survey in astronomy, and to heed the advice the next decadal survey due in 2010.

NASA Science has been and continues to be a beacon of innovation and discovery by inspiring generations of young people, capturing the imagination of the public, developing new technologies, and discovering profound insights into the nature of our Universe.

The AAS and its members are prepared to work with Congress and with NASA to help find the best way forward. We will give you our best advice and we will work diligently to make the most of NASA's investment in science.

AGI Fiscal Year 2010 Testimony to the House Commerce, Justice, Science, and Related Agencies Appropriations Subcommittee

Testimony Submitted by
Linda Rowan, Director of Government Affairs
American Geological Institute
in support of Fiscal Year 2010 Appropriations for the
National Science Foundation, National Oceanic and Atmospheric Administration, National Institute of Standards and Technology and the National Aeronautics and Space Administration

U.S. House of Representatives
Subcommittee on Commerce, Justice and Science and Related Agencies Appropriations
March 27, 2009

To the Chairman and Members of the Subcommittee:

The American Geological Institute (AGI) supports fundamental Earth science research sustained by the National Science Foundation (NSF), the National Oceanic and Atmospheric Administration (NOAA), the National Institute of Standards and Technology (NIST) and the National Aeronautics and Space Administration (NASA). Frontier research on Earth, energy and the environment has fueled economic growth, mitigated losses and sustained our quality of life. The Subcommittee's leadership in expanding the federal investment in basic research is even more critical as our nation competes with rapidly developing countries, such as China and India, for energy, mineral, air and water resources. Our nation needs skilled geoscientists to help explore, assess and develop Earth's resources in a strategic, sustainable and environmentally-sound manner and to help understand, evaluate and reduce our risks to hazards. **AGI supports a total budget of $7 billion for NSF; $584 million for Scientific and Technical Research and Services at NIST (as authorized in the America COMPETES Act); $5 billion for NOAA; and $18.7 billion for NASA.**

AGI would also like to thank Congress and particularly the House and this Subcommittee for its support for science and technology in the American Recovery and Reinvestment Act of 2009 and the FY 2009 appropriations. AGI believes that such forward-looking investments in tight fiscal times will pay important dividends in future development and innovation that drives economic growth, especially in critical areas of sustainable and economic natural resources. The investments will also save jobs, create new jobs, support students and provide sorely needed training for a twenty first century workforce.

AGI is a nonprofit federation of 45 geoscientific and professional societies representing more than 120,000 geologists, geophysicists, and other Earth scientists. Founded in 1948, AGI provides information services to geoscientists, serves as a voice of shared interests in our profession, plays a major role in strengthening geoscience education, and strives to increase public awareness of the vital role the geosciences play in society's use of resources, resilience to natural hazards, and the health of the environment.

Motivation for Investments in Geoscience: Our nation is at a critical crossroad where we must deal with the intersection of acute needs, such as energy resources, climate change, water resources, mineral resources, soil resources and vital ecosystems, at a time when our national economy has stalled. To jumpstart the economy and the workforce, we need to sustain and efficiently use our natural resources and cost-effectively improve our quality of life and quality of the environment, while reducing risks from natural hazards.

AGI prepared a 2008 document entitled *Critical Needs for the Twenty First Century: The Role of the Geosciences* that lists seven critical needs followed by policy actions to help the nation meet these needs (available online at www.agiweb.org/gap/trans08.html). With a burgeoning human population, rising demand for natural resources and a changing climate, it is critical to more fully integrate Earth observations and Earth system understanding into actions for a sustainable world. The document explains ways in which NSF, NASA, NOAA and NIST can meet these needs and work more effectively on shared objectives, with other federal agencies and with the states.

Unfortunately, only a small fraction of K-12 students in public schools have the opportunity to take a geoscience class, even though most are naturally curious about the Earth, environment and energy. An even smaller fraction of students at institutions of higher education major in the geosciences, partly because they have not taken a geoscience class before college. This has led to growing gaps in the number of professional geoscientists and skilled technical assistants available to replace an aging workforce plus to populate new areas of workforce growth in alternative energy and climate change mitigation for example.

AGI has prepared a report on the status of geoscience education and the geoscience workforce in the United States that documents the gaps in education and workforce (available online at www.agiweb.org/workforce/reports.html). A part of the solution to these gaps is investments in geoscience research and development and geoscience education within NSF, NASA, NOAA, NIST and other federal programs.

NSF: AGI applauds the President's request for an overall budget of $7 billion for NSF. Such an investment will allow NSF to support a robust Geosciences Directorate and a strong program in geoscience education.

NSF Geosciences Directorate: The Geosciences Directorate, which includes atmospheric sciences, earth sciences and ocean sciences, is the principal source of federal support for academic geoscientists and their students.

Much of the geosciences research budget is for understanding that is critical for current national needs, such as climate change, water and mineral resources, energy resources, environmental issues and mitigation of natural hazards.

AGI would encourage the investments for the Geosciences Directorate to focus on funding research, which means providing essential support to the faculty, staff, post-

doctoral researchers, graduate students and undergraduate students at universities and other educational/research institutions across the nation. Now is the time to boost geoscience research and education to fill the draining pipeline of skilled geoscientists and geo-engineers working in the energy industry; the construction industry, particularly on levees and dams; the environmental industry; the academic community, particularly on understanding natural hazards and the sustainability of our natural resources; the primary federal Earth science agencies, such as the United States Geological Survey; and in all areas of education.

NSF Support for Earth Science Education: Congress can improve the nation's scientific literacy by supporting the full integration of Earth science information into mainstream science education at the K-12 and college levels. AGI supports NSF's Math and Science Partnership (MSP) program, a competitive peer-reviewed grant program that funds research on effective methods to teach science at K-12 grade levels.

Improving geoscience education is important because:

- Geoscience offers students subject matter that has direct application to their lives and the world around them, including energy, minerals, water and environmental stewardship.

- Geoscience exposes students to a diverse range of interrelated scientific disciplines. It is an excellent vehicle for integrating the theories and methods of chemistry, physics, biology, and mathematics.

- Geoscience awareness is a key element in reducing the impact of natural hazards on citizens -- hazards that include earthquakes, volcanic eruptions, hurricanes, tornadoes, and floods. For example, lives were saved in the tragic Indian Ocean tsunami by a 12 year old girl who understood the warning signs of an approaching tsunami and warned others to seek higher ground because she learned about tsunamis in a geoscience class.

- Geoscience provides the foundation for tomorrow's leaders in research, education, utilization and policy making for Earth's resources and our nation's strategic, economic, sustainable and environmentally-sound natural resources development.

NOAA: AGI and many stakeholders support a total budget for NOAA of $5 billion for FY 2010. NOAA cannot support its core mission services including weather and severe storm forecasting, spill response, ocean observing, habitat restoration and conservation, and research on climate change, fisheries, and coastal and marine ecosystems without a more robust budget. NOAA needs additional investments for the National Weather Service for analysis, modeling and upgrading of observing systems and additional increases for the National Environment Satellite, Data and Information Service for the development of the Geostationary Operational Environmental Satellite (GOES-R) and the National Polar-Orbiting Operational Environmental Satellite System (NPOESS).

Both satellite systems will maintain a global view of the planet to continuously watch for atmospheric triggers of severe weather conditions such as tornadoes, flash floods, hailstorms, and hurricanes.

NIST: Basic research at NIST is conducted by Earth scientists and geotechnical engineers and used by Earth scientists, geotechnical engineers and many others on a daily basis. The research conducted and the information gained is essential for understanding climate change and natural hazards in order to build resilient communities and stimulate economic growth with reduced impact from risk. In particular, we strongly support increases for Measurements and Standards for the Climate Change Science Program, Disaster Resilient Structures and Communities and the National Earthquake Hazards Reduction Program (NEHRP). The climate change research will improve the accuracy of climate change measurements, may reduce satellite costs and may help to guide climate change policy. The hazards research will help to reduce the estimated average of $52 billion in annual losses caused by floods, fires and earthquakes. NIST is the lead agency for NEHRP, but has received only a small portion of authorized and essential funding in the past. AGI strongly supports a doubling of the NIST budget over 5 to 7 years as authorized in the America COMPETES Act of 2007, so that core research functions at NIST are maintained, while needed funding for climate change and hazards are protected.

NASA: AGI supports the vital Earth observing programs within NASA. Currently the topography of Mars has been measured at a more comprehensive and higher resolution than Earth's surface. While AGI is excited about space exploration, we firmly believe that NASA's Earth observing program is effective and essential to solving global to regional puzzles about Earth systems, such as how much and at what rate is the climate changing. AGI strongly supports an increase of $910 million over five years for the Earth sciences division at NASA to initiate the first two Earth science missions and start planning on three additional missions recommended in the National Academies Earth science decadal survey. This funding outlook does not come close to meeting the $500 million annual increase recommended by the National Academies decadal survey report to bring the program back to its fiscal year 2000 funding level and enable the decadal recommendations, but it is a good start in tough economic times.

AGI urges the Subcommittee to return spending levels for Earth science within NASA to FY2000 levels (eliminating a 30 percent cut from 2001 to 2007) over time and implement the priorities of the National Academies *Earth Science and Applications from Space* Decadal Survey.

Thank you for the opportunity to present this testimony to the Subcommittee. If you would like any additional information for the record, please contact Linda Rowan, Director of Government Affairs at 703-379-2480, ext. 228 voice, 703-379-7563 fax, rowan@agiweb.org, or 4220 King Street, Alexandria VA 22302-1502.

Testimony in Support of Increased FY 2010 Funding for the National Science Foundation

March 26, 2009

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Submitted to:

Subcommittee on Commerce, Justice, Science and Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, DC

The American Institute of Biological Sciences (AIBS) requests that the Committee work to provide the National Science Foundation (NSF) with the $7.015 billion requested by the President for fiscal year (FY) 2010.

AIBS is a nonprofit scientific association dedicated to advancing biological research and education for the welfare of society. Founded in 1947 as a part of the National Academy of Sciences, AIBS became an independent, member-governed organization in the 1950s. AIBS is sustained by a membership of some 5,000 biologists and nearly 200 professional societies and scientific organizations; the combined individual membership of the later exceeds 250,000. AIBS advances its mission through participating in coalition activities in research, education and public policy; publishing the peer-reviewed journal *BioScience* and the education Web site *ActionBiosceince.org*; providing scientific peer review and advisory services to government agencies and other clients; convening meetings; and managing scientific programs.

Stimulating economic growth, improving science education, rebuilding our nation's scientific infrastructure, and solving the most challenging problems facing society requires a sustained

commitment from the federal government. The NSF is centrally important to this federal response.

NSF funds fundamental research through competitively awarded, peer-reviewed, extramural grants to our nation's universities and research centers. Roughly 66% of extramural federal grant funding for research in environmental biology is provided by NSF. These research grants employ scientists and the personnel required to build and maintain research equipment, help early career scientists establish research programs, and employ undergraduate and graduate students to do research while pursuing their education. In short, NSF grants are essential to the nation's goal of sustaining our global leadership in science, technology, engineering and mathematics.

NSF's Biological Sciences Directorate (BIO) is vital to our nation's continued global scientific leadership. BIO provides grants for the foundational disciplines within the biological sciences, such as botany, ecology, microbiology, zoology, and basic molecular and cellular biology, among others. Moreover, the BIO directorate provides essential support for research infrastructure. BIO funding enables natural science collections to modernize storage of biological specimens and helps collection managers catalog institutional holdings in databases that allow researchers to answer questions that could not otherwise be addressed. Biological field stations and ecosystem research centers also seek NSF grants to help facilitate and conduct research at their facilities.

Transformative research in the biological sciences has propelled forward our understanding of complex living systems and is leading us toward the resolution of major problems. As NSF Director Dr. Arden Bement testified before your Committee in February 2008, we are living in "the bio century." As Dr. Bement discussed, the biosciences are "where the fundamental work is being done." NSF's Dr. Tim Killeen, Assistant Director of Geosciences, testified on 12 March 2009 before the Senate Committee on Commerce, Science, and Transportation that while the general patterns of the carbon cycle are well known, the "sink side…which is an ecosystem and oceanographic function" is not well known. Biological sciences research helps to resolve these gaps in our knowledge.

Biological sciences research contributes to the development of new technologies and has advanced our understanding of life, including genomics, infectious diseases, ecosystem services, climate change, and nanotechnology. For example, researchers at the University of Minnesota have discovered a bacteria "battery" that produces electric current when attached to a conductive surface. This discovery has potential applications, such as powering ocean sensors or generating electricity while cleaning water in wastewater treatment plants.

Biology informs policy and business practices related to current problems, including such issues as infectious disease, conservation of biological diversity, sustainable agriculture, renewable energy, and the mitigation of global climate change. Thus, it is important that NSF and the BIO directorate receive an appropriate, predictable, and sustainable investment.

In 2008, the average grant award from the BIO directorate was for 2.73 years and totaled $128,999. Yet, even at this modest size, roughly 80% of grant applications submitted to BIO

were rejected. A number of the grants turned down for funding were in reality competitive enough to be funded if NSF had the funds to make the award. As you are well aware, funding included in the American Recovery and Reinvestment Act of 2009 is intended to fund many of these high quality grants. However, additional, annual appropriations are required to prevent another build-up of unfunded but competitive grants. The President's budget request seeks funding to enable NSF to fund highly competitive grant proposals in FY 2010.

The President's budget request includes funding for the BIO directorate's five core programmatic areas: 1. Molecular and Cellular Biosciences; 2. Integrative Organismal Systems; 3. Environmental Biology; 4. Biological Infrastructure; and 5. Emerging Frontiers. Additionally, funding would be provided for research infrastructure. There is a growing awareness that our natural science collections and field research stations are centrally important components of our nation's research enterprise. As reported in the *New York Times* on 9 March 2009, the use of scientific collections can be a cost effective way of censusing plant and animal populations. The White House Office of Science and Technology Policy and the Office of Management and Budget have repeatedly drawn attention to our nation's scientific collections in the annual interagency research and development memorandum. A federal interagency working group on scientific collections has completed a survey and prepared a report on the needs of federal science collections. The NSF has also worked to complete a survey to better understand the needs of academic science collections.

Finally, NSF is important to our nation's formal and informal science education systems. Whether through programs such as Research Experiences for Undergraduates, Integrated Graduate Education and Research Traineeships, or other fellowships for graduate and post-doctoral researchers, NSF grants help recruit, educate, and train our next generation of scientists. The FY 2010 budget request includes funding for the Graduate Research Fellowship and the Faculty Early Career Development program. These prestigious programs help cultivate a robust scientific workforce.

Thank you for your thoughtful consideration of this request and for your prior support for NSF. If you have any questions or require additional information, please contact Robert Gropp at 202-628-1500 x 250.

Testimony of the
American Museum of Natural History
presented to the
House Appropriations Subcommittee on Commerce, Justice, and Science
regarding
National Aeronautics and Space Administration

March 26, 2009

Overview

Recognizing its potential to support NASA in its goals to pioneer the future in space exploration, scientific discovery, and aeronautics research; to develop a balanced overall program of science, exploration, and aeronautics; and to establish new and innovative programs to enhance understanding of our Earth, other planets, asteroids, and comets in our solar system, as well as the search for life around other stars, the American Museum of Natural History (AMNH) seeks $3.5 million to contribute its unique science, education, and technological capacity to helping the Agency to meet these goals.

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 joint mission of science and public education. It is renowned for its exhibitions and collections of more than 32 million natural specimens and cultural artifacts. With some 4 million annual on-site visitors—approximately half of them children—it is one of the largest and most diverse museums in the country. Museum scientists conduct groundbreaking research in fields ranging from all branches of zoology, comparative genomics, and informatics to Earth science, biodiversity conservation, and astrophysics. 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.

Common Goals and Accomplishments of AMNH and NASA

For many years, NASA and AMNH have shared a joint commitment to cutting-edge research and the integration of that research into unique educational tools and resources. Over the years, the Museum has successfully pursued a number of competitive opportunities, has cultivated rich relationships with NASA divisions such as the Science Mission Directorate's Heliophysics division and the Informal Education program, and has worked with the Agency to develop innovative technologies and resources that reach audiences of millions in New York, across the country, and around the world.

The Museum's educational mission is fueled by and reflects cutting-edge science, including the work of our scientists in collaboration with NASA centers and researchers. In keeping with that mission, the Museum has built a set of singular national resources that bring cutting-edge science and integrated NASA content to total audiences of more than 16 million in New York City, across the country, and around the world. One such resource, *Science Bulletins*—immersive multimedia science encounters, presenting science news and discoveries in various, flexible formats—is already on view in 41 locations across the country (including eight NASA visitor centers), with more being added. In the New York area alone, the Museum reaches nearly four million annual visitors, including more than 450,000 children in school groups and more than 6,000 teachers, with millions visiting online.

In FY10, AMNH seeks to build on these successes by scaling up to reach even larger audiences with a program to communicate current science content—about NASA science and missions in particular—to diverse national audiences. The program encompasses:

Presenting Current Science in Public Spaces: Science Bulletins

Science Bulletins (*SB*) is a nationally distributed, multimedia science exhibition program targeted to informal learning settings. It presents cutting-edge research and discoveries in visually compelling feature documentaries and updates in flexible, large-screen, high-definition video and interactive kiosk versions, as well as in a free online version adapted for classroom use. We propose the following activities:

- **Scaling Up *Science Bulletins* Dissemination:** In addition to AMNH, *Science Bulletins* is currently on view at 41 subscribing venues across the country (including eight NASA visitor centers), with annual audiences of more than 13 million. AMNH will continue its aggressive dissemination efforts to expand to additional sites and increase market penetration.

- **R&D and Program Delivery:** AMNH will develop new visualization methods to advance the communication of current science, and will utilize them in developing and distributing the *Science Bulletins* program. We will: release approximately 26 bi-weekly updates, create six new feature documentaries, and increase website visits in the *Bulletins* focused on the earth, space, and biosphere. *Science Bulletins* DVDs will also be distributed in New York City schools.

- ***Science Bulletins* on the Web:** AMNH will continue to promote the *Science Bulletins* website as a rich resource for formal education and educators, providing materials online to facilitate classroom use.

Visualizing and Disseminating Current Science Data

Visualization of real, large scale datasets into digital planetarium shows marks one of the Museum's signature achievements in the new era of digital dome technologies. AMNH proposes to draw on its unique expertise and capacity in visualizing astrophysics data

from NASA and other sources to create a new digital space show that will engage children, families, and general audiences worldwide.

The Museum has very successfully leveraged past NASA investments with funds from other government and private sources, and will support the present project with funds from nonfederal as well as federal sources. The Museum looks forward to continuing to contribute its unique resources and capacity to helping the Agency meet its goals.

Testimony of the
American Museum of Natural History
presented to the
House Appropriations Subcommittee on Commerce, Justice, and Science
regarding
National Oceanic and Atmospheric Administration

March 26, 2009

Overview

Recognizing its potential to support NOAA in its goals to understand and predict changes in the Earth's environment; to conserve and manage coastal and marine resources; and to protect, restore, and manage the use of coastal and ocean resources to meet our Nation's economic, social, and environmental needs, the American Museum of Natural History (AMNH) seeks $2 million to advance a partnership with the agency to promote the environmental education, outreach, and research so pivotal to the health of our nation and our planet.

Common Goals of NOAA and AMNH

The National Oceanic and Atmospheric Administration (NOAA) is committed to understanding and predicting changes in the Earth's environment and to conserving and managing coastal and marine resources to meet the nation's needs. NOAA's Education Plan outlines a broad vision for reaching various audiences to build awareness and knowledge of issues related to the world's atmosphere, climate, oceans, and coastal ecosystems. Addressing the needs of teachers, students, and policy makers as well as the general public, the agency's goals include enhancing environmental literacy and knowledge, application of NOAA science, and development of a capable and diverse workforce for environmental science.

The AMNH, one of the nation's preeminent research and education institutions, shares NOAA's commitment to these environmental goals and to the scientific research and public education that support them. Since its founding in 1869, the American Museum has pursued its mission of scientific investigation and public education. Its renowned exhibitions and collections serve as a field guide to the entire planet and present a panorama of the world's cultures. Museum collections of some 32 million specimens and cultural artifacts provide an irreplaceable record of life. More than 200 Museum scientists conduct groundbreaking research in fields as diverse as systematic and conservation biology, astrophysics, and Earth and biodiversity sciences. The work of scientific staff fuels exhibitions and educational programming that reach annually an on-site audience of nearly four million visitors—nearly half of them children.

The Museum's Center for Biodiversity and Conservation, founded in 1993, is dedicated to enhancing the use of scientific data to mitigate threats to global biodiversity, and to integrating this information into the conservation process and disseminating it widely. It conducts conservation-related field projects around the world, trains scientists, organizes scientific symposia, presents public programs, and produces publications geared toward scientists, policy makers, and the lay public.

The goal of all Museum resources and programming is to communicate to a broad public of varying ages and backgrounds about basic scientific concepts, scientific research, and new discoveries. The Museum's exhibition halls and the collections that give them life are perhaps the most visible way the Museum fulfills this educational mission. The Museum's renovated Hall of Ocean Life, for example, is a major focal point for public education on marine science issues. Drawing on the Museum's world-renowned expertise in Ichthyology as well as other areas of Vertebrate as well as Invertebrate Zoology, the Hall is pivotal in educating visitors about the oceans' key role in sustaining life on our planet. This Hall, together with the Halls of Biodiversity, Planet Earth, and the Universe, provide visitors with a seamless educational journey from the universe's beginnings to the formation and processes of Earth to the extraordinary diversity of life on our planet.

Environmental Literacy Initiative

In FY04, as a result of Congressional leadership, the Museum entered into a partnership with NOAA that launched a multi-year marine science and education initiative. Support for this initiative, which encompassed a broad range of education and research activities closely aligned with NOAA goals and purposes, was continued in FY05, recommended in the FY07 Senate report, continued in FY09, and further leveraged by Museum scientists who successfully secured competitive NOAA education and research funding.

Building upon this strong foundation, and in concert with the strategic priorities of NOAA and the Museum, we seek $2.5 million in FY10 to join with NOAA in education, outreach, and research activities that promote environmental literacy and knowledge. With the requested funds, the Museum will develop and deliver education programs and resources that leverage its environmental research programs and extend its recent major exhibitions on water and climate change. These activities will include presenting current marine- and climate-related issues and news in the Museum's nationally distributed Science Bulletins program; developing advanced visualization tools and techniques for presenting environmental data to the public in varied formats; developing on-site and online professional development offerings, exchanges, and resources for teachers, children, families, and students; presenting programs for the general public; and carrying out research that advances conservation of marine ecosystems systems.

Submitted by:
Rebecca Osthus, Ph. D.
Science Policy Analyst
The American Physiological Society

This statement is submitted to the House Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies.

The American Physiological Society Statement on FY 2010 Funding For the National Science Foundation

The American Physiological Society (APS) thanks the Subcommittee for its sustained commitment to the National Science Foundation (NSF). Scientific research is critical to the future of our nation because of the important role it plays in technological innovation and economic development. Congress recognized the potential of the NSF through passage of the America COMPETES Act of 2007, which authorized a doubling of the agency's budget over several years. However, the NSF budget failed to grow at the authorized levels and has fallen behind by more than $1 billion in FY 2009. We are grateful that Congress remedied this in the American Recovery and Reinvestment Act of 2009 (ARRA), which will provide the NSF with an additional $3 billion over the next two years. This additional funding will allow the NSF to significantly expand its efforts to fund cutting edge research and support the scientific enterprise. Investment in research at the NSF will not only create jobs and drive economic growth, but will allow us to better understand the diversity of life on earth, and how the changing environment affects all living things. **The APS recommends that Congress fully fund the FY 2010 NSF budget request of $7 billion.** This funding combined with the additional funds provided under the ARRA will enable NSF to continue to expand our nation's research capacity and achieve the goals envisioned in the America COMPETES Act.

The APS is a professional society dedicated to fostering research and education as well as the dissemination of scientific knowledge concerning how the organs and systems of the body work. The Society was founded in 1887 and now has nearly 10,000 members who do research and teach at public and private research institutions across the country, including colleges, universities, medical and veterinary schools. Many of our members conduct physiology research that is supported by funds allocated through the NSF, and in this testimony, the APS offers its recommendations for the FY 2010 budget.

The basic science initiatives funded by the NSF are driven by the most fundamental principles of scientific inquiry. The NSF provides support for approximately 20% of federally funded basic science and is the major source of support for non-medical biology research, including integrative, comparative, and evolutionary biology, as well as interdisciplinary biological research. It has been shown time and again that the knowledge gained through basic biological research is the foundation for more applied studies that lead to improvements in the lives of humans, animals and ecosystems.

The majority of the funding NSF provides is awarded through competitive, merit-based peer review, which ensures that the best possible projects are supported. NSF has an excellent record of accomplishment in terms of funding research endeavors that have produced results with far-reaching potential. Listed below are just a few of NSF's most recent advances in biological research. [1]

- Researchers using a genetically engineered strain of lab mice were able to show that mutations in a single genetic pathway underlie a number of common birth defects that affect heart, brain and jaw development.
- A multi-disciplinary team of investigators using imaging techniques to visualize how food moves through the human digestive track is learning how the gut is able to efficiently move food through the intestines in a way that maximizes nutrient absorption.
- Obesity researchers using powerful DNA sequencing technologies have found that bacterial populations present in the human gut are different in lean and obese twin pairs.
- Researchers studying Hantavirus, the virus that caused an outbreak of severe respiratory disease in the Southwestern United States in 1993, found that older, larger mice are primarily responsible for spreading the disease in the deer mouse population. Understanding how the virus is spread in carrier species is crucial to controlling the future spread of the disease to humans.

In addition to funding innovative research in labs around the country, the NSF also fosters the next generation of scientists through education programs. The APS is proud to have partnered with NSF in this program to provide training opportunities and career development activities to enhance the participation of underrepresented minorities in science. The APS was recognized for these efforts in 2003 with a Presidential Award for Excellence in Science, Mathematics and Engineering Mentoring (PAESMEM), funding for which was provided by NSF and was reinvested in our education programs. We believe that NSF is uniquely suited to administer science education programs of the highest quality, and we recommend that Congress continue to provide federal funds for science education through the NSF.

The America COMPETES Act and the ARRA demonstrate the strong support of Congress for the NSF because of its highly-regarded research and education programs. **The APS thanks Congress for these votes of confidence in the NSF and joins both the Federation of American Societies for Experimental Biology and the Coalition for National Science Funding to recommend that the agency be funded at the Administration's requested level of $7 billion in FY 2010.**

[1]Research examples from http://www.nsf.gov, accessed March 18, 2009.

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Statement
Of the
AMERICAN PUBLIC POWER ASSOCIATION
Submitted to the
HOUSE APPROPRIATIONS COMMITTEE'S
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES
March 26, 2009

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 (approximately 45 million people), serving some of the nation's largest cities. However, the vast majority of APPA's members serve communities with populations of 10,000 people or less.

The Department of Justice's (DOJ) Antitrust Division and the Federal Trade Commission (FTC) play critical roles in monitoring and enforcing antitrust laws affecting the electric utility industry. With the repeal of the Public Utility Holding Company Act (PUHCA) included in the Energy Policy Act of 2005, the electric utility industry has experienced an increase in mergers that could result in increased market power in certain regions. This development, coupled with the volatility and uncertainty continuing to occur in wholesale electricity markets, makes the oversight provided by DOJ and the FTC more critical than ever.

APPA supports adequate funding for staffing antitrust enforcement and oversight at the FTC and DOJ. For the FTC's FY 2010 budget we support an increase over the FY 2009 level of $259 million. We were pleased with the FY 2009 funding level of $178 million for the DOJ Antitrust Division, which was an increase of $23 million from FY 2008, and would request that the Committee consider increasing funding for the program at a similar level for FY 2010.

We appreciate the opportunity to submit this statement outlining our FY 2010 funding priorities within the Commerce, Justice and Science Subcommittee's jurisdiction.

Peter Raabe
Policy Director for Budget and Appropriations
American Rivers

American Rivers, on behalf of our 65,000 supporters nationwide urges the Committee to provide $255.2 million for the following National Oceanic and Atmospheric Administration programs in the Commerce, Justice, Science, and Related Agencies Appropriations bill for Fiscal Year 2010. I request that this testimony be included in the official record.

1) Open Rivers Initiative
Our nation's rivers are plugged with millions of dams- the National Research Council estimates that there are more than 2.5 million dams in the United States- most still functional and benefiting society. However, many others have long outlived their useful purpose, are greatly deteriorated, and pose public safety hazards. Most dams in the US were designed to last 50 years, and by 2020 more than 85% will have surpassed their design life. These dams are generally less than 20 feet in height, incapable of producing electricity, and provide no flood control. Many such dams are forgotten by most except for their owners who are burdened with long-term maintenance and liability costs. In order to properly maintain these dams hundreds of millions of dollars must be invested each year. The state of dams in this country has led the American Society of Civil Engineers to broadly rate the safety of our nation's dams at a "D". These small dams degrade the river ecosystem, negatively affect economic development opportunities, and pose hazards to property owners and communities that are located downstream.

The Open Rivers Initiative is designed to help willing public and private dam owners finance the removal of their obsolete dams for the restoration of riverine habitat. These restoration projects provide significant environmental improvements and offer noteworthy economic and societal benefits. They create new opportunities for fishing, paddling, and wildlife-watching; save money by eliminating the on-going costs of dam repairs and maintenance; eliminate public safety and liability risks associated with outdated structures; and, reduce localized flooding which is often exacerbated by obsolete dams.

American Rivers urges the Committee to provide $10 million to the Open Rivers Initiative in Fiscal Year 2010.

2) The Penobscot River Restoration Project
The Penobscot River Restoration Project is an unprecedented approach to river restoration that will reconfigure hydropower facilities and maintain energy production while opening up about 1000 miles of habitat to 10 native species of anadromous fish, improve water quality, boost wildlife and create new opportunities in communities along New England's second largest river. The two lowermost Penobscot dams, Veazie and Great Works, will be removed and a state-of-the-art fish bypass will be installed at Howland Dam. This restoration project will reestablish the river's historic connection to the ocean, and help feed fisheries and wildlife in the river and the Gulf of Maine. The project's reconfiguration of dams will have a wide range of benefits to fish and wildlife populations, water quality and communities along the river. The restoration of the

Penobscot River is the best last chance for the dwindling Atlantic Salmon populations in the country.

American Rivers urges the Committee to provide $10 million to the Penobscot River Restoration Project in Fiscal Year 2010 for the removal of the three dams on the Penobscot River.

3) Fisheries Restoration Center (Community-base Restoration Program)
Estuaries and coastal wetlands serve many essential functions for communities across the nation. Coastal industries supply 28 million jobs and generate billions of dollars annually. 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 of the coastal wetlands in the lower 48 states have been lost, and almost 40 percent of estuarine habitat is impaired.

The Fisheries Habitat Restoration Program, funded through the National Oceanic and Atmospheric Administration's (NOAA) Restoration Center, reaches out to local constituencies to accomplish on-the-ground, community-based projects to restore estuaries and coastal habitats through its Community-based Restoration Program. Partnerships and local involvement are fundamental to the success of this program. Partners typically match federal dollars three- or five-to-one and leverage those dollars up to ten times more through state and local participation. To date, the program has funded more than 900 projects in 25 states, promoting fishery habitat restoration in coastal areas with a grassroots, bottom-up approach. The success of the Restoration Center's work spawned the creation of the Open Rivers Initiative in FY 2007 this increase workload as well as the success of the central work of the program needs to continue to be supported.

American Rivers urges the Committee to provide the Fisheries Habitat Restoration Program with $40 million in Fiscal Year 2010 (including funding for the Penobscot River Restoration Project and the Open Rivers Initiative which fall under the Fisheries Restoration Center) 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, the NMFS has a responsibility to set license conditions for hydropower dams that protect and conserve anadromous (sea-run) fisheries such as Pacific and Atlantic salmon, steelhead and sea-run cutthroat trout, and shad. FERC approved 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 is essential to ensure a more efficient licensing process and that NMFS can carry out its responsibilities to protect and restore our nation's anadromous fisheries.

Additionally, The Energy Policy Act of 2005 gave stakeholders in a hydropower licensing the ability to challenge the evidence supporting resource agencies' conditions. When challenged,

agencies must now expend additional funds on a series of costly administrative "trial-type" hearings. A single hearing can cost an agency between $100,000 and $300,000. Multiple hearing requests could quickly drain an agency's annual hydropower budget, making it impossible for them to actually do their jobs by discouraging them from prescribing any conditions on a project due to the agency costs associated with the hearings.

Federal natural resource agencies, including the National Marine Fisheries Service, play a crucial role in the licensing of hydropower dams, ensuring that fisheries, public lands, wildlife, recreation, and tribal interests are protected. These efforts are at risk from budget cuts, the reallocation of already limited funding to other agency programs, and significant new expenses associated with the 2005 Energy Policy Act. In order to protect these vital resources, these agencies badly need a dedicated source of funding that will allow them to participate in hydropower licensing proceedings.

American Rivers urges the Committee to provide the National Marine Fisheries Service with $15.2 million to specifically fund the agencies work on hydropower relicensing in Fiscal Year 2010.

5) Pacific Coastal Salmon Recovery Fund

Wild Pacific salmon and steelhead trout are national treasures of enormous environmental, economic, and cultural significance. These important species are in decline due to a variety of factors such as dams, unsustainable logging and agricultural practices, urban sprawl, and poor hatchery practices. Twenty-six of the fifty-one salmon and steelhead stocks along the West Coast from Washington to California are listed under the Endangered Species Act (ESA). The Pacific Coast Salmon Recovery Fund, funded through the National Oceanic and Atmospheric Administration (NOAA), is aimed at restoring imperiled runs of fish. This program provides much-needed assistance to state, local, and tribal governments in Washington, Oregon, California, Idaho and Alaska. These funds are matched dollar-for-dollar at the state and local level, and can be used for habitat restoration, preservation, and acquisition, as well as for monitoring the health of salmon populations and watersheds.

Citizens, watershed groups, Native American tribes, and federal and state agencies from across the nation have been working to bring these species back from near extinction and set them on the road to recovery. With several new salmon recovery plans in effect or about to take effect, it is imperative to fund these plans at least at current levels that will allow for full implementation of these plans to successfully recovering wild salmon and steelhead.

American Rivers appreciates the Committee's past support for this program and urges the funding be increased to $200 million in Fiscal Year 2010.

Public and Scientific Affairs Board

Statement of the American Society for Microbiology
Submitted to the
House Appropriations Subcommittee
On Commerce, Justice, Science and Related Agencies
On the Fiscal Year 2010 Appropriation for the National Science Foundation

The American Society for Microbiology (ASM) is pleased to submit the following testimony on the Fiscal Year (FY) 2010 appropriation for the National Science Foundation.

The ASM is the largest single life science organization in the world with more than 43,000 members. The ASM mission is to enhance the science of microbiology, to gain a better understanding of life processes, and to promote the application of this knowledge for improved health and environmental well-being.

The ASM strongly supports the Administration's stated budget proposal for NSF of $7 billion for FY2010, a 16 percent increase in funding over the 2008 level. The Administration's proposed NSF budget is a critical step toward maintaining the nation's global leadership in science and innovation.

We commend Congress for the substantial and much needed funding for the NSF in the American Recovery and Reinvestment Act of 2009 and the Omnibus Appropriations Act of 2009. The need remains, however, for a steady and reliable increase of fiscal year appropriations to offset the detrimental effects of cuts and loss to inflation in past NSF budgets.

The Directorate for Biological Sciences (BIO)

The ASM is concerned with past low funding levels for BIO, which have had an adverse impact on programs in the biological sciences. Although we do not have details of the Administration's budget request for NSF, we recommend a FY2010 funding level for BIO of at least $675 million, a 10 percent increase over the FY2008 level. In FY2008, the overall funding rate for BIO grants was only 16 percent, which failed to capture the many meritorious research opportunities that NSF could have funded with a larger budget for BIO. Funding rates for BIO research grants have been consistently lower than NSF wide average research funding rates and the gap between BIO and agency-wide funding rates has grown in recent years.

The NSF provides about two-thirds of federal support for US academic basic research in non-medical biological sciences. The NSF'S Biological Sciences Directorate is a major source of funding for research, infrastructure, and education in the biological sciences. Biological research supported by the NSF is critical to understanding issues of national importance such as the environment, economy, agriculture, and human health. NSF funding is particularly important to understanding how living organisms, such as microbes, function and interact with non-living systems. It is important to continue a strong investment in the life sciences because the physical,

mathematical, engineering, and computational sciences increasingly use living systems to address questions in their fields.

Growth in BIO is essential for progress in the life sciences and other disciplines with which they are allied. Growth in the total NSF budget should be reflected by real growth in BIO as well as other NSF directorates. We, therefore, recommend an increase in the BIO budget consistent with that of overall increases for Research and Related Activities in FY 2010.

Research in BIO is key to providing fundamental support that is needed for research supported by other NSF directorates. Life sciences are in transition moving from individual disciplines to multi-disciplinary, to interdisciplinary, to transdisciplinary, creating new fields that then become their own discipline. Science is constantly changing and NSF is working to support this constant transformation, including support for work at the intersection between the life and physical sciences. Interdisciplinary research advances and programs in bioenergy and biophysics depend as much on biology as they do on other scientific disciplines. BIO supports scientific disciplines other than the life sciences through its own and collaborative programs in environmental genomics, emerging topics in environmental biogeochemistry, biochemical engineering among many others; BIO also advances interagency priorities, such as research on climate change and the new NSF-wide program Dynamics of Water Processes in the Environment.

It is imperative to increase and support competitive awards and research grants to ensure that scientists remain involved and contribute to basic science research. The ASM strongly supports increased funding levels for BIO to support the thousands of postdoctorates, senior researchers, graduate students and teachers who contribute to science through BIO programs.

The National Ecological Observatory Network (NEON)

The ASM strongly supports the continued effort to establish the National Ecological Observatory Network (NEON), and the integration of microbial biology into the NEON framework. Such integration promises a new and much needed level of understanding of the intricate interactions between microbes, ecosystems and climate change. The ASM advises NSF to carefully ensure that funding for this project is not deducted from current BIO programs.

Support for Geosciences, Engineering, and Physical Sciences

The ASM supports increased funding for research activities at the Geosciences Directorate (GEO), the Engineering Directorate (ENG), and the Mathematical and Physical Sciences Directorate (MPS).

The Geobiology and Low-Temperature Geochemistry program in GEO provides an example of the mutually beneficial relationship between biological sciences and geosciences. Among other areas, this program examines interactions between biological and geological systems at all scales

of space and time, interactions between microbes and economically important resources, and interactions among microbes, minerals and groundwater. The Geobiology and Low-Temperature Geochemistry Program also facilitate cross-disciplinary efforts to harness new bioanalytical tools, such as those emerging from molecular biology. The ASM supports $178 million in funding for Earth Sciences (EAR), 14 percent above the FY 2008 level, with an emphasis towards increased support for the biological geosciences and ocean sciences funding.

The Engineering Directorate employs microbial research to examine problems involved in the processing and manufacture of economically important products, and in the efficient utilization of chemical resources and renewable bioresources. Much of this work depends on bioinformatics originating from genomic and proteomic studies. The ASM supports funding the Chemical, Bioengineering, Environmental, and Transport Systems (CBET) at $173 million, the proposed FY2009 level.

Priority applications for the life sciences within this program include postgenomic engineering, tissue engineering, biophotonics, nano-biosystems, and biotechnology, leading to improved biosensors, biomaterials, and controlled drug release.

Collaboration with other scientific disciplines is important for continued progress in physics, including biological physics at molecular and cellular levels. MPS supports interdisciplinary research that greatly benefits the physical sciences as well as the life sciences by creating tools that assist in advancing biological research and other disciplines. The ASM supports the NSF-wide investment, Dynamics of Water Processes in the Environment.

Workforce Development and Training

Support for science and engineering education, from pre-K through graduate school and beyond is an essential part of NSF's mission. Research funded by NSF is thoroughly integrated with education to help ensure that there will always be a skilled workforce to support new and future scientific, engineering and technological fields, and a robust community of educators to train and inspire coming generations.

Conclusion

Consistent and reliable funding support for the NSF is crucial to ensure that the United States maintains and improves its scientific and economic competitiveness on a global scale. Funding essential science programs as outlined will remain an urgent priority in the coming years, and establishing a base level of $7 billion for FY2010 will begin to recoup serious losses from past cuts. Increased appropriations for the NSF should ensure that all areas of science are at least adequately funded and that basic science research is encouraged and supported.

Public and Scientific Affairs Board

The ASM appreciates the opportunity to provide written testimony and would be pleased to assist the Subcommittee as it considers the FY 2010 appropriation for the NSF.

Animal Welfare Institute

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TESTIMONY
House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies

Fiscal Year 2010
Submitted by Cathy Liss, President
March 27, 2009

The Animal Welfare Institute (AWI) testimony to the House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies pertains to appropriations made to the National Oceanic and Atmospheric Administration (NOAA). Since no specific budget has been prepared yet for NOAA we cannot comment on proposed allocations but provide comment on the following program areas: salmonid management efforts, National Marine Fisheries Service Acoustics Program and marine mammal protection.

Salmonid Management Activities

We support appropriations for efforts for the recovery of salmonid species, however, we urge that a caveat be inserted into any appropriation that precludes an appropriation being used for lethal predator control at the Bonneville Dam on the Columbia River, and further requires that NOAA undertake further efforts to assess and mitigate the true reason for salmonid decline.

There is much debate about the impacts on salmonid species from sea lion predation at the Bonneville Dam. When compared to the effects on salmonid populations from hydroelectric power and fishing, the effects from sea lions predating on salmonids at the dam are insignificant. There is also doubt as to whether lethal predator control actually results in less salmonid predation at the Dam because targeted animals are replaced by others, making any monies spent on the effort wasteful.

NMFS Acoustics Program

We support the continuation of research into the impacts of anthropogenic ocean noise on the marine ecosystem. However we have grave concerns over a program of the National Marine Fisheries Services (NMFS) involved conducting controlled exposure experiments with noise on wild cetaceans and urge that any appropriation for NMFS Office of Protected Resources (OPR) Acoustics Program specify that such appropriation not to be used on such controversial studies.

The OPR Behavioral Response Program involves tracking and capturing wild cetaceans, including deep-diving beaked whales, fixing a 'D-tag' tracking device, releasing them and subsequently subjecting them to noise approximating active sonar. The highly controversial research, to date conducted in the Bahamas, Hawaii and elsewhere, has cost many millions of dollars, and has generated little solid information that can be effectively translated into practical management decisions in order to effectively mitigate the use of active naval sonar. This is because *inter alia*: the lack of knowledge of beaked whale populations, individual dive

sequences in the areas of study and history of active sonar exposure of animals who regularly use the study areas make gaining data for comparison problematic; D-tags do not collect real-time data and the small sample sizes make any data collected highly questionable; test subjects dive for long periods and as such the potential for a lack of observable behavioral response to the generated noise renders the experiments useless; animals are typically exposed to multiple noise sources making any reaction to single sources problematic.

Marine Mammal Protection

The International Whaling Commission (IWC) is the premier whale conservation body in the world and the U.S. has historically been a key player and leader in its work. The IWC needs transformation into a 21st century international whale conservation body, yet some member nations would have it dragged back to its 1946 origins when its purpose was to manage whale stocks for the commercial whaling industry. With the world's whales currently facing myriad anthropogenic threats, including climate change, habitat degradation, pollution and overfishing of prey species, the IWC is looking to the U.S. for leadership in modernizing the body.

The Head of NOAA has historically held the role of U.S. Commissioner to the IWC, yet since 2000 the role has been filled by a National Marine Fisheries employee and most recently, a private citizen. **We urge an appropriation that includes language requiring that Dr. Jane Lubchenco, the newly confirmed head of NOAA, to the role of U.S. Commissioner to the IWC.** As a marine scientist, she is not only eminently qualified to discuss the substantive technical issues relating to whales and their habitats, but is also qualified to undertake high level negotiations. Other IWC member countries have ministers, heads of government agencies, and even prime ministers as Commissioners. By re-establishing the tradition of the NOAA administrator leading the U.S. delegation to the IWC, the Obama administration would send a powerful message to the conservation community, the IWC and its member governments about how seriously it takes the issue and the emphasis it places on the protection of the world's whales.

An appropriation should be made to support proposals by the Australian government for carrying out large scale non-lethal research to study the serious environmental threats, including global warming, impacting cetaceans today and into the future. The Australian Government has put forward a strategy to advance the improvement of the IWC which builds upon recent conservation and management successes to manage the full range of human impacts on whale populations and to adapt the IWC to the circumstances of the 21st century.

To address some of the shortfalls in IWC conservation and management strategies, Australia has proposed the IWC:

- develop internationally-agreed, cooperative conservation management plans, taking into account all whale related issues and threats;
- launch regional, non-lethal, collaborative research programs to improve management and conservation outcomes for cetaceans;

reform the management of science conducted under ICRW and IWC auspices, including agreed priorities and criteria for research, and an end to unilateral 'special permit' scientific whaling.

The Unites States has already committed to participate in the Australian program but the level of participation could be greater. By making an appropriation to increase the level of support of the Australian proposal, the U.S. will send a strong message to the rest of the world about its commitment to sound science, its belief in the IWC as a global cetacean conservation body and its long-term dedication to the preservation of the world's whales and the marine ecosystem.

We appreciate the opportunity to provide testimony and ask that provision be made to provide further testimony once the budget for the Department of Commerce has been made public.

Thank you very much.

ASSOCIATION OF PUBLIC AND LAND-GRANT UNIVERSITIES

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FY 2010 Testimony of the
ASSOCIATION OF PUBLIC AND LAND-GRANT UNIVERSITIES (A·P·L·U)
Board on Oceans and Atmosphere (BOA)

To the
House Appropriations Subcommittee on
Commerce, Justice, Science and Related Agencies (CJS)

Submitted by Dr. Steven E. Lohrenz and Dr. Len Pietrafesa,
Co-Chairs of the A·P·L·U Board on Oceans and Atmosphere

On behalf of the Association of Public and Land-grant Universities' Board on Oceans and Atmosphere, thank you for the opportunity to provide recommendations for the FY 2010 budgets for the National Oceanic and Atmospheric Administration (NOAA), the National Aeronautic and Space Administration (NASA) and the National Science Foundation (NSF). NOAA, NASA and NSF each play unique roles in a number of high-priority U.S. and international initiatives. All three agencies also support research at our member institutions that provides critical information to policymakers and communities across the country. That is why *we strongly recommend $5 billion for NOAA; $7 billion for NSF; and $2.2 billion for NASA's Earth Sciences. Furthermore, within NOAA, we recommend $471 million for Ocean and Atmospheric Research (OAR), including $76.5 million for the National Sea Grant Program; $930.7 million for the National Weather Service; $29.5 million the National Ocean Service (NOS) Ocean and Coastal Research Program and the NOS Oceans and Human Health Initiative; and, $1.3 billion for the National Environmental Satellite, Data and Information Service (NESDIS)..*

About A·P·L·U

A·P·L·U (formerly National Association for State Universities and Land Grant Colleges) is the nation's oldest higher education association. Currently the association has over 200 member institutions located in all fifty states. The Association's overriding mission is to support high-quality public education through efforts that enhance the capacity of member institutions to perform their traditional teaching, research, and public service roles.

About the Board on Oceans and Atmosphere

The BOA's primary responsibility is to advance research and education in the marine and atmospheric sciences through a federal relations program. The board has approximately 200 regionally distributed members, including some of the nation's most eminent research scientists, chief executive officers of universities, marine and atmospheric scientists, academic deans, and directors of Sea Grant programs.

NOAA

In order to maintain our country's homeland security, scientific leadership, and economic competitive edge, we must have a diverse portfolio of federally supported science research and programs. We appreciate the significant increase in the FY 2009 budget for NOAA, particularly in view of the significant cuts made to NOAA in FY 2006, 2007, and 2008. The science-based work of NOAA protects and impacts every American citizen, every day. NOAA is the third largest source of funds for academic marine research in the federal government.

In 2004, the U.S. Commission on Ocean Policy (USCOP) report "An Ocean Blueprint" recommended an integrated national ocean policy be developed, incorporating ecosystem-based management and end-to-end watershed monitoring. USCOP also recommended doubling the federal ocean research budget and significant enhancement and expansion of NOAA's coastal, oceanic and atmospheric real-time observing network that will lead to better forecasts of weather events, climate conditions and impending natural hazards. These themes have been reinforced in the recent release of the Joint Subcommittee on Ocean Science and Technology Ocean Research Priorities Implementation Strategy. NOAA remains significantly under-funded despite a growing national focus on the potential impacts of climate change, the tragedy of Hurricane Katrina, and the importance of science to America's competitiveness. ***As a member of the Friends of NOAA Coalition, NASULGC strongly recommends $5 billion for NOAA in FY 2010.***

This recommendation is reasonable when one considers that the coastal watershed counties contribute $4.5 trillion to the U.S. economy - half of the Nation's Gross Domestic Product - and over 60 million jobs. For about $15 per person annually, each American receives weather forecasting, hurricane tracking, tornado warnings, tsunami warnings, navigational information, wave forecasting, harmful algal bloom monitoring, coastal pollution monitoring, fisheries management, hazard mitigation, scientific research, and local community assistance. On behalf of all of us, NOAA oversees the Nation's environmental observing networks and satellites and provides science-based management of many valuable marine resources. The environmental data collected by NOAA represent a national resource and are used by universities for research and by many private sector companies to produce tailored products and services for economically important industries. The bottom line is that NOAA affects and provides important services to all Americans, so it is time for Congress to demonstrate its commitment to the NOAA programs that are vital to our economy and to the health and well being.

As members of the oceanic and atmospheric academic community we further recommend a portion of that $5 billion be used to support the following programs and activities:

$471 million for Oceanic and Atmospheric Research (OAR) including $76.5 million for the National Sea Grant College Program (Sea Grant), and increased support for cooperative and joint institutes. The FY09 enacted level for OAR is $410 million, an increase over FY08 levels but inadequate to support the mission-critical areas of this agency. The basic research conducted through the OAR line office and its partnerships with universities helps us understand climate variability and provide better protection for coastal resources, contributes to our Nation's commerce, and supports our transportation systems. OAR supports such important programs as Ocean Exploration, the National Undersea Research Program, US THORPEX medium-range forecast improvement research program, transition of research to new operational forecast models, Climate Operations and Sea Grant.

For Sea Grant, funding of $76.5 million for FY10 was approved in the program's recently enacted (2008) reauthorization legislation. The FY09 enacted is $55 million. In constant dollars, the program is at its lowest funding levels since its inception four decades ago. Sea Grant is still the flagship program between NOAA and the academic community, supporting a national network of more than 300 institutions and 3,000 scientists, educators, students, and outreach experts. If resourced adequately at the federal level, Sea Grant can be NOAA's major catalyst in engaging universities and coastal stakeholders in research and outreach programs relating to climate change and sea level rise adaptation, working waterfront retention, water quality improvement, and economic capacity building.

A·P·L·U also specifically encourages an increase in funding for NOAA cooperative and joint institutes. These entities provide a critical role in bridging the gap between basi c research activities and the development of applications and tools that serve NOAA's mission-related operations. They are also essential in providing training and new skills to NOAA personnel.

BOA supports an FY10 request of $930.7 million for the National Weather Service (NWS). The FY09 enacted was $847.9 million. NWS provides weather, hydrologic, and climate forecasts and warnings for the U.S., for protection of life and property and enhancement of the national economy. NWS data and products form a national information database and infrastructure that can be used by other governmental agencies, academia, the private sector, the public, and the global community.

$29.5 million for the extramural portions of both the NOS ocean and coastal research program and the Oceans and Human Health Initiative (OHHI). Within the NOS, BOA supports restoration of the drastic cuts in competitive extramural research, bringing funding back to the more sustainable and effective level provided in FY 2005. In addition, we support the appropriation of sufficient funds for full NOAA participation in collaborative NOS science programs, particularly OHHI. NOS support for extramural research conducted in cooperation with NOAA scientists is leading to improved knowledge and forecasts to address complex problems such as harmful algal blooms, hypoxia, coastal stressors and ecosystem-based management of fisheries.

Increased support for the Integrated Ocean Observing System (IOOS). Implementing the IOOS concept is critical to improving predictions of marine, ocean and coastal weather for the future safety of maritime operations, to document climate variability in coastal waters, and in assessing public health risks. In addition, IOOS provides an essential framework for expanding observations of carbon dioxide levels in coastal margins, which are needed for effective monitoring and decision support related to the management and mitigation of greenhouse gases and ocean acidification. Present levels of funding are far below what is needed for a minimal level of ocean and coastal monitoring and protection. Specifically, the BOA urges the Committee to substantially increase funding for IOOS and for NOAA to make most of the increased funding available for regional observing systems in the form of extramural, competitive awards.

BOA supports an increase $122 million over the FY09 enacted amount of $1.2 billion for NESDIS. BOA strongly supports the building and strengthening of NOAA's satellite systems

such as the National Polar Orbiting Environmental Satellite (NPOES), Geostationary Operational Environmental Satellite (GOES), and Jason 3. These NPOES and GOES programs are extremely important to timely and accurate weather forecasts over land, the coasts and the oceans and detection and observations of meteorological and oceanic phenomena that directly affect public safety, protection of property, and economic health and development. Jason 3 requires a total investment of $210M over FY10-FY14, or $42M per FY. The Jason 3 satellite will provide information on wave height and sea level and will be used for real-time weather forecasting, tropical cyclone intensity forecasting, and seasonal- to climate-scale forecasting, In supporting this request, however, BOA is concerned that the increase in satellite budget for the NPOES, GOES and Jason 3 *not* come at the expense of other programs within NOAA. Money directed to the satellite programs should be in addition to funding of other NOAA programs, including needed increases in those programs.

NASA

In FY08, the National Research Council released its report, "Earth Science and Applications from Space: National Imperatives for the Next Decade and Beyond." The report found that between 2000 and 2009, funding for Earth Sciences (ES) has fallen from $2 billion to $1.4 billion annually. ES research is absolutely critical to understanding global climate change, such as the decline of Earth's ice sheets and the health of the global oceans. ***BOA generally supports the findings of this report, and we urge the committee to increase the ES funding levels consistent with the report's recommendations so that future missions as well as research and analysis (R&A) are supported.*** It is also critical to continually evaluate the scientific priorities of future missions so that they can be adjusted to provide the most benefit and imminent gaps in capabilities and systematic observations can be addressed. ***For this reason, BOA recommends additional funding to support a gap analysis of critical systematic and emerging science priorities and to adjust mission strategies as appropriate, including the development of new mission plans where appropriate.***

ES activities currently fall within the agency's Science Mission Directorate. We continue to see ES activities, such as R&A in the past five years, being cut because of other agency priorities. NASA's traditionally robust R&D funding has been very important for our member universities. NASA's investments in the ES fund university research that has resulted in valuable advances in weather forecasting, improved climate projections, and understanding of Earth ecosystems. Without the tools provided by NASA, oceanographers and the nation would have a much less complete picture of the planet's oceans and the impact of a changing climate on coastal areas.

Furthermore, the R&A program within ES is the primary mechanism for funding to the academic community. Through its support for young scientists and graduate students, the R&A program supports innovation in ES and technology using NASA's satellite missions. New sensor concepts, new data processing algorithms, and new approaches to global-scale ES are the legacy of the research funded by the R&A program. In view of the rapid changes taking place in global climate, weather, ice cover, carbon cycle science and ecosystems, it is essential that NASA maintain a strong level of R&A funding to derive maximum benefit from today's missions as well as to support the innovation needed to develop the missions of tomorrow. The Aquarius/SAC-D Mission is an excellent example, with the first good geographic coverage of ocean salinity, a key parameter in climate change, set to be achieved in 2010. ***To ensure the***

viability and effectiveness of our ES R&A programs, BOA supports restoring Earth Science funding to FY 2000 levels plus a minimal amount for inflation, to $2.2 billion.

NSF

BOA welcomes the renewed national focus on scientific research and education illustrated by the passage of the America COMPETES Act and the American Recovery and Reinvestment Act. ***BOA supports the President's NSF FY 2010 budget request of $7 billion. The FY09 enacted is $6.5 billion.*** BOA supports funding of the Geosciences Directorate, which serves as the principal source of federal funding for university-based fundamental research in the geosciences. GEO-supported research addresses the Nation's need to understand, forecast, and respond to environmental events and changes. GEO-supported research also advances our ability to forecast natural phenomena of economic and human significance, such as climate changes, weather, earthquakes, marine ecosystem change, and disruptive events in the solar-terrestrial environment.

Furthermore, within the GEO-supported research, the Integrated Ocean Drilling Program (IODP) is an international partnership of scientists, research institutions, and agencies using ocean drilling to explore the structure of Earth and its oceans as recorded in the ocean basins. As part of its co-leadership of IODP with Japan, NSF will provide a light drillship and support services for high-resolution studies of environmental and climate change, observatory and biosphere objectives. The completion of conversion, outfitting and acceptance trials of a new Scientific Ocean Drilling Vessel (SODV) will enable NSF to move forward with its portion of IODP.

Also within NSF, the Major Research Equipment & Facilities Construction Account (MREFCA) provides funding for several items of importance to BOA: the ***Oceans Observatory Initiative***, the ***Academic Research Fleet***, and the ***Alaska Regional Research Vessel***.

The Oceans Observatory Initiative (OOI) will provide the oceanographic research and education communities with continuous, open, interactive access to the ocean. Through a global-scale array, a regional-scale cabled network, and a network of coastal observatories, scientists will be able to study multiple, interrelated processes over multiple timescales. Real-time data transmission, real-time data assimilation into ocean-atmosphere models, and visual images from the seafloor will create new ocean education and outreach opportunities. OOI will also provide the ideal platform for training a new generation of oceanographers skilled in manipulation of large, real-time, oceanographic, time-series datasets, a prerequisite for the planned establishment of the National Integrated Ocean Observing System (IOOS).

Ocean and coastal research and management of resources depend on the availability of a modern Academic Research Fleet (ARF) with sufficient resources to maintain and operate those vessels. The University-National Oceanographic Laboratory System (UNOLS) fleet is in critical need of modernization and replacement of aging vessels. The Alaska Regional Resarch Vessel (ARRV) is a key element of an overall strategy to enhance the ARF, and will provide an important capability for studies in the Arctic, a region particularly sensitive to changing climatic conditions. The BOA urges expanded support for UNOLS and continued development of and support for plans to build new regional and ocean class vessels.

Thank you for taking time to review our recommendations.

Casper's Ice Cream, Inc.
11805 N. 200 E.
Richmond, UT 84333

Phone 435 258 2477 Ext .##
Fax 435 258 5633

March 23, 2009

Testimony of the Casper's Ice Cream, Inc.
Kyle Smith Vice President of Operations
To the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies

On behalf of the Casper's Ice cream (CIC), I would like to thank the Committee for allowing CIC to submit testimony for the record. As Vice President of CIC, I am writing to respectfully request that the Hollings Manufacturing Extension Partnership program be provided the authorized $122 million within the fiscal year 2009 Commerce, Justice, Science and Related Agencies Appropriations Bill. As you know, the Hollings Manufacturing Extension Partnership (MEP) is a program within the U.S. Department of Commerce, National Institute of Standards and Technology, a program which is authorized to improve competitiveness of America's manufacturing community.

MEP is a network of 59 centers, with over 350 locations across the country and in Puerto Rico, providing technical assistance and business support services to America's small manufacturers. An independent survey of 4,959 clients served by the program in federal fiscal year 2006 states that MEP clients report over $1.115 billion in cost savings directly attributed to the program's assistance as well as creating or retaining over $6.76 billion in sales. The program also helped manufacturers create or retain 52,585 jobs and increase investment of $1.65 billion back into the economy. The program, which has achieved significant impact on the local, state and national economies, is proposed to be eliminated in the President's fiscal year 2009 budget proposal.

CIC believes that if the President's budget request is realized, American manufacturers will lose billions of dollars in economic impact at a critical time of need. It is the implementation of technology which is a catalyst for innovation, without which we cannot compete. MEP is a critical program in this nation's efforts to sustain, improve and grow the economic impact of the American industrial base in the global economy.

Sincerely,

Kyle Smith
V.P. & COO
Casper's Ice Cream Inc.
Dba Fat Boy Ice Cream

Testimony of CEA Technologies
Steve Wychulis, Director of Corporate Development
To the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies

On behalf of CEA Technologies, I would like to thank the Committee for allowing the CEA Technologies to submit testimony for the record. As Director of Corporate Development of CEA Technologies, I am writing to respectfully request that the Hollings Manufacturing Extension Partnership program be provided the authorized $131.8 million within the fiscal year 2010 Commerce, Justice, Science and Related Agencies Appropriations Bill. As you know, the Hollings Manufacturing Extension Partnership (MEP) is a program within the U.S. Department of Commerce, National Institute of Standards and Technology, a program which is authorized to improve competitiveness of America's manufacturing community.

MEP is a network of 59 centers, with over 350 locations across the country and in Puerto Rico, providing technical assistance and business support services to America's small manufacturers. An independent survey of 6,679 clients served by the program in federal fiscal year 2007 states that MEP clients report over $1.44 billion in cost savings directly attributed to the program's assistance as well as creating or retaining over $10.5 billion in sales. The program also helped manufacturers create or retain 57,079 jobs and increase investment of $2.19 billion back into the economy. The program, which has achieved significant impact on the local, state and national economies, is proposed to be doubled by President Obama.

CEA Technologies, established in 1988 in Colorado Springs, provides contract design and manufacturing services for the medical device industry. With a 96% retention rate, CEA's 100+ employees boast a high level of expertise, allowing them to flexibly meet the demands of the Fortune 30 medical device firms they serve.

As the company has grown, CEA management has endeavored to grow responsibly to meet increased demands while preparing themselves to weather any dips in business that inevitably occur in the cycle of growth. Steve Wychulis, Director of Corporate Development, contacted CAMT, the Colorado MEP center, to ensure growth challenges were met responsibly. With the help of CAMT, CEA could prepare their employees for success, providing the necessary tools to reach the highest level of efficiency and quality.

First, CEA manufacturing engineers and supervisors participated in a Statistical Process Control course to identify and eliminate variations in the production process, as well as a Value Stream Mapping event to reduce non-value added activities. Then the manufacturing facility went through a 12-week Visual Workplace program.

CEA's manufacturing facility was transformed into a "Visual Workplace" to meet daily performance goals, decrease non-value added activities such as wasted time and motion, and sustain reduced lead times and accelerated flow. CEA's large manufacturing facility with multiple controlled environments was completely rearranged so that all tools and materials were

placed at the point of use. Labels, shadow boards, and display boards were developed to create a facility that speaks for itself-- it tell us exactly where things are, what needs to be done, by when, in what quantity, by whom and how.

The Visual Workplace training has empowered the production staff to take efficiency improvements in their own hands. The staff is continually improving their workplace, initiating new projects on a regular basis. Initial cost savings have been calculated ($30,000 in retained sales, $197,000 in cost savings, $98,000 investment in capital equipment), but I am eager to see the full financial impact of these changes over the next year.

The proposal to double the program is designed to minimize manufacturing job loss and strengthen America's small manufacturers by providing greater access to MEP services. Given the urgent economic challenges, it is even more critical that we invest in a program that helps small manufacturers like ours survive and be positioned for growth when the recovery occurs. MEP is one of the best proactive resources available to support this sector and its services are needed today more than ever. CEA Technologies respectfully requests $131.8 million be appropriated in the fiscal year 2010 CJS bill as a means to keep U.S. manufacturers the best in the world.

Testimony of Centrisys Corporation
William Fairbairn, Vice President
To the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies

On behalf of Centrisys Corporation, I would like to thank the Committee for allowing Centrisys to submit testimony for the record. As Vice President of Centrisys Corporation, I am writing to respectfully request that the Hollings Manufacturing Extension Partnership program be provided the authorized $131.8 million within the fiscal year 2010 Commerce, Justice, Science and Related Agencies Appropriations Bill. As you know, the Hollings Manufacturing Extension Partnership (MEP) is a program within the U.S. Department of Commerce, National Institute of Standards and Technology, a program which is authorized to improve competitiveness of America's manufacturing community.

MEP is a network of 59 centers, with over 350 locations across the country and in Puerto Rico, providing technical assistance and business support services to America's small manufacturers. An independent survey of 6,679 clients served by the program in federal fiscal year 2007 states that MEP clients report over $1.44 billion in cost savings directly attributed to the program's assistance as well as creating or retaining over $10.5 billion in sales. The program also helped manufacturers create or retain 57,079 jobs and increase investment of $2.19 billion back into the economy. The program, which has achieved significant impact on the local, state and national economies, is proposed to be doubled by President Obama.

Centrisys Corporation, located in Kenosha, Wisconsin, used the services of WMEP for our ISO certification. Because of the small size of our company (about 60 employees), we depend on WMEP to provide us with educational services and more importantly, help us make the transitions necessary to operate in this strained economy. MEP provides a series of programs and services that work.

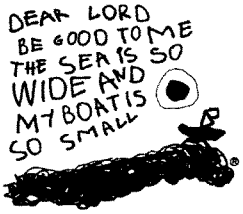
The proposal to double the program is designed to minimize manufacturing job loss and strengthen America's small manufacturers by providing greater access to MEP services. Given the urgent economic challenges, it is even more critical that we invest in a program that helps small manufacturers like ours survive and be positioned for growth when the recovery occurs. MEP is one of the best pro-active resources available to support this sector and its services are needed today more than ever. Centrisys Corporation respectfully requests $131.8 million be appropriated in the fiscal year 2010 CJS bill as a means to keep U.S. manufacturers the best in the world.

Written Statement of the Children's Defense Fund

Hearing on Fiscal Year 2010 Budget

House Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies

April 2, 2009



Children's Defense Fund

25 E Street, NW
Washington, DC 20001
(202) 662-3786
1 (800) 233-1200
www.childrensdefense.org

Chairman Mollohan, Ranking Member Wolf and members of the Subcommittee on Commerce, Justice, Science, and Related Agencies:

The Children's Defense Fund (CDF) appreciates the opportunity to submit a written statement regarding the Fiscal Year 2010 appropriations for federal juvenile justice programs. CDF respectfully requests that you increase funding for key programs in the Juvenile Justice and Delinquency Prevention Act (JJDPA) that support services and protections for youths. **We urge you to, at a minimum, increase funding for the JJDPA Title II State Formula Grants Program to $89 million, JJDPA Title V funding to $95 million, and Juvenile Accountability Block Grants (JABG) funding to $250 million for FY 2010. We also ask that you, at a minimum, maintain Juvenile Mentoring funding at $80 million.** We applaud Congress for increasing funding in FY 2009 for these programs and its leadership in rejecting the Bush administration's requests to eliminate funding. Despite recent increases, funding for the Title II, Title V and JABG programs still remains at less than half of what it was in FY 2002. These programs are critical to making protections required by the JJDPA for children and youths in the juvenile and criminal justice system work.

The mission of CDF is to ensure every child a *Healthy Start*, a *Head Start*, a *Fair Start*, a *Safe Start* and a *Moral Start* in life and successful passage to adulthood with the help of caring families and communities. CDF provides a strong, effective and independent voice for all the children of America who cannot vote, lobby or speak for themselves. We pay particular attention to the needs of poor and minority children and those with disabilities. CDF educates the nation about the needs of children and encourages preventive investments before they get sick, drop out of school, get into trouble or suffer family breakdown.

In 2007, CDF launched the Cradle to Prison Pipeline® Campaign, a national and community crusade to stop the funneling of thousands of youths, predominantly those who are poor and minority, down life paths that can lead to arrest, conviction, and in some cases death. It is a national tragedy that a Black boy born in 2001 has a 1 in 3 chance, a Latino boy a 1 in 6 chance and a White boy a 1 in 17 chance of going to prison in his lifetime.[1] In seeking to dismantle the pipeline to prison, CDF advocates for policies that ensure access to timely, quality health care, early childhood development, and education programs, and improvements to the child welfare and juvenile justice systems. Efforts to strengthen the JJDPA and the programs it supports are an important focus of our campaign's activities.

Title II, Title V, and JABG programs have suffered drastic cuts in the previous eight years. These cuts at the federal level have now been followed by further cuts in states and localities as the economy worsens. Without adequate funding, programs that serve youths in, or at-risk of involvement in, the juvenile and criminal justice systems are unable to meet the growing demand for services. Furthermore, states will not have adequate support to implement improvements in protections for youths in the juvenile

[1] U.S. Department of Justice, Bureau of Justice Statistics, "Prevalence of Imprisonment in the U.S. Population, 1974-2001" (August 2003). Calculations by Children's Defense Fund.

and criminal justice systems that we hope to achieve during the upcoming reauthorization of the JJDPA. We must increase juvenile justice funding and give states and localities the resources they need to improve the juvenile and criminal justice systems, as well as, increase their ability to fund prevention and intervention programs.

Title II of the JJDPA provides direct funds to states, territories, and the District of Columbia to support delinquency prevention and intervention efforts and make important juvenile justice system improvements. In 2006, there were nearly 93,000 youths in secure residential placement, and thousands more coming into contact with the juvenile and criminal justice systems.[2] Many states are struggling to meet the diverse needs of this population and need to reform outdated methods of rehabilitation. As state budgets decrease, it has become extremely difficult for states to implement needed initiatives to reduce juvenile recidivism rates and effectively rehabilitate youths. This is a travesty at a time when many states have the political and public will to implement substantial reforms to their juvenile justice systems, but very little funding to do so. **CDF urges Congress to, at a minimum, restore Title II funding to the FY 2002 level of $89 million for FY 2010**.

Title V of the JJDPA and the Juvenile Mentoring program help to keep children and youths out of prison by funding critical prevention and intervention programs. Title V funds have been used for a number of programs ranging from those that offer support to parents to direct programs for youths, including afterschool activities, tutoring and mentoring, and programs to reduce drop outs and truancy. Prevention programs can give children and young adults the tools they need to avoid a life of crime and save taxpayers millions of dollars in the costs of incarceration. Unfortunately, Title V is currently funded at about two-thirds the level of funding it received in FY 2002. **CDF urges Congress to, at a minimum, restore Title V funding to its FY 2002 level of $95 million, with no earmarks in FY 2010. We also urge Congress to, at a minimum, continue to fund the Juvenile Mentoring program at $80 million in FY 2010.**

The Juvenile Accountability Block Grant (JABG) funds a wide range of juvenile justice programs. Funds are available for operating juvenile correctional and detention facilities and hiring additional staff for facilities, courts, and probation services. JABG also funds a variety of other initiatives, including community service and supervised probation, and establishing or expanding substance abuse programs. We must increase support for programs that keep youths out of secure confinement. Overreliance on incarceration moves youths further into the pipeline to prison and makes it difficult for them to get on the path to a productive adulthood. JABG is currently funded at a little over one-fifth of its FY 2002 funding level. This makes it extremely difficult for states to access the resources needed to make investments in programs that keep children and youths out of secure confinement. **CDF urges Congress to, at a minimum, fund JABG at the FY 2002 level of $250 million in FY 2010.**

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[2] Office of Juvenile Justice and Delinquency Prevention. "Juvenile Arrests 2006." 2006 Census of Juveniles in Residential Placement. http://www.ojjdp.ncjrs.org/ojstatbb/cjrp/. November 2008.

If we are going to substitute the "Cradle to Prison Pipeline" with a "Cradle to Success Pipeline," we must increase our investment in prevention and intervention programs and make dramatic improvements to juvenile justice systems. Every step we take to improve the lives of children, improves the lives of us all. As such, CDF respectfully requests that the House Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies increase funding for the Title II, Title V, and JABG programs to at least the FY 2002 levels. We also request that you maintain Juvenile Mentoring funding. Increasing juvenile justice funding will give states and localities much needed tools to better serve children and youths and implement any improvements required during the upcoming reauthorization of the JJDPA. Thank you.

COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION
729 NE Oregon, Suite 200, Portland, Oregon 97232 503 238 0667

Honourable N. Kathryn Brigham, Chairwoman
Columbia River Inter-Tribal Fish Commission
Testimony on Department of Commerce NOAA Fisheries Fiscal Year 2010 Budget
Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies
United States House of Representatives
March 27, 2009

The Columbia River Inter-Tribal Fish Commission (CRITFC) is pleased to share our views on the Department of Commerce NOAA Fisheries' FY2010 budget and has identified the following funding needs:

- **$110 million for the Pacific Coastal Salmon Recovery Fund to support on-the-ground salmon restoration activities, of which $5 million should be provided to the inter-tribal commission of the Columbia River treaty tribes in the form of a direct grant;**
- **$26 million for the Columbia River Mitchell Act hatchery program to implement reforms called for in the "Conservation of Columbia Basin Fish" (Federal Caucus "All H" Paper") and the Federal Columbia River Power System Biological Opinion, of which $6.5 million (or 25% of the enacted amount) is directed to the tribes to enhance supplementation programs;**
- **$20.6 million for Columbia River facilities screening and passage program;**
- **$9,844,000 for the Pacific Salmon Treaty Program, of which $8,000,000 is for the implementation of the 2009-2018 Agreement, and previous base programs, and $1,844,000 is for the Chinook Salmon Agreement Implementation.**

BACKGROUND: The Columbia River Inter-Tribal Fish Commission (CRITFC) was founded in 1977 by the four Columbia River treaty tribes: Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, Confederated Tribes and Bands of the Yakama Nation, and Nez Perce Tribe. CRITFC provides coordination and technical assistance to the tribes in regional, national and international efforts to protect and restore the fisheries and fish habitat.

In 1855, the United States entered into treaties with the four tribes[1]. The tribes' ceded millions of acres of our homelands to the U.S. and the U.S. pledged to honor our ancestral rights, including the right to fish. Unfortunately, a long history of hydroelectric development, habitat destruction and over-fishing by non-Indians brought the salmon resource to the edge of extinction with 12 salmon and steelhead trout populations in the Columbia River basin listed under the Endangered Species Act (ESA).

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[1] Treaty with the Yakama Tribe, June 9, 1855, 12 Stat. 951; Treaty with the Tribes of Middle Oregon, June 25, 1855, 12 Stat. 963; Treaty with the Umatilla Tribe, June 9, 1855, 12 Stat. 945; Treaty with the Nez Perce Tribe, June 11, 1855, 12 Stat. 957.

Today, the CRITFC tribes' are among the most successful fishery managers in the country leading restoration efforts and working with state, federal and private entities. CRITFC has, and is currently updating, a plan that outlines principles and objectives designed to halt the decline of salmon, lamprey and sturgeon populations and rebuild the fisheries to levels that support tribal ceremonial, subsistence and commercial harvests. To achieve these objectives, the plan emphasizes strategies that rely on natural production, healthy rivers and collaborative efforts.

We have successfully secured other funds to support our efforts, including funds from the Bonneville Power Administration (BPA), the Department of Interior, and the Southern Fund of the Pacific Salmon Treaty, to name just few. However, in the past years federal funding has diminished. Beginning in 2003, the funding for the Pacific Coastal Salmon Recovery Fund (PCSRF) has seen average annual reductions of 40%. These reductions curtailed efforts to protect non-ESA listed species, such as Pacific lamprey and sturgeon, and come at a crucial time as tribal, state and federal parties have undertaken a court-guided collaborative effort to set a course of action to settle issues under the federal Biological Opinion for the Federal Columbia River Power System.

Pacific Coastal Salmon Recovery Program (PCSRF) / Watershed Restoration: Beginning in 1996, 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. The PCSRF program provides a significant role in accomplishing the goals of this shared effort. We recommend restoring the PCSRF FY2010 funding level to the FY2002 appropriated level of $110 million. Of this amount, $5 million should be directed to the CRITFC's four Columbia River treaty tribes to support ongoing efforts.

We acknowledge the economic hardships of western salmon-dependent communities caused by the recent low salmon returns. While financial disaster relief meets a short-term economic need for these communities, we encourage this committee to not divert PCSRF funds to offset immediate economic hardship. Long-term economic benefits can be achieved by making PCSRF investments on the ground to rebuild sustainable, harvestable salmon populations into the future.

The state and tribal co-managers have responded to concerns raised by Congress regarding accountability and performance standards to evaluate and monitor the success of this coast wide program. The co-managers have developed an extensive matrix of performance standards to address these concerns which includes the use of monitoring protocols to systematically track current and future projects basin-wide. Tribally sponsored watershed projects are based on the best science, are competently implemented and adequately monitored, and address the limiting factors affecting salmon restoration. Projects undertaken by the tribes are consistent with CRITFC's salmon restoration plan and the programmatic areas identified by Congress.

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, $26 million is

requested for the tribal and state co-managers to jointly reform the Mitchell Act hatchery program. Of this amount, $6.5 million, or 25% of enacted funding, would be made available to the Columbia River Treaty Tribes for supplementation programs.

Since 1982, CRITFC has called for hatchery reform to meet recovery needs and meet mitigation obligations. We welcome the administration's objective for hatchery reform to transform old hatchery systems to aid in salmon recovery. The CRITFC tribes are leaders in designing and managing supplementation hatchery facilities and believe similar practices need to be implemented throughout the basin to reform current hatchery production efforts. Mitchell Act hatchery production should be used to assist the rebuilding of naturally spawning salmon, the stocks which have constrained both Indian and non-Indian fisheries on the West Coast. 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 ESA.

Columbia River Facilities: To carry out activities identified as necessary in the Federal Caucus All-H Paper and the Biological Opinion, $20.6 million is requested for the Columbia River facilities screens and fish passage programs.

Pacific Salmon Treaty Program: CRITFC supports the U.S. Section recommendation of $9,844,000 for the Pacific Salmon Treaty. Of this amount, $8,000,000 is for the Pacific Salmon Treaty base program with Alaska, Oregon, Idaho, Washington, and NOAA to share as described in the U.S. Section of the Pacific Salmon Commission's Budget Justification for FY 2010. In addition, we support $1,884,000 as first provided in 1997 to implement the abundance based management approach (adopted by the U.S. Section in 1996) of the Chinook Salmon Agreement to carry out necessary research and management activities. The overall total amount includes restoration of $2.4 million for the Pacific Salmon Treaty program for the states to implement the provisions and management and technical changes adopted by the U.S. and Canada in 1999 and continuing in the 2009-2018 Agreement, particularly to implement the abundance based approach for Coho management. These funds are subjected annually to a strict technical review process.

In summary, the CRITFC and its four member tribes have developed the capacity and infrastructure to be models of leadership and stewardship in rebuilding the fisheries in the Columbia Basin. Our collective efforts protect our treaty reserved fishing rights and we also partner with the non-Indian community to provide healthy, harvestable salmon populations for all citizens to enjoy. This is a time when increased effort and participation are demanded of all of us and we ask for your continued support of a coordinated, comprehensive effort to restore the shared salmon resource of the Columbia and Snake River Basins. We will be pleased to provide any additional information that this subcommittee may require.

CRITFC contact: Charles Hudson, (503) 731-1257, hudc@critfc.org

Testimony of Columbus Chemical Industries, Inc.
Steven Quandt, Executive Vice President
To the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies

On behalf of Columbus Chemical Industries, I would like to thank the Committee for allowing Columbus Chemical Industries to submit testimony for the record. As Executive Vice President of Columbus Chemical Industries, I am writing to respectfully request that the Hollings Manufacturing Extension Partnership program be provided the authorized $131.8 million within the fiscal year 2010 Commerce, Justice, Science and Related Agencies Appropriations Bill. As you know, the Hollings Manufacturing Extension Partnership (MEP) is a program within the U.S. Department of Commerce, National Institute of Standards and Technology, a program which is authorized to improve competitiveness of America's manufacturing community.

MEP is a network of 59 centers, with over 350 locations across the country and in Puerto Rico, providing technical assistance and business support services to America's small manufacturers. An independent survey of 6,679 clients served by the program in federal fiscal year 2007 states that MEP clients report over $1.44 billion in cost savings directly attributed to the program's assistance as well as creating or retaining over $10.5 billion in sales. The program also helped manufacturers create or retain 57,079 jobs and increase investment of $2.19 billion back into the economy. The program, which has achieved significant impact on the local, state and national economies, is proposed to be doubled by President Obama.

Columbus Chemical Industries, Inc. is a chemical distributor/manufacturer located in Columbus, Wisconsin and Phoenix, Arizona. We employ 65 people including chemists, scientists and other highly skilled professionals. We have used WMEP's consultancy for the past five years. They are now guiding our ISO 9001/2008 registration. We have found WMEP to have very skilled consultants, they have well-designed programs and implementation procedures, and they are extremely cost effective. I personally believe that this type of government/private effort is a highly effective way to stimulate our economy and help train U.S. manufacturers to compete in an increasingly competitive global market.

The proposal to double the program is designed to minimize manufacturing job loss and strengthen America's small manufacturers by providing greater access to MEP services. Given the urgent economic challenges, it is even more critical that we invest in a program that helps small manufacturers like ours survive and be positioned for growth when the recovery occurs. MEP is one of the best pro-active resources available to support this sector and its services are needed today more than ever. Columbus Chemical Industries, Inc. respectfully requests $131.8 million be appropriated in the fiscal year 2010 CJS bill as a means to keep U.S. manufacturers the best in the world.

CONSERVATION LAW FOUNDATION

March 27, 2009

The Honorable Alan Mollohan
Chairman, Commerce, State, Justice Appropriations Subcommittee
House of Representatives
Washington, DC 20515

Dear Chairman Mollohan:

My name is Sean Cosgrove and I serve as the Marine Campaign Director of the Conservation Law Foundation (CLF). CLF has long been an advocate for the sustainable management of our ocean resources, particularly in the North Atlantic. We write this letter in support of the good work being done by the National Oceanic and Atmospheric Administration (NOAA) and urge increased funding for a number of its important programs. The summary of this request is as follows:

- Funding level of $80 million for NOAA's Office of National Marine Sanctuaries
- Funding level of $28 million for NOAA's Community-based Restoration Program
- Funding level of $12 million for NOAA's Open Rivers Initiative
- Funding level of $9.3 million for NOAA's Damage Assessment, Remediation, and Restoration Program
- Funding level of $4 million for NOAA's Estuary Restoration Program
- Funding level of $78.2 million to fully fund on-board called fishery observers through NOAA's National Marine Fisheries Service (NMFS), who count and monitor catch
- Funding level of $70.5 million for NMFS' fisheries-dependent data collection and management. This includes the surveying, monitoring, data collection and statistical work for both recreational and commercial fisheries not covered by the observer program
- Funding level of $90.6 million for NOAA's Office of Law Enforcement

Office of National Marine Sanctuaries
First, we offer support of NOAA's Office of National Marine Sanctuaries (ONMS), and urge you to take the necessary action to increase the ONMS funding level to **at least $80 million** for Fiscal Year 2010. Over the past four years, a combination of funding decreases and level-funding have resulted in cutbacks to key programs, operations, and construction efforts across the National Marine Sanctuary System and an inability for ONMS to even stay in step with annual inflationary adjustments. Therefore, **at least $80 million** in funding is needed to restore ONMS to a more suitable level of operation and allow it to sustain the great strides being made in our sanctuaries.

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RHODE ISLAND: 55 Dorrance Street, Providence, Rhode Island 02903 • 401-351-1102 • Fax: 401-351-1130
VERMONT: 15 East State Street, Suite 4, Montpelier, Vermont 05602-3010 • 802-223-5992 • Fax: 802-223-0060

CLF is particularly concerned about the need to develop a comprehensive management plan for the Gerry E. Studds Stellwagen Bank National Marine Sanctuary in Massachusetts. In 2008 the Stellwagen Sanctuary staff proposed a management plan revision that catalogued the enormous ecological impacts on Stellwagen Bank Sanctuary resources from overfishing, shipping traffic, habitat degradation and derelict fishing gear, among other issues. Unfortunately, this very same proposal took no immediate steps to address the same impacts that were so well catalogued. Stellwagen Bank is a national treasure and is home to migrating North Atlantic right whales, of which less than 350 exist. The management plan needs to be revised in a way that protects these endangered whales and other ocean wildlife and ensures environmental stewardship for decades. The NOAA professionals tasked with proper management deserve and need added support and resources. Funding of **at least $80 million** would help efforts as these and we urge your support for this level of funding.

Coastal Habitat Restoration
We appreciate your past support for NOAA's coastal habitat restoration efforts. As you craft your appropriations bill for FY 2010, we ask you to provide a total of $53.3 million for the following core habitat restoration programs:

- $28 million for the Community-based Restoration Program (funded under CJS: NOAA: National Marine Fisheries Service: Fisheries Habitat Restoration)

- $12 million for the Open Rivers Initiative (funded under CJS: NOAA: National Marine Fisheries Service: Fisheries Habitat Restoration)

- $9.3 million for the Damage Assessment, Remediation, and Restoration Program (funded under CJS: NOAA: National Ocean Service: Response and Restoration Base)

- $4 million for the Estuary Restoration Program (funded under CJS: NOAA: National Ocean Service: Estuary Restoration Program)

These programs help create jobs and stimulate local economies while benefiting fish and wildlife and improving coastal ecosystems. Coastal communities are major economic engines in many counties, regions and states. An economic analysis from the Economic Policy Institute estimates that each $1 million of restoration work generates 20.3 jobs. Moreover, this investment in restoration will repair and improve habitats which serve as natural infrastructure for these communities. Restoring wetlands, shellfish reefs, seagrass beds; reestablishing hydrologic flow; replacing road culverts; moving or removing unnecessary levees and derelict dams. These projects restore the long term ecological and economic benefits that flow from healthy coastal ecosystems. In addition to improved water quality, fish passage, and habitat, these landscapes will support commercial and recreational fishing; improve tourism; and create new business and recreational opportunities such as fishing, river rafting and kayaking and associated support services.

Community-based Restoration Program
NOAA's Community-based Restoration Program conducts meaningful habitat restoration and engages local community participation in on-the-ground restoration projects. Through the program, NOAA works with national and regional partners and local conservation organizations by providing the scientific expertise, funding, and technical support needed to restore coastal and marine habitat. By working collaboratively with more than 1,500 organizations, they have funded more than 1,300 projects to restore over 33,000 habitat acres—including oyster reefs, wetlands, and other coastal habitats—and over 1,400 river miles for fish passage. The program has involved more than 132,000 volunteers in projects, resulting in 840,000 volunteer hours contributed. In addition, more than $50 million in NOAA funds have generated three to five times that amount in cash and in-kind contributions from non-federal partners, helping to expand on-the-ground restoration projects.

The Community-based Restoration Program annually receives over $55 million in requests from communities for restoration projects. However, current funding levels have only provided $11 million for the program each year. Consequently, many of the nation's restoration needs go unmet and NOAA is not able to leverage as much matching cash, volunteer labor, and in-kind contributions. We request an increase to $28 million for the Community-based Restoration Program.

Open Rivers Initiative
NOAA's Open Rivers Initiative provides technical expertise and financial assistance to remove dams and fish passage barriers in coastal watersheds. Over 2.5 million obsolete dams, some up to 200 years old, and countless poorly designed culverts block passage for migratory fish—such as striped bass, shad, salmon, and sturgeon—from their native upstream spawning habitat. The Open Rivers Initiative will restore naturally functioning river ecosystems, revitalize communities, provide new recreational opportunities, improve populations of commercially and recreationally important fish, and reduce risk of flood.

Since its inception in 2006, the Open Rivers Initiative has received 150 requests totaling $28 million from communities across the country. However, NOAA has only been able to address 25 projects so far due to limited funding. To provide communities around the country with technical assistance and funding to remove barriers to fish passage, we request $12 million for the Open Rivers Initiative.

Damage Assessment, Remediation, and Restoration Program
Through NOAA's Damage Assessment, Remediation, and Restoration Program, the agency acts on behalf of the public to assess, remediate, and restore coastal and marine resources injured by oil spills, hazardous substance releases, and physical impacts such as ship groundings. Current funding levels are not sufficient to enable NOAA to continue to properly respond to the many coastal areas damaged by oil spills and hazardous waste sites. NOAA effectively holds responsible parties liable for damages to the natural resources. Over the past 15 years, the program and its partners have collected nearly $450 million in settlements for restoration projects such as removing river blockages, creating oyster reefs, restoring oiled wetlands, and reattaching broken coral. However, it often takes months and even years to settle some cases. Appropriations funding for the Damage Assessment, Remediation, and Restoration Program

provides support for the up-front environmental assessment process and short-term restoration needs while NOAA works to settle each case. We request $9.3 million for NOAA's Damage Assessment, Remediation, and Restoration Program.

Estuary Restoration Program
The Estuary Restoration Act (ERA), as reauthorized by the Water Resources Development Act (WRDA) of 2007, establishes a comprehensive program for the restoration of our nation's estuaries. By setting a goal to restore one million acres of estuary habitat by 2010, the Act encourages coordination among all levels of government, and engages the unique strengths of the public, non-profit, and private sectors. The ERA ensures a strong federal commitment and resources to restore estuary habitat by authorizing $4 million for NOAA, which includes $2.5 million for implementation of on-the-ground restoration projects and $1.5 million for the acquisition, maintenance, and management of monitoring data on restoration projects. We request $4 million for NOAA's Estuary Restoration Program to allow NOAA to implement the ERA.

Restoring Fisheries and Fisheries Observer Program
America's ocean resources and fishing communities are in crisis as fisheries collapse and fishing jobs are lost. An immediate investment can create new fisheries enforcement and science jobs that are desperately needed to police the coasts and collect data that is crucial to science-based decision-making in fisheries. New enforcement and monitoring jobs will help improve the ocean environment; a better ocean environment will in turn deliver more and better jobs in the fisheries sector.

In 2008, NOAA spent about $125M – just over half of what it needs – on monitoring and enforcement, including surveillance, observers and training. Despite those expenditures, fishing communities continue to shrink as overfishing persists. In many fisheries, managers and scientists struggle to accurately assess the abundance of stocks because funding for monitoring is limited. In other cases, strong rules don't convey necessary protections because enforcement is minimal.

In order to address these deficiencies we recommend the following funding increases:

- **An additional $ 46.7 million and 300 workers** (over FY2008 enacted of $31.5 million) **to fully fund on-board called fishery observers, who count and monitor catch**. A total of $78.2 million and 1,087 workers are needed.
- **An additional $29.8 million and 459 workers** (over FY2008 enacted of $40.7 million) **for fisheries-dependent data collection and management.** This includes the surveying, monitoring, data collection and statistical work for both recreational and commercial fisheries not covered by the observer program. A total of $70.5 million and 970 workers are needed.
- **An additional $37.1 million and 239 full-time employees** (over FY2008 enacted of $53.3 million and 256 full-time employees) **for NOAA's Office of Law Enforcement**. This will ensure full funding for investigations and outreach. A total of $90.6 million and 495 workers are needed.

Effective monitoring and enforcement is a critical component to meeting Congress's goal to end overfishing by 2011. In many fisheries today unreported and misreported harvesting information impairs fishery managers' abilities to properly manage fish stocks and scientists' abilities to accurately assess stock abundance. With better monitoring systems in place, scientists collect more accurate data and fishermen can react more quickly to changing conditions at sea. Improved monitoring leads to better science; better science leads to reduced uncertainty; and reduced uncertainty leads more accurate catch limits and stable businesses.

Thank you for taking the time to consider these requests. We appreciate the constraints that the current economic climate places on the funding priorities. Yet, we believe that sufficient investment in the proper management and stewardship of our nation's ocean resources will yield more dividends in a healthy ocean and economically stable communities.

Sincerely,

Sean Cosgrove
Marine Campaign Director

Testimony of Howard Silver, Executive Director, Consortium of Social Science Associations (COSSA), to the House Commerce, Justice, Science Subcommittee, House Appropriations Committee. Honorable Alan Mollohan, Chairman. March 27, 2009.

Mr. Chairman and Members of the Subcommittee:

My name is Howard Silver and I am the Executive Director of the Consortium of Social Science Associations (COSSA). The Consortium represents over 110 professional associations, scientific societies, universities and research institutes concerned with the promotion of and funding for research in the social, behavioral and economic sciences. COSSA functions as a bridge between the research world and the Washington community. A list of COSSA's membership is attached.

I appreciate the opportunity to comment on the proposed FY 2010 budgets for the National Science Foundation (NSF), for which we recommend at least $7 billion; the Bureau of Economic Analysis, for which we support a $5 million increase; the Census Bureau, for which we support the President's request of a $4 billion increase to conduct the 2010 decennial count and sufficient funding for the Bureau's other data collection activities; the National Institute of Justice (NIJ), for which we seek $55 million in program funds, and Bureau of Justice Statistics (NIJ), for which we urge $55 million in program funds.

President Obama made clear in his preliminary FY 2010 budget document that: "Investments in science and technology foster economic growth; create millions of high-tech, high-wage jobs that allow American workers to lead the global economy; improve the quality of life for all Americans; and strengthen our national security." All of the above-mentioned agencies are part of government-supported research and data activities. They will help fulfill the President's vision for science and contribute to a better America and world.

COSSA is well aware that each year you confront difficult choices among competing agencies under the Subcommittee's jurisdiction. We hope that you will give these agencies' needs generous consideration.

NATIONAL SCIENCE FOUNDATION (NSF)

First, I would like to express my sincere appreciation to the Subcommittee and the rest of the House leadership for their successful efforts on behalf of science in the American Recovery and Reinvestment Act (ARRA). The $3 billion for NSF in ARRA, and particularly, the $2 billion for the Research and Related Activities account, will help fund more excellent science projects across all the disciplines that NSF supports and help correct the dismal success rates that limited NSF budgets have created in recent years.

The goal for NSF funding should be the sustainability of science funding across time. With the infusion of ARRA funds, COSSA, as the President has requested, recommends that the Committee appropriate at least $7 billion for NSF in FY 2010. NSF should continue on the path enacted in the America COMPETES Act and receive close to the eight percent increase envisioned in that law. Using the same reasoning, COSSA recommends $5.6 billion for the

Research and Related Activities account and $912 million for the Education and Human Resources directorate.

We also are grateful to the Subcommittee for its support of ALL the disciplines that NSF funds. As you are aware, the America COMPETES Act makes clear that the social, behavioral and economic (SBE) sciences are an integral part of NSF and should receive funding increases commensurate with the exciting opportunities occurring in those areas. NSF is extremely important for Federal support for basic research in the SBE sciences. For some fields in these sciences, NSF is the only source of Federal support for basic research and infrastructure development.

The recently released National Science and Technology Council report, "Social, Behavioral and Economic Research in the Federal Context," documents the foundational research themes, priority research focus areas, and the policy relevant areas of investigation that are driving these sciences (http://www.ostp.gov/cs/nstc/documents_reports). As the report notes, "The SBE sciences are focused on human activity at every level –from an individual's brain, to behavior, to the actions of groups and organizations." All this research is now conducted with advances in methodologies, computing power, and interdisciplinary cooperation, which help SBE scientists produce significant results. These sciences are moving forward with improved methods for collecting and managing data, building more integrated systems to allow for sharing across data sets, and a continued focus on scientific questions that have policy implications. We need sustained support for the new modes of research, such as collaborations, economic and political laboratories, merged databases, functional MRIs, and virtual centers that have transformed SBE research.

The social and behavioral research portfolio is enormous and supports science of tremendous intellectual excitement and substantial societal importance. One of the areas highlighted in the NSTC report is understanding the complexity of human societies and activities. This requires a systems approach that integrates data and analyses over the whole range of human sciences, from neuroscience and psychology to political science, economics, geography, anthropology, linguistics, and sociology. As the report indicates, one of the exciting ways this is utilized is the development of network models that have enabled visualizations of the webs and inter-organizational ties that foster the spread of information, idea and microbes within and across populations (see SCIENCE Magazine, February 13, 2009). In addition, multi-level modeling has led to analyses of the impact of community change on individual outcomes; and simulation modeling advances have allowed the integration of knowledge from a multitude of studies on specific behavioral, societal and biological mechanisms that affect an entire ecosystem. The latter is extremely important as the nation and the world cope with the impacts of climate change.

The new Administration has made research on climate change and alternative energy a priority. In recent years, report after report from the National Academies, the U.S. Climate Research Program, the NOAA Advisory Board, and the IPCC, has called for more investment in the human dimensions of global climate change. SBE has recently issued a new solicitation for Decision Making Under Uncertainty, a key part of climate change research, that will allow for

the continued investigation of human behavior and decision making. This an area of research for which the psychologist Daniel Kahneman won the Nobel Prize in Economics.

The NSTC report also makes clear that "research in the human sciences relies heavily on the generation of high quality longitudinal data gathered in surveys." SBE continues its support for major long-term data bases such as the Panel Study on Income Dynamics, the General Social Survey, and the American National Election Studies. These three extraordinary sets of time-series data continue to paint a portrait of American's economic, social, and political attitudes and behavior over five decades, while updating their methodology and expanding their scope.

SBE remains committed to funding the initiative on the Science of Science and Innovation Policy (SciSIP). These studies examine how national research and development systems work, how to measure and nurture innovation, and how to direct the nation's investments. Two major competitions have occurred, generating high demand, and more will follow. Recently, SBE has determined that the implementation by science agencies of the ARRA funding is a natural experiment that SciSIP researchers could study. SBE is encouraging proposals for these investigations under its RAPID funding mechanism.

Furthermore, as new technologies such as nanoscience and engineering move forward, the ethical, legal, environmental, and social implications remain a key concern. SBE continues to remain at the forefront of supporting such studies through its Science and Society program.

Finally, the policy relevance and societal impact of SBE research is enormous. As Congress and the Administration deal with education, energy and the environment, health, cooperation and conflict among nations and people, and societal resilience and response to natural disasters and terrorism, reliance on the results of SBE research will be large. Social and behavioral research help provide the answers to many of these vexing problems. Thus, at budget time, we ask for our fair share of the funding.

With regard to the Education and Human Resources directorate (EHR), COSSA believes that broadening participation in science, across ALL the sciences, is important. We support NSF's programs to ensure that all students get a chance to become scientists; including SBE scientists. COSSA has taken the lead in organizing the science community's efforts to enhancing diversity in the sciences. COSSA held a retreat in February 2008 with the participation of representatives from professional associations, scientific societies, NSF, and NIH. On March 12, 2009, COSSA, with the support of many scientific societies, sponsored a briefing on Capitol Hill. The report from the retreat and a summary of the congressional event can be found at www.cossa.org

We strongly agree with President Obama's support to "triple the number of graduate fellowships in science to help spur the next generation of home-grown scientific innovation." We know the Subcommittee had difficulty accepting the large increase in NSF's graduate fellowship program in FY 2009. We hope those difficulties will be overcome for FY 2010. COSSA also supports programs that will enhance the quality of teaching in our K-12 system, not only for math and science, but for all subjects. It is clear from the National Assessment of Educational Progress (NAEP) and other tests that American students need help across-the-board.

We also strongly support funding for EHR research that evaluates the effectiveness of its programs. Further, COSSA believes that STEM education cannot be done in isolation from social, economic, and cultural factors that influence our education system and its students. In addition, the SBE sciences are in the forefront of providing research and evidence for improving how our children learn and survive in the modern, complex societies in which we live. NSF's Science of Leaning Centers program is an important part of this and COSSA strongly supports the continued funding of these Centers.

THE U.S. CENSUS BUREAU and BUREAU OF ECONOMIC ANALYSIS

COSSA is a member of the 2010 Census Advisory Committee and as we move toward that redesigned short-form Census, we support the large increase proposed for the Bureau's FY 2010 budget. We are encouraged by recently-confirmed Secretary of Commerce Gary Locke's testimony that the 2010 count will get done with the "right people...working with absolute vigor." As you know, the Census is constitutionally mandated and has an important impact on reapportionment, redistricting, and the distribution of federal and state funds. Thus, we must make every effort and spend whatever is necessary to make sure we get a fair and accurate count.

COSSA thanks the Subcommittee for its support of the anomaly in the FY 2009 Continuing Resolution that appropriated the full amount to keep the preparations for the 2010 count on track. COSSA also is grateful for the extra $1 billion for the Census in the ARRA. We urge you to concur with the President's request providing over $4 billion of additional funding "in order to ensure the Census Bureau will have the resources it needs to complete the 2010 Decennial Census effectively, efficiently, and on time." As the President pointed out, "the decennial census is the Nation's largest peacetime mobilization, and will entail the hiring of approximately half a million temporary workers, as well as extensive advertising and partnership activities to encourage participation by hard-to-reach populations and completion of an accurate count." COSSA now hopes that he will soon appoint a Director of the Census Bureau to lead that effort.

In addition, the other regular activities at the Census Bureau should not suffer as a result of the preparations for 2010. The American Community Survey (ACS) has allowed the decennial to become a short-form census and ACS' annual data collections also provide timelier information for use by state and local governments and businesses. The other Bureau activities are also important to maintaining the economic statistical databases that play an important role in employment policy, housing policy, and economic policy, and their funding should be sufficient.

COSSA also supports increases in the FY 2010 appropriation for Bureau of Economic Analysis (BEA). A part of the Commerce Department and the federal statistical system, BEA produces economic accounts' data that enable government and business decision-makers, researchers, and the American public to follow and understand the performance of the Nation's economy. This is of major importance in these perilous economic times. BEA also needs to return to developing measures of investment in R&D and other knowledge-based activities in order to incorporate them into the nation's GDP.

NATIONAL INSTITUTE OF JUSTICE (NIJ) and the BUREAU OF JUSTICE STATISTICS (BJS)

The NIJ and BJS are the research and statistics arms of the Department of Justice (DOJ). COSSA appreciates your support for increased budgets for these agencies in FY 2009 and the report language touting the importance of enhancing the National Crime Victimization Survey (NCVS) as recommended in the National Academies' Committee on National Statistics report *Surveying Victims: Options for Conducting the National Crime Victimization Survey.*

For FY 2010, COSSA requests further enhancements to the budgets of these two agencies. One idea is to provide NIJ a one percent set-aside of funds from the budgets for the Office of Justice Programs, Office of Violence Against Women, and the COPS program for evaluation studies and other important research. As you know, the cost of crime to victims and to society far exceeds the budget for research studies and the collection and analysis of data essential to understanding how to affect change with regard to crime and criminal justice. In addition, as your panel's recent hearings on prisoner re-entry demonstrated, there is a lot of work to do to discover how programs are working and what else needs to be done. NIJ also needs to develop a long-term research agenda that would include longitudinal studies. Like Congress, COSSA also awaits the results of the National Academies' review of NIJ.

BJS funding remains deficient, given the range of national criminal justice statistical programs for which it is responsible. BJS' programs include collecting data on: correctional populations and facilities; courts and sentencing; recidivism; reentry; prosecution; civil justice; sex offender registries; and criminal history records. Under the National Instant Criminal Background Check System Improvement Act of 2007, BJS has an expanded role in improving background checks for firearms purchasers. BJS also has been collecting data from the states under the Deaths in Custody Reporting Act, which received no appropriation. Although the Act expired, it is anticipated to be reenacted shortly, and we urge that funds be appropriated for this purpose.

For BJS, the FY 2009 increase will support research and development of a NCVS redesign. However, efforts necessary to produce additional sub-national estimates useful to state and local governments, as recommended by the NAS panel, will require an even greater level of funding.

In addition, consistent with its mandate to support state statistical efforts, BJS provides support to Statistical Analysis Centers in 53 states and territories through the State Justice Statistics (SJS) program. SJS has remained flat-funded for over a decade; in FY 2008, only $2.3 million was available to fund the program.

COSSA would ultimately like to see NIJ and BJS established within an Office of Justice Research and Statistics that would elevate science and data efforts in DOJ. We realize that is an authorization issue, but elevating the funding of these two agencies would help in that effort.

As always, COSSA understands that this is expected to be another difficult year for the appropriations' process. COSSA hopes that when you consider the FY 2010 funding for the agencies I have discussed, you will treat them as generously as you can. Thank you for the opportunity to present our views.

Testimony of the Denver Rubber Company
Karen McCormack, President
To the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies

On behalf of the Denver Rubber Company, I would like to thank the Committee for allowing my company to submit testimony for the record. As President of the Denver Rubber Company, I am writing to respectfully request that the Hollings Manufacturing Extension Partnership program be provided the authorized $131.8 million within the fiscal year 2010 Commerce, Justice, Science and Related Agencies Appropriations Bill. As you know, the Hollings Manufacturing Extension Partnership (MEP) is a program within the U.S. Department of Commerce, National Institute of Standards and Technology, a program which is authorized to improve competitiveness of America's manufacturing community.

MEP is a network of 59 centers, with over 350 locations across the country and in Puerto Rico, providing technical assistance and business support services to America's small manufacturers. An independent survey of 6,679 clients served by the program in federal fiscal year 2007 states that MEP clients report over $1.44 billion in cost savings directly attributed to the program's assistance as well as creating or retaining over $10.5 billion in sales. The program also helped manufacturers create or retain 57,079 jobs and increase investment of $2.19 billion back into the economy. The program, which has achieved significant impact on the local, state and national economies, is proposed to be doubled by President Obama.

Denver Rubber Company (DRC) is a custom gasket and hose manufacturer to the industrial machinery and original equipment manufacturer (OEM) markets in Colorado. DRC also manufactures and distributes wholesale products to the national construction, floor care and concrete pumping industries. Founded by Tom Jones in 1974 as a hose manufacturer named Rocky Mountain Hydraulics, the company expanded its product lines and changed its name to Denver Rubber Company in the mid-'80's. DRC now occupies a 17,000 square foot facility in Denver and employs 15 people, including two successive generations to the founder, who passed away in 2005. DRC takes pride in its unique ability to offer gasket manufacturing and industrial distribution, in addition to its commitment to superior customer service.

Since its inception, DRC developed and implemented many good processes for both inventory management and quality control. However, management recognized that in order to market to larger manufacturers, an ISO certification was critical. Working towards the ISO certification would facilitate a greater understanding and documentation of the processes already in place, and assist in the development of additional quality standards. CAMT, Colorado's MEP center, was recommended by associates at the Denver chapter of National Association of Women Business Owners and DRC worked with CAMT in the second half of 2004.

CAMT developed a training plan for DRC's process improvements. The training included on-site customized training in both Lean Inventory Control principles and formal Quality Control principles for the warehouse and management staff. The training began with CAMT interviews

of key managers within the company in order to understand the operations of the company and determine the areas in which to focus improvements. Brief classroom sessions were conducted followed by extensive hands-on implementation.

As a result of these trainings, many new processes were put in place by the warehouse team, such as quality inspection documentation, a detailed process flow chart from beginning to end with "bottlenecks" identified, staging and kitting processes for press operations, a streamlined process for returned materials, a unique manner of labeling and tagging rubber materials, and a training matrix for documenting the ongoing training of warehouse staff. Regular process inspections have also been implemented.

The most significant long term improvement DRC identified is in the material handling department, resulting in increased productivity and decreased material waste. Instead of press operators picking up the materials for each job themselves, often resulting in both wrong materials and bad dies being used, DRC now has a kitting department responsible for creating a kit for each job consisting of materials cut to size for the best yield and a die which has been inspected prior to use. This has also resulted in more accurate inventories as there is a materials manager responsible for marking the amounts used after each job.

As a result of CAMT trainings, DRC was able to reduce waste materials by 60% in our production process, increase productivity by 40%, save $97,000 in labor costs, and overall saw a combined financial impact of $328,000. DRC continues to work with CAMT to continue and improve upon best practices in process, quality and growth strategies.

The proposal to double the program is designed to minimize manufacturing job loss and strengthen America's small manufacturers by providing greater access to MEP services. Given the urgent economic challenges, it is even more critical that we invest in a program that helps small manufacturers like ours survive and be positioned for growth when the recovery occurs. MEP is one of the best pro-active resources available to support this sector and its services are needed today more than ever. The Denver Rubber Company respectfully requests $131.8 million be appropriated in the fiscal year 2010 CJS bill as a means to keep U.S. manufacturers the best in the world.

Testimony of Dowco, Inc.
Chuck Webster, President
To the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies

On behalf of Dowco, Inc., I would like to thank the Committee for allowing Dowco to submit testimony for the record. As President of Dowco, I am writing to respectfully request that the Hollings Manufacturing Extension Partnership program be provided the authorized $131.8 million within the fiscal year 2010 Commerce, Justice, Science and Related Agencies Appropriations Bill. As you know, the Hollings Man facturing Extension Partnership (MEP) is a program within the U.S. Department of Commerce, National Institute of Standards and Technology, a program which is authorized to improve competitiveness of America's manufacturing community.

MEP is a network of 59 centers, with over 350 locations across the country and in Puerto Rico, providing technical assistance and business support services to America's small manufacturers. An independent survey of 6,679 clients served by the program in federal fiscal year 2007 states that MEP clients report over $1.44 billion in cost savings directly attributed to the program's assistance as well as creating or retaining over $10.5 billion in sales. The program also helped manufacturers create or retain 57,079 jobs and increase investment of $2.19 billion back into the economy. The program, which has achieved significant impact on the local, state and national economies, is proposed to be doubled by President Obama.

Dowco, Inc. is a manufacturer of accessories (i.e., covers, enclosures, tops, luggage, etc.) for the marine and power sports industry. We are located in Manitowoc, WI and employ 202 skilled and semi-skilled workers. Our biggest challenge currently is trying to increase efficiency in the production of our products to offset the decrease in sales as a result of the declining economy. We rely on the Wisconsin Manufacturing Extension Partnership (WMEP) for its support and resources and are continually reaching out to this great organization.

The proposal to double the program is designed to minimize manufacturing job loss and strengthen America's small manufacturers by providing greater access to MEP services. Given the urgent economic challenges, it is even more critical that we invest in a program that helps small manufacturers like ours survive and be positioned for growth when the recovery occurs. MEP is one of the best pro-active resources available to support this sector and its services are needed today more than ever. Dowco respectfully requests $131.8 million be appropriated in the fiscal year 2010 CJS bill as a means to keep U.S. manufacturers the best in the world.

Testimony of Eclipse Wireline
Corey Paskins
To the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies

On behalf of the Eclipse Wireline, I would like to thank the Committee for allowing the Eclipse Wireline to submit testimony for the record. As HR and Production Manager of the Eclipse Wireline, I am writing to respectfully request that the Hollings Manufacturing Extension Partnership program be provided the authorized $122 million within the fiscal year 2009 Commerce, Justice, Science and Related Agencies Appropriations Bill. As you know, the Hollings Manufacturing Extension Partnership (MEP) is a program within the U.S. Department of Commerce, National Institute of Standards and Technology, a program which is authorized to improve competitiveness of America's manufacturing community.

MEP is a network of 59 centers, with over 350 locations across the country and in Puerto Rico, providing technical assistance and business support services to America's small manufacturers. An independent survey of 4,959 clients served by the program in federal fiscal year 2006 states that MEP clients report over $1.115 billion in cost savings directly attributed to the program's assistance as well as creating or retaining over $6.76 billion in sales. The program also helped manufacturers create or retain 52,585 jobs and increase investment of $1.65 billion back into the economy. The program, which has achieved significant impact on the local, state and national economies, is proposed to be eliminated in the President's fiscal year 2009 budget proposal.

"I would like to thank MEP for an outstanding performance on Lean manufacturing training and Visual Stream Mapping techniques. I am writing respectfully to request more assistance to MEP and to Eclipse Wireline for continuous improvement in our facility. As Production Supervisor and Continuous Improvement Manager, the quality of manufacturing improvements and accelerated velocity through our factory has helped us achieve the highest status of product capabilities and services. Eclipse Wireline is in a very competitive manufacturing community. Oil and gas exploration is showing change in the current economy as well as all sectors of public and private businesses throughout the world. As an international distributor of wireline trucks, it is most important to be a solid, reputable company capable of delivering superior products at a competitive price."

Corey Paskins, HR and Production Manager, Eclipse Wireline

"Our work with MEP has involved the implementation of Lean manufacturing and visual methods to reduce lead times, reduce operation costs and assist in better profit margins. With MEP helping us sustain a better culture in our facility, we have finally recorded our first year of making serious profits. Eclipse Wireline is a young company and our ability to develop and train our people is critical to our survival and Utah MEP provides the most cost effective method to help us grow and sustain our business. Eclipse Wireline takes this Lean philosophy to levels outside of the facility. During sales calls, service calls and equipment training, it is mandatory to implement this Lean training. Our customers experience all aspects of what we offer. From the first meeting, to using the final product, Eclipse Wireline shows a level of competency that is second to none."

Clyde Noorda, General Manager, Eclipse.

MEP has helped Eclipse Wireline in saving $500,000.00 in costs and incidentals. I also know that with this training, we have accelerated profits beyond expectations. Our owners/investors have taken roughly $500,000.00 from their initial investment of $1,000,000.00 and are now willing to expand our horizons. Even in this economy, we are poised to be profitable and a global competitor in this energy industry. It is more than apparent that MEP has been critical to our success through their training and assistance, to be where we are today. I recommend MEP to all small and large businesses in all sectors, private and public.

Eclipse Wireline believes that if the President's budget request is realized, American manufacturers will lose billions of dollars in economic impact at a critical time of need. It is the implementation of technology which is a catalyst for innovation, without which we cannot compete. MEP is a critical program in this nation's efforts to sustain, improve and grow the economic impact of the American industrial base in the global economy.

Sincerely,
Clyde Noorda/Corey Paskins
General Manager/HR and Production Manager
Eclipse Wireline

TESTIMONY OF THOMAS E McCLURE

SECRETARY OF EDUCATIONAL ASSOCIATION OF UNIVERSITY CENTERS

DIRECTOR OF REGIONAL AFFAIRS, WESTERN CAROLINA UNIVERSITY

HOUSE APPROPRIATIONS SUBCOMMITTEE ON

COMMERCE, JUSTICE AND SCIENCE

SUBMITTED MARCH 27, 2009

On behalf of the Educational Association of University Centers in support of the EDA University Center Program, I am pleased to offer this testimony regarding the funding needs of this critically important program administered by the Economic Development Administration of the Department of Commerce. The University Center Program is included in the EDA Budget under the Technical Assistance line item, which is funded at approximately $9 million annually, with about $7.4 million for the national EDA University Center Program. **I respectfully request the Commerce, Justice and Science Subcommittee increase funding for this program by $7 million which would increase Technical Assistance funding to approximately $17 million, of which $14.4 million will go for the University Center Program.** Such increase in funding would allow for expansion of the program to include as many as 100 universities across the U.S. The increased number of centers would make these services available to a larger population in a much more cost-efficient manner because center staff would be in much closer proximity to the region to be served. Greater efficiency would be achieved in both reduced travel for all parties and at the same time more hands on assistance could be provided.

Eight states (**WVA, Montana, Colorado, Utah, VT, NH, Delaware, SD**) and the District of Columbia do not have a center. There is a need for at least one center in every state; however, because of the current economic distress across the country and the role these centers can play in helping alleviate some of the distress there is an urgent need to expand this program to at least 100 centers. While one center is adequate in a lot of states, especially smaller ones, most of the states need at least two, and some three or even four centers based on levels of distress and geography; for example, California has one center but needs at least four, WVA needs at least two, NC three, Tennessee three. Because of the increasing demand for economic development assistance on institutions of higher education – universities – from governors and state legislatures to redefine and innovate state and regional economies and for reasons mentioned above, there has never been a greater demand in the history of the program for the services provided by the university centers.

At this time of national economic distress, we need all the tools we can muster to help turn our economy around. Across the nation, the impact of the current crisis is taking a huge toll on businesses, communities and families in cities, large and small, and rural areas nationwide.

One of the tools in our arsenal is the EDA University Center Program. This nationwide network of 52 centers (located at universities and colleges in forty two states and Puerto Rico) has served our nation well for over 30 years. Our goals are simple: to work with local economic development organizations, local units of government, private sector companies and regional organizations to foster economic and business development.

The diversity of the University Center Program is its strength. By understanding the unique character of its region, each University Center can respond directly with specific assistance tailored to meet the needs of that region.

The program is the only federally-funded program specifically designed to link the higher education system in the U. S. with local and regional economic development organizations, units of government, private sector companies, non-profits and regional organizations to foster economic development in its broadest context.

Through this program, the resources, research, expertise, experience and capabilities of the higher education system are made accessible to help capitalize on opportunities, address problems and overcome economic challenges for areas suffering economic dislocation and distress. Each individual center reflects the character and capacities of the sponsoring institution and tailors its portfolio of programs, projects and services based on the individual institution and the needs of the region that each program serves. This proactive engagement of the system of higher education in the U.S. is particularly critical in the current economic environment. EDA University Centers help communities build the human capital and physical infrastructure—or capacity—to support and encourage economic development. They serve as the catalyst to leverage university and community brainpower and financial resources to increase the economic wealth and overall welfare of the communities they serve through the creation and enhancement of jobs.

In 2000 EDA had Mount Auburn Associates, Somerville, Massachusetts, conduct an independent study of this program and its impact; the study gave the program very high marks recommending that the funding be increased or the number of centers be reduced thereby attaining a higher level of funding per center. The following results were reported from client interviews during the course of the study: 97% of all clients were satisfied with the timeliness of the work; 95.8% were satisfied with quality of work; and, 93.1% would definitely use the center(s) again; and, today, statistics demonstrate a continued high level of satisfaction with more than 90% of clients acting on recommendations made by University Center staff. However, EDA, under the previous Administration, chose to reduce the program from 68 to 52 centers by implementing a competition rather than seek an increase in funding. The program is competed in two of the six

EDA Regions each year so that every three years each host institution must go through a very time consuming and expensive process to try to retain its funding. While the competition may be seen by the EDA as a worthwhile process, it has a destabilizing effect on the program because most host institutions are reluctant to commit long term resources, of dollars and personnel, when they may only have the program for three years.

While center directors are not afraid of competition, the MEP's, SBDC's, TAAC's, and Regional Councils, do not have to compete for funding but rather are measured on performance; therefore, we respectfully request the CJS Subcommittee consider including report language that would suggest to EDA that it suspend the competition and reinstate a peer review process that was previously in place and proved to be a very successful review process and a very good professional development vehicle for all participating parties. Peers who participated in the review process were much tougher on program performance and outcomes than the Agency itself. Many positive recommendations were made and performance measures established by the peer reviewers with timelines for meeting goals. While our members realize there is much demand on the federal budget, based on our performance history of leveraging $6 for each $1 of federal funding, we believe the requested increase will yield a positive impact far greater than the $7 million in additional funds requested.

We further respectfully request that this Committee consider including report language that would suggest to EDA that with increased funding it first establish a center in those states that currently do not have one and then expand the number of centers to states based on the level of distress and geography. (**Attached List of Possible Additional Centers**).

Thank you very much for your support of this program and favorable consideration of increasing program funding and report language requested.

List of Possible Additional Centers

AK + 1	KY + 2	OR + 1
AL + 1	ME + 1	PA + 1
AZ + 1	MI + 2	SD + 1
CA + 3	MN + 2	TN + 2
CO + 2	MS + 1	TX + 2
DC + 1	MT + 2	UT + 1
DE + 1	NC + 2	VA + 1
FL + 2	NE + 1	VT + 1
GA + 1	NH + 1	WA + 1
HI + 2	NM + 1	WI + 1
IL + 1	NV + 1	WVA + 2
IN + 1	NY + 1	

Testimony of
Jack Dangermond
President, Environmental Service Research Institute (ESRI)
Before The
Subcommittee on Commerce, Justice, Science, and Related Agencies
House Committee on Appropriations
March 27, 2009

A Proposal for National Economic Recovery
An Investment in Geospatial Information Infrastructure
Building a National GIS*

Summary

We respectfully request the Subcommittee's support for a multi-year, government-wide effort to build a national Geospatial Information System (GIS), led by the Secretary of Interior through his role as chairman of the Federal Geographic Data Committee under OMB circular A-16, and the United States Geological Survey. The total cost of the program, as detailed below, is expected to be approximately $1.2 billion spread over three years. For fiscal 2010, we urge the Subcommittee to provide $66.7 million for the portions of this project within your jurisdiction.

Proposal

The Stimulus Plan recently approved by Congress and the incoming Obama Administration is an enormous undertaking to revive the American economy. Potentially, it will involve thousands of infrastructure and other projects intended to create jobs and restart economic growth while producing things of lasting value to American taxpayers. The challenge to properly manage and execute this effort will be daunting, requiring unprecedented access to data and information at all levels of government and the private sector.

This is the moment for America to build a national Geographic Information System (GIS), that is, a unified, up-to-date, publicly-accessible national digital map, enriched with data from all available sources, and supported by GIS technology. This system can be built quickly, immediately creating high tech jobs, and will serve as a public resource for project planners to support transportation infrastructure, alternative energy research, and project siting. It will also provide a foundation for monitoring the US economic recovery across our communities, allowing activities to get underway as soon as possible and leaving a legacy for the future.

The benefits of a national GIS are universal. The Western Governor's Association declared GIS a key component of our national critical infrastructure. The National Geospatial Advisory Committee (NGAC) adopted a set of transition recommendations that represent a broad consensus among the key public and private stakeholders in the geospatial technology field and form a principal basis for this proposal.

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* A vision for a National Geographic Information System, by Jack Dangermond and Anne Hale Miglarese

Why a National GIS should be completed

Agencies have been laying the foundation for national GIS for years. It falls within umbrella names like *Imagery for the Nation*, *The National Map*, the *National Spatial Data Infrastructure*, and the pioneering work of by the U.S. Geological Survey, the Department of Commerce Census Bureau and the National Oceanic and Atmospheric Administration and the Departments of Homeland Security, Agriculture, and Interior, among others. It is supported by technical studies from the National Geospatial Advisory Committee (NGAC), the National Research Council, the Federal Geographic Data Committee (FGDC), and the National States Geographic Information Council (NSGIC). Now is the time to pull them together.

GIS technology is uniquely capable of providing unity both to the complex new Stimulus Plan as well as other ongoing initiatives. GIS can integrate data from agencies across all levels of government, providing decision makers a powerful tool to marshal knowledge on items as diverse as personnel, finance, economics, infrastructure, and resources, all organized within maps or images showing geographic basics such as topography, roads, parcels, buildings, utility networks, landmarks, soil types, and political and physical land divisions. It brings together all key national datasets to support action – which is why it is considered a must for emergency response organizations across the country. A national GIS will place at our fingertips a comprehensive description of our nation's assets, resources and operations, all linked geographically. Once completed, it will be a priceless national resource and an indispensable tool for planners and business alike.

A national GIS can be built immediately, engaging hundreds of private firms. It will speed the start of job-rich infrastructure projects. Its biggest impact will be on projects critical to energy development, homeland security, defense, climate change, health care delivery, telecommunications, transportation, and the environment. Without national GIS as a management tool, efforts will be haphazard and project planners will be hamstrung. A National GIS must be a cornerstone program funded by the Stimulus Plan, a fulcrum to wring the greatest result for each dollar spent.

Technical fundamentals of a National GIS

A GIS system integrates information from many sources and authors using standardized protocols so that information can be harmonized and incorporated into a consistent framework to support multiple missions at all levels of government and private business. It can be built and maintained largely using on-going business processes such as *The National Map* initiative of Interior Department's Geological Survey (USGS), and it can rely heavily on existing software, hardware, and networks, integrated by a lead organization setting standards and protocols. Existing modern GIS server technology, together with open standards and Services Oriented Architecture (SOA), can provide enabling components for a national GIS immediately. This architecture maximizes collaboration among government and private entities. Guarantees of privacy, confidentiality, protection of proprietary financial data, and similar concerns can be built in at the foundation and at every level. This national system will result in the following:

- *A series of standard geographic datasets* (framework layers described below);
- *A series of workflows that transactionally maintain* (update) *these datasets;*
- *A system for data management responsibility (FGDC* governance);
- *A suite of tailored applications;*
- *A designated Federal entity to oversee the effort;*
- *The necessary technology to support a National GIS system.*

Leadership and cost for a National GIS

Both the National Geospatial Advisory Committee (NGAC) and the Department of Interior have developed detailed recommendations on how to build a National GIS. A key first step is to implement fully the *Imagery for the Nation* initiative, an intergovernmental plan to create a full Federal-level GIS based on nationwide aerial imaging and mapping, participation by agencies across the Federal landscape, and technological consistency.

Next, a comprehensive national updating of mapping and topographical information is essential to create a complete current portrait of America – what is referred to as *The National Map*. This step, along with outreach to incorporate key additional databases maintained by state and local governments and the private sector, and elements such as Parcels, Transportation, Hydro, Elevation, Critical Habitat and Boundaries, will be needed to make the system most effective for project decision-makers and infrastructure planners. We anticipate the total cost to be approximately $1.2 billion, spread over three years. We can provide detailed cost breakdowns upon request.

Interagency plans, contracts, and management systems are already in place today to implement this initiative. Overall management could be provided by the Secretary of the Interior, who chairs the Federal Geographic Data Committee, with significant involvement from USDA, DOC and DHS/FEMA. In addition, program funding can be leveraged through cooperative efforts with partners in State and local government and the private sector. The National Geospatial Advisory Committee can provide ongoing strategic and recommendations program design and implementation.

A National GIS: Key Framework Data and System Technology

We propose focusing on the development of five key digital layers or initiatives as initial steps toward a National GIS: Imagery, Parcel Data, Elevation, and Wildlife Habitat, and Recovery.gov.

1. Elevation

Today, high density digital elevation models are produced by a technology called LiDAR and IfSAR, an aerial mapping technology that provides highly accurate mapping of ground elevations. FEMA currently uses LiDAR data for flood mapping whenever such data are available. LiDAR data are also being utilized extensively in natural resource management, and new uses are being demonstrated for emergency response and homeland security purposes. An investment in a national Elevation initiative would produce consistent elevation dataset encompassing the entire country. The approximate 3-year total cost for this activity is $300 million, equally split between the Department of the Interior and the National Oceanic and Atmospheric Administration. For FY 2010, we urge the subcommittee to provide $50 million for NOAA's component.

2 System Technology / National Base Map

In order to create a national GIS it is necessary to update and integrate the many currently-existing individual agency map layers into a consistent, integrated whole. USGS would lead this effort and combine information into a consistent geospatial foundation. This component will, over the next three years, require an additional $450 million spread over a variety of Federal Departments and Agencies, including the Departments of the Interior ($100 million), Agriculture ($50 million), Commerce ($50 million), Homeland Security ($50 million), and others ($200 million). For FY 2010, we urge the subcommittee to provide $16.7 million for Commerce's component.

3. Imagery

Imagery for the Nation (IFTN) is an intergovernmental initiative to address the nation's basic business needs for aerial images. Imagery is used for countless applications in all levels of government and the private sector, embraced by the public through online tools such as Google Earth and Microsoft Virtual Earth. Partnerships between levels of government to acquire imagery data have lowered costs, reduced duplication, and allowed greater data standardization. IFTN will maximize the impact of taxpayer investments through a coordinated national acquisition program. The IFTN initiative was originated by the National States Geographic Information Council, been endorsed by the FGDC and the NGAC, and involves a heavy investment from the US Department of Agriculture. The approximate 3-year total cost for this activity is $140 million, equally split between the Departments of the Interior and Agriculture.

4. Parcel Data

Based on the National Academies of Science, National Research Council (NRC) recent report "*National Land Parcel Data: A Vision for the Future*," the land parcel data layer (also known as cadastral data) is used by governments to make decisions on land development, business activities, regulatory compliance, emergency response, and law enforcement. The NRC report concludes that nationally-integrated land parcel data is necessary, feasible, and affordable. Development of a national land parcel system would also provide an invaluable analytical tool to help manage the mortgage crisis. The NGAC endorsed the recommendations in the NRC report in October. The approximate 3-year total cost for this activity is $200 million for the Department of the Interior.

5. Wildlife Corridor / Crucial Habitat

The pressure for rapid economic development and increased energy production threatens our natural resources. The Western Governors' Association has recommended a Wildlife Corridor and Crucial Habitat Decision Support System. This system will support informed decisions on community growth, alternative energy expansion, biodiversity preservation, and resolving water resource issues. This effort will produce a consistent nationwide wildlife map and GIS management system. The approximate 3-year total cost for this activity is $110 million for the Department of the Interior.

6. A GIS-based recovery.gov

President Obama has insisted that Stimulus spending be subject to maximum transparency and accountability, enabling citizens to understand how their funds are being spent and how their communities will be affected. Recovery.gov, the web-based tool being launched by OMB for this purpose, must provide complete, understandable, authoritative and actionable information and analysis to elected and appointed officials, and to ordinary citizens. We propose that Recovery.gov be equipped with interactive maps and geospatial analytic tools that will substantially improve understanding and effectiveness of Recovery Act execution. *An interactive map provides an intuitive foundation to understand, integrate, and interrogate this disparate and overwhelming amount of information, and to support better and timelier analysis and decisions.* The application of GIS technology would allow public users to access and view Recovery Act spending patterns against established goals and underlying local and national conditions. In this way, it will allow the public to evaluate whether the government is making the right choices on where money is spent, and whether spending is yielding the right results. The approximate 3-year total cost for this activity is $10 million.

Conclusion

The key step is to get it done now. America's financial crisis today, the worst since the end of World War II, will force difficult actions and decisions. Large expenditures of taxpayer money must be designed to yield products of long-term benefit to the country. America has an information economy, and a robust geospatial infrastructure (system of digital maps and tools) is just as vital to its continued development as was the physical infrastructure to the industrial economy. A National GIS, properly designed and effectively implemented, providing public access and using best technologies, will speed economic recovery by producing jobs and putting shovels in the ground more quickly. It will also leave the country with a public utility, a modern geospatial information system, that itself can become a foundation for new generations of industries and technologies in the future.

Testimony of GenMet Corporation
Mary Isbister, President
To the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies

On behalf of GenMet Corporation, I would like to thank the Committee for allowing GenMet to submit testimony for the record. As President of GenMet, I am writing to respectfully request that the Hollings Manufacturing Extension Partnership program be provided the authorized $131.8 million within the fiscal year 2010 Commerce, Justice, Science and Related Agencies Appropriations Bill. As you know, the Hollings Manufacturing Extension Partnership (MEP) is a program within the U.S. Department of Commerce, National Institute of Standards and Technology, a program which is authorized to improve competitiveness of America's manufacturing community.

MEP is a network of 59 centers, with over 350 locations across the country and in Puerto Rico, providing technical assistance and business support services to America's small manufacturers. An independent survey of 6,679 clients served by the program in federal fiscal year 2007 states that MEP clients report over $1.44 billion in cost savings directly attributed to the program's assistance as well as creating or retaining over $10.5 billion in sales. The program also helped manufacturers create or retain 57,079 jobs and increase investment of $2.19 billion back into the economy. The program, which has achieved significant impact on the local, state and national economies, is proposed to be doubled by President Obama.

GenMet Corporation is a custom metal fabricating business in Mequon, Wisconsin. We employ 72 of the 10.2 million Americans who are employed in small or medium sized manufacturing companies in this country. We fabricate parts for a wide variety of industries including truck and military vehicles, industrial floor cleaning equipment, paving and construction equipment, snow remove equipment, display units and kiosks, medical and electronic enclosures and most recently wind power generation equipment. Our business has a longstanding relationship with the Wisconsin Manufacturing Extension Partnership (WMEP). Some of our most significant improvements in efficiency and lead time are directly attributable to the work we have done with WMEP on Lean manufacturing processes. Since the start of our affiliation with WMEP in 2003, GenMet sales revenue has more than doubled, our lead times have been reduced in half and our finished goods inventory has decreased by 90%. Additionally, WMEP was a vital partner during our ISO 9001:2000 certification process. With WMEP's assistance we have made significant strides in developing our internal leadership potential and evolved our organizational structure to implement empowered, self-directed production teams. We view WMEP as a key strategic partner in our continued growth and productivity.
The proposal to double the program is designed to minimize manufacturing job loss and strengthen America's small manufacturers by providing greater access to MEP services. Given the urgent economic challenges, it is even more critical that we invest in a program that helps small manufacturers like ours survive and be positioned for growth when the recovery occurs. MEP is one of the best pro-active resources available to support this sector and its services are needed today more than ever. GenMet Corporation respectfully requests $131.8 million be appropriated in the fiscal year 2010 CJS bill as a means to keep U.S. manufacturers the best in the world.

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION
P. O. Box 9 • Odanah, WI 54861 • 715/682-6619 • FAX 715/682-9294

MEMBER TRIBES

MICHIGAN	WISCONSIN		MINNESOTA
Bay Mills Community	Bad River Band	Lac Courte Oreilles Band	Fond du Lac Band
Keweenaw Bay Community	Red Cliff Band	Lac du Flambeau Band	Mille Lacs Band
Lac Vieux Desert Band	Sokaogon Chippewa	St. Croix Chippewa	

FY 2010 TESTIMONY
HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES
BY
JAMES E. ZORN, EXECUTIVE ADMINISTRATOR
GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION (GLIFWC)

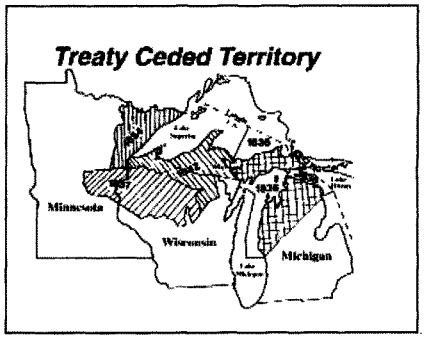
AGENCY INVOLVED: Department of Justice

PROGRAM INVOLVED: COPS Tribal Resources Grant Program (TRGP)

SUMMARY OF GLIFWC'S FY 2010 TESTIMONY: GLIFWC requests that Congress: 1) fund the TRGP at $31,065,000 in FY 2010 (the same level as FY 2007 enacted and $11,065,000 more than FY 2009 enacted), 2) maintain the Tribal Resources Grant Program (TRGP) as a distinct program within the DOJ COPS Office of Justice Programs, and 3) ensure that special conservation agencies remain eligible, unlike in FY 2006.

CEDED TERRITORY TREATY RIGHTS AND GLIFWC'S ROLE: GLIFWC was established in 1984 as a "tribal organization" within the meaning of the Indian Self-Determination Act (PL 93-638). It exercises authority delegated by its member tribes to implement federal court orders and various interjurisdictional agreements related to their treaty rights. GLIFWC assists its member tribes in:

- securing and implementing treaty guaranteed rights to hunt, fish, and gather in Chippewa treaty ceded territories; and
- cooperatively managing and protecting ceded territory natural resources and their habitats.



For the past 25 years, Congress and Administrations have funded GLIFWC through the BIA, Department of Justice and other agencies to meet specific federal obligations under: a) a number of US/Chippewa treaties; b) the federal trust responsibility; c) the Indian Self-Determination Act, the Clean Water Act, and other legislation; and d) various court decisions, including a 1999 US Supreme Court case, affirming the treaty rights of GLIFWC's member tribes. GLIFWC serves as

a cost efficient agency to conserve natural resources, to effectively regulate harvests of natural resources shared among treaty signatory tribes, to develop cooperative partnerships with other government agencies, educational institutions, and non-governmental organizations, and to work with its member tribes to protect and conserve ceded territory natural resources.

Under the direction of its member tribes, GLIFWC operates a ceded territory hunting, fishing, and gathering rights protection/implementation program through its staff of biologists, scientists, technicians, conservation enforcement officers, and public information specialists.

COMMUNITY-BASED POLICING: GLIFWC's officers carry out their duties through a community-based policing program. The underlying premise is that effective detection and deterrence of illegal activities, as well as education of the regulated constituents, are best accomplished if the officers work within tribal communities that they primarily serve. The officers are based in reservation communities of the following member tribes: in Wisconsin – Bad River, Lac Courte Oreilles, Lac du Flambeau, Red Cliff, Sokaogon Chippewa (Mole Lake) and St. Croix; in Minnesota – Mille Lacs; and in Michigan – Bay Mills, Keweenaw Bay and Lac Vieux Desert.

INTERACTION WITH LAW ENFORCEMENT AGENCIES: GLIFWC's officers are integral members of regional emergency services networks in Minnesota, Michigan and Wisconsin. They not only enforce the tribes' conservation codes, but are fully certified officers who work cooperatively with surrounding authorities when they detect violations of state or federal criminal and conservation laws. These partnerships evolved from the inter-governmental cooperation required to combat the violence experienced during the early implementation of treaty rights in Wisconsin. As time passed, GLIFWC's professional officers continued to provide a bridge between local law enforcement and many rural Indian communities.

GLIFWC remains at this forefront, using DOJ funding to develop interjurisdictional legal training attended by GLIFWC officers, tribal police and conservation officers, tribal judges, tribal and county prosecutors, and state and federal agency law enforcement staff. DOJ funding has also enabled GLIFWC to certify its officers as medical emergency first responders trained in the use of defibrillators, and to train them in search and rescue, particularly in cold water rescue techniques. When a crime is in progress or emergencies occur, local, state, and federal law enforcement agencies look to GLIFWC's officers as part of the mutual assistance networks of the ceded territories. In fact, the role of GLIFWC's officers in these networks was further legitimized in 2007 by the passage of Wisconsin Act 27. This law affords GLIFWC wardens the same statutory safeguards and protections that are afforded to their DNR counterparts. GLIFWC wardens will now have access to the criminal history database and other information to identify whom they are encountering in the field so that they can determine whether they are about to face a fugitive or some other dangerous individual.

GLIFWC PROGRAMS FUNDED BY DOJ: GLIFWC recognizes that adequate communications, training, and equipment are essential both for the safety of its officers and for the role that GLIFWC's officers play in the proper functioning of interjurisdictional emergency mutual assistance networks in the ceded territories. GLIFWC's COPS grants have provided a critical foundation for achieving these goals. Significant accomplishments with Tribal Resources Grant Program funds include:

Increased Versatility and Homeland Security: In 2007, GLIFWC used COPS funding to obtain a 22 foot boat to expand patrol capabilities and coverage on Lake Superior. This boat also provides greater versatility than GLIFWC's larger patrol boat to access bays and harbors in the Lake. In 2008, GLIFWC used COPS funding to purchase an incident command center trailer that will be used to provide a base for enforcement activities and to improve response to incidents that trigger joint law enforcement actions.

Emergency Response Equipment and Training: Each GLIFWC officer has completed and maintains certification as a First Responder and in the use of life saving portable defibrillators. Since 2003, GLIFWC officers have carried First Responder kits and portable defibrillators during their patrol of around 275,000 miles per year throughout the ceded territories. In remote, rural areas the ability of GLIFWC officers to respond to emergencies provides critical support of mutual aid agreements with federal, state, and local law enforcement agencies.

Ice Rescue Capabilities: Each GLIFWC officer maintains certification in ice rescue techniques and was provided a Coast Guard approved ice rescue suit. In addition, each of the patrol areas was provided a snowmobile and an ice rescue sled to participate in interagency ice rescue operations with county sheriffs departments and local fire departments.

Wilderness Search and Rescue Capabilities: Each GLIFWC officer completed Wilderness Search and Rescue training. The COPS Tribal Resources Grant Program also enabled GLIFWC to replace a number of vehicles that were purchased over a decade ago, including 10 ATV's and 16 patrol boats and the GPS navigation system on its 31 foot Lake Superior Patrol Boat. These vehicles are used for field patrol, cooperative law enforcement activities, and emergency response in the 1836, 1837 and 1842 ceded territories. GLIFWC officers also utilize these vehicles for boater, ATV, and snowmobile safety classes taught on reservations as part of the Commission's Community Policing Strategy, providing critical outreach to tribal youth.

Hire, Train and Equip Three Additional Officers: Funding was contracted to provide three additional officers to ensure tribes are able to meet obligations to both enforce off-reservation conservation codes and effectively participate in the myriad of mutual assistance networks located throughout a vast region covering 60,000 square miles. As required by the program, GLIFWC has absorbed the salary costs related to sustaining those positions, however COPS funding is needed now more than ever to sustain the other components of program related to training and equipment.

Consistent with numerous other federal court rulings on the Chippewa treaties, the United States Supreme Court re-affirmed the existence of the Chippewa's treaty-guaranteed usufructuary rights in *Minnesota v. Mille Lacs Band*, 526 U.S. 172 (1999). As tribes have re-affirmed rights to harvest resources in the 1837 ceded territory of Minnesota, workloads have increased. In addition, a consent decree signed in 2007 will govern the exercise of treaty rights in inland portions of the 1836 ceded territory in Michigan, where one of GLIFWC's member tribes exercises treaty rights.

But for GLIFWC's COPS grants, this expanded workload, combined with staff shortages would have limited GLIFWC's effective participation in regional emergency services networks in Minnesota, Michigan and Wisconsin. The effectiveness of these mutual assistance networks is more critical than ever given: 1) national homeland security concerns, 2) state and local governmental fiscal shortfalls, 3) staffing shortages experienced by local police, fire, and ambulance departments due to the call up of National Guard and military reserve units, and 4) the need to cooperatively combat the spread of methamphetamine production in rural areas patrolled by GLIFWC conservation officers. Examples of the types of assistance provided by GLIFWC officers follow:

- As trained first responders, GLIFWC officers routinely respond to, and often are the first to arrive at, snowmobile accidents, heart attacks, hunting accidents, and automobile accidents (throughout the ceded territories) and provide sheriffs departments valuable assistance with natural disasters (e.g. floods in Ashland County and a tornado in Siren, Wisconsin).

- Search and rescue for lost hunters, fishermen, hikers, children, and the elderly (Sawyer, Ashland, Bayfield, Burnett, and Forest Counties in Wisconsin and Baraga, Chippewa, and Gogebic Counties in Michigan).

- Being among the first to arrive on the scene where officers from other agencies have been shot (Bayfield, Burnett, and Polk Counties in Wisconsin) and responding to weapons incidents (Ashland, Bayfield, Burnett, Sawyer, and Vilas Counties in Wisconsin).

- Use of a thermal imaging camera (purchased through the COPS program) to track an individual fleeing the scene of an accident (Sawyer County, Wisconsin).

- Organizing and participating in search and rescues of ice fishermen on Lake Superior (Ashland and Bayfield Counties in Wisconsin), Lake Superior boats (Baraga County in Michigan and with the U.S. Coast Guard in other parts of western Lake Superior), and kayakers (Bayfield County in Wisconsin).

In 2009, GLIFWC proposes to utilize DOJ TRGP funding to: 1) purchase digital mobile radio system upgrades and digital portable radios to ensure communication with interjurisdictional emergency mutual assistance networks, 2) provide specialized academy training to maintain certifications, 3) purchase officer uniforms and standard issue equipment, 4) purchase six vehicle light/siren packages and a system to prepare officer ID's and 5) purchase portable computers and software to improve operational efficiency and provide computer training. Simply put, supporting GLIFWC's officers 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 in the states of Wisconsin, Minnesota, and Michigan. The COPS Tribal Resources Grant Program provides essential funding for equipment and training to support GLIFWC's cooperative conservation, law enforcement, and emergency response activities. We ask Congress to support increased funding for this program.

Testimony of *ICB Electronics, Inc. of Scottsboro, Alabama*
By: Mr. Jack O'Rear, President

To the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies

On behalf of the ICB Electronics, I would like to thank the Committee for allowing our company to submit testimony for the record. As the president of the company, I am writing to respectfully request that the Hollings Manufacturing Extension Partnership program be provided the authorized $131.8 million within the fiscal year 2010 Commerce, Justice, Science and Related Agencies Appropriations Bill. As you know, the Hollings Manufacturing Extension Partnership (MEP) is a program within the U.S. Department of Commerce, National Institute of Standards and Technology, a program which is authorized to improve competitiveness of America's small- to medium-size manufacturing community.

MEP is a network of 59 centers, with over 350 locations across the country and in Puerto Rico, providing technical assistance and business support services to America's small manufacturers. An independent survey of 6,679 clients served by the program in federal fiscal year 2007 states that MEP clients report over $1.44 billion in cost savings directly attributed to the program's assistance as well as creating or retaining over $10.5 billion in sales. The program also helped manufacturers create or retain 57,079 jobs and increase investment of $2.19 billion back into the economy. The program, which has achieved significant impact on the local, state and national economies, is proposed to be doubled by President Obama.

ICB Electronics has provided Alabama's affiliate of the MEP, the *Alabama Technology Network (ATN)* with a "success story" outlining one of our projects which caused a substantial positive impact on our business. It is as follows:

"Success Story

Title: ATN Helps Electronics Firm Get ISO Certification

Company Profile:

ICB Electronics, Inc. established in 2001, is located in Scottsboro, Alabama. The company manufactures electronic cable assemblies for the automotive industry. ICB Electronics employees 30 people.

Situation:

ICB Electronics was born from US Textiles being forced out of business by foreign competition. With the loss of all of their contracts, US Textiles had

two people employed leasing their 650,000 square foot building as warehouse space. Occasionally, a small cut and sew contract would employee former workers temporarily, but the business was essentially non-existent. The Alabama Technology Network's Alexander City Office was surveying a project and found the situation as it was. ATN offered to help convert the company to electronics if they so desired and show them how to reinvent themselves. The company owner decided that the idea was just what they needed and called ATN in to help.

Solution:

The process began with strategic planning and marketing to Huntsville based companies. Ten cut and sew operators were sent to a 40 hour Solder Certification course in Madison, AL. Six multipurpose electronics stations were procured for the operators and a static sensitive facility was fabricated. ICB Electronics was born. Within three months, ICB had landed a large contract for electronics repair and recovery work with a large telecommunications firm in Huntsville. Since then, a new partner and now President/CEO has entered the company and has steered the company into automotive cables. Their major contract is with Cantos Corporation which supplies Nissan with multi-wire cables for behind the dash applications. There are three or four other small contracts as well. The company is now stable and slowly growing. ATN developed their ISO 9000 Management System and drove implementation towards registration in 2004/5. They recently had a successful first year surveillance audit with Ronny Kisor now helping them with internal audits and support as needed. ATN helped to complete the ISO 9001-2000 Quality Manual, the Quality Procedures and provided guidance in conducting contract and management reviews. ATN also conducted training for all employees in ISO 9000. Employees additionally received training in Communications to equip them to succeed as a team. The ISO registration process has affected every department and aspect of ICB's business.

Results:

ICB gained the Cantos (Nissan) contract on the promise of ISO 9000 registration. Some of the success that has helped the company includes: They saw a $240,000 increase in sales by being ISO Registered. At least $1.8 million in business has been retained as a result of the process. Cost savings by use of the ATN-MEP program is estimated at $170,000 and thirty jobs have been added as a result of the process. In addition, investments have increased by $87,000 for plant equipment and information systems. The company reports that approximately $70,000 was saved on investments because of ATN-MEP assistance. The company also reports that they are better organized, have received a wealth of RFP's and remain in business because of the project. Without ISO, we would not be here.

Person Providing Story: Jack O'Rear

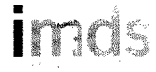
Title: President/CEO

Additional Comments:

Our experience with ATN has been extremely successful. We could not have afforded to do this without their service and financial support from the State with the grant funding."

The proposal to double the MEP program is designed to minimize manufacturing job loss and strengthen America's small manufacturers by providing greater access to MEP services. Given the urgent economic challenges, it is even more critical that we invest in a program that helps small manufacturers like ours survive and be positioned for growth when the recovery occurs. MEP is one of the best pro-active resources available to support this sector and its services are needed today more than ever.

ICB Electronics respectfully requests $131.8 million be appropriated in the fiscal year 2010 CJS bill as a means to keep U.S. manufacturers the best in the world.



Testimony of the IMDS
D. Christopher Vance, Director of Operations
To the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies

On behalf of the IMDS, I would like to thank the Committee for allowing the IMDS-Product Sourcing to submit testimony for the record. As Director of Operations of the IMDS, I am writing to respectfully request that the Hollings Manufacturing Extension Partnership program be provided the authorized $122 million within the fiscal year 2009 Commerce, Justice, Science and Related Agencies Appropriations Bill. As you know, the Hollings Manufacturing Extension Partnership (MEP) is a program within the U.S. Department of Commerce, National Institute of Standards and Technology, a program which is authorized to improve competitiveness of America's manufacturing community.

MEP is a network of 59 centers, with over 350 locations across the country and in Puerto Rico, providing technical assistance and business support services to America's small manufacturers. An independent survey of 4,959 clients served by the program in federal fiscal year 2006 states that MEP clients report over $1.115 billion in cost savings directly attributed to the program's assistance as well as creating or retaining over $6.76 billion in sales. The program also helped manufacturers create or retain 52,585 jobs and increase investment of $1.65 billion back into the economy. The program, which has achieved significant impact on the local, state and national economies, is proposed to be eliminated in the President's fiscal year 2009 budget proposal.

IMDS believes that if the President's budget request is realized, American manufacturers will lose billions of dollars in economic impact at a critical time of need. It is the implementation of technology which is a catalyst for innovation, without which we cannot compete. MEP is a critical program in this nation's efforts to sustain, improve and grow the economic impact of the American industrial base in the global economy.

Sincerely,

D. Christopher Vance
Director of Operations
IMDS

Statement of Cynthia Hilton, Executive Vice President, Institute of Makers of Explosives
April 2, 2009

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 2010 budget for the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF) Arson and Explosives (A&E) program.

Interest of the IME

The IME is the safety and security association of the commercial explosives industry. The production, distribution, storage and use of explosives are highly regulated. ATF is one of the agencies that play a primary role in assuring that explosives are identified, tracked, and stored only by authorized persons. The ability to manufacture, distribute and use these products safely and securely is critical to this industry. While we do not have access to the Administration's FY 2010 budget request for ATF, we have the following comments about its impact on the commercial explosives industry.

Addressing Statutory Mandates

The commerce of explosives is one of the nation's most heavily regulated activities. As noted above, ATF plays a key role in this regulatory scheme through its implementation of Federal Explosives Law (FEL). Yet, ATF seems to have forgotten its statutory mandate to "protect interstate and foreign commerce" – which is the business of the commercial explosives industry – in its quest to be a lead terrorist/criminal agency.[1] While ATF claims to work with industry members to make regulation less burdensome, the needs of the legitimate explosives industry are secondary to the agency's criminal enforcement interests. By statute, ATF is supposed to "take into consideration ... the standards of safety and security recognized in the explosives industry" when issuing rules and requirements.[2] But, our recommendations are increasingly bypassed – we believe to the detriment of safety and security. With this perspective, we offer the following comments on ATF's budget request and program performance.

Adequacy of Budget Resources

We understand the need of the Obama administration to review and modify as appropriate budget requests prepared by the last administration. This delay in the release of the bureau's budget justification hampers our ability to file detailed comments on the adequacy of the budget request for ATF's arson and explosives program. With one notable exception, the FY 09 appropriation for the A&E account appears to be that only necessary to sustain current services. We question whether a current services budget is sufficient for level of engagement

1 P.L. 91-452, Sec. 1101.
2 18 U.S.C. 842(j).

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and oversight expected of the bureau, not only of the private sector, but as has been documented in oversight hearings, the bureau's outreach to public sector explosives users.

The one notable exception is the FY 09 set-aside of $200,000 for the bureau to begin addressing it pending regulatory backlog. This backlog remains a source of concern to the regulated community. We are grateful to Congress, and in particular you, for your oversight of this issue.

Industry Standards

We take seriously the statutory obligation that ATF take into account industry's standards of safety when issuing rules and requirements. We have endeavored to fulfill this obligation through the development of industry best practices for safety and security, participation in relevant standard-setting organizations, and forums for training. We have offered ATF recommendations that we believe will enhance safety and security through participation in the rulemaking process, in the Bureau's research efforts, and in other standard setting activities. Our interface with ATF in these settings prompts the following comments.

- Rulemakings: ATF currently has five open rulemakings of interest and concern to the explosives industry, one less than the same number of outstanding dockets reported in our comments last year. To our dismay, the reduction in the number of rulemakings is not due to the bureau finalizing a rule. Rather, the reduction is due to the fact that the bureau withdrew a rulemaking.[3] This particular rulemaking was the result of a petition filed by industry. The intent of the rulemaking was to update and harmonize existing rules. Of the remaining rulemaking dockets, the oldest was proposed in 2001. Several are a result of the enactment of the 2002 Safe Explosives Act (SEA). Two of these rulemakings were issued as "interim final rules," which allows rules to be enforced without public input as to the effect of the rule on the regulated community. Subsequently, IME raised a number interpretative questions and concerns about these rules which are critical to the continued commerce of commercial explosives. Yet once again, ATF has delayed the projected date for finalizing these IFRs until April 2009 and August 2009 respectively, and has delayed the projected dates for finalizing every other open rulemaking of significance to IME except one. The one, dealing with the delivery of explosives by common or contract carriers, is projected to be finalized this month.[4]

As noted above, Congress has directed the ATF to address these long-standing rulemaking concerns. In the absence of rulemaking that is capable of keeping up with new developments and practices, industry must rely on interpretive guidance and variances from rules to conduct business. While we appreciate that bureau's accommodations, these stop-gap measures do not afford the protections that rulemaking would provide the regulated community, nor allow the oversight necessary to ensure that all parties are being held to the same standard of

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[3] RIN 1140-AA01, withdrawn May 7, 2008. The withdrawal was not announced at the time in the Federal Register. Rather, industry was informed of the bureau's action over six months later when its regulatory agenda was published in the Federal Register on November 24, 2008.

[4] RIN 1140-AA20.

compliance. These regulatory tasks may be at odds with ATF's vision as a law enforcement agency, but they are critical to the lawful conduct of the commercial enterprises the bureau controls.

- Data: ATF is continuing efforts to enhance data capabilities. These efforts should be supported. We are only disappointed in one aspect. We rely on ATF's data collection and analysis capabilities. IME needs data about incidents and theft and losses to perfect our safety and security recommendations and practices. The latest full-year information we have about explosive incidents is from 2006. Last November, we initiated a specific information request for any record ATF may have about thefts of explosives in transportation last November after seeing data from the bureau alleging two incidents and failing to verify these incidents from any other source. We are still waiting for this information. We urge the Subcommittee to ensure that ATF has the resources to gather and release this information in a timelier manner.

- IMESAFR: IME prides itself in being the safety and security advocates for the commercial explosives industry. The technical expertise of our members is a resource we gladly share with government agencies. In this regard, IME has spent years developing and validating a credible alternative to strict interpretation of quantity-distance tables used to determine safe setback distances from explosives in collaboration the Department of Defense Explosives Safety Board and Canadian and U.S. regulatory agencies, including ATF. The result is a windows-based computer model for assessing the risk from a variety of commercial explosives activities called IMESAFR.[5] Not only can IMESAFR determine the amount of risk presented, but it can also determine what factors drive the overall risk and what actions would lower risk, if necessary. The probability of events for the activities were based on the last 20 years experience in the U.S. and Canada and can be adjusted to account for different explosive sensitivities, additional security threats, and other factors that increase or decrease the base value. Following this effort, we expected that ATF would be willing to recognize this powerful assessment tool as an alternative for the regulated community to meet quantity-distance limitations, which limitations are themselves standards developed by the IME. However, this has not been the case. ATF has not taken advantage of opportunities to partner with IME and accept this or any other risk-based approach to explosives safety. ATF's reluctance to recognize risk-based modeling is contrary to the norm practiced by all other federal agencies with regulatory responsibilities over the explosives industry. We believe that the consistency of risk analysis offered by IMESAFR is preferable to the haphazard "variance" approach ATF uses to address setback issues now.

Performance Measure Improvements

For a number of years, IME has expressed concern about the lack of appropriate performance measures for the commercial explosives industry. Currently, ATF has eight performance indicators that apply to its arson and explosives program, and of those, three apply to the

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[5] IMESAFR was built on the DDESB's software model, SAFER. The DDESB currently uses SAFER and table-of-distance methods to approve or disapprove Department of Defense explosives activities.

commercial explosives industry.[6] Two are statutory requirements to investigate explosives thefts and to inspect explosives licensees and permittees. The most beneficial indicator, at this time, is that reporting on the resolution of unsafe explosives conditions discovered by inspections. However, the regulated community has asked for other indicators such as the percent of perfected explosives applications acted on within 90 days; the number of background checks that ATF has performed, within what average timeframe, and of those, how many individuals failed to receive clearance, and of those, how many appealed the Bureau's findings; the number of rulemakings outstanding and their priority; and turnover rates among agents and inspectors. Yet, ATF has not adopted any of these measures. Absent information of this type, it is unclear how Congress can effectively oversee ATF's handling of its responsibilities toward the regulated community or determine the adequacy of its budget request.

We are also concerned at the drop in the performance of the A&E program as measured by the Program Assessment Rating Tool (PART).[7] During assessment year 2004, the A&E program was rated "moderately effective." By 2008, the rating of the A&E program had fallen to "adequate." The program's scores fell in all categories:

Section	**Score – 2004**	**Score - 2008**
Program purpose & Design	100&	80%
Strategic Planning	88%	75%
Program Management	100%	43%
Program Results/Accountability	67%	40%

To improve the performance of the program, ATF has stated that it would conduct independent program evaluations to determine whether the program is effective and achieving results. We would welcome an independent audit of the program, and believe that the timing for such an audit is ripe given the new administration's pledge of transparency and accountability.

Leadership

The resolution of these issues may have to wait the appointment of a new director. The ATF has been without a director since August 2006. We hope that an appointment will soon be announced. The bureau has been too long without permanent leadership.

Conclusion

The manufacture and distribution of explosives is accomplished with a remarkable degree of safety and security. We recognize the important role played by ATF in helping our industry achieve and maintain safe and secure workplaces. Industry and the public trust that ATF has the resources to fulfill its regulatory responsibilities. It is up to Congress and, in particular, this

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[6] ATF Strategic Plan - Fiscal Years 2004 – 2009.

[7] http://www.whitehouse.gov/omb/expectmore/detail/10002202.2008.html. PART was developed to assess and improve program performance so that the Federal government.

Subcommittee to ensure that ATF has the resources it needs. We strongly recommend full funding for ATF's explosives program.

Testimony
Tracy Velázquez, MPA
Executive Director
Justice Policy Institute
www.justicepolicy.org

U.S. House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies
April 2, 2009

Thank you, Chairman Mollohan, for allowing me to testify before the Subcommittee on Commerce, Justice, Science, and Related Agencies regarding federal juvenile justice appropriations. My name is Tracy Velázquez, and I am the Executive Director of the Justice Policy Institute, a Washington, D.C.-based not-for-profit research and public policy organization dedicated to reducing society's reliance on incarceration and promoting effective and just solutions to social problems. For over 10 years the Justice Policy Institute has provided research and policy recommendations on both juvenile and criminal justice issues, including juvenile detention and delinquency prevention. I am here to talk to you today about the importance of funding juvenile justice programs, specifically the Juvenile Justice and Delinquency Prevention Act (JJDPA) and request that you return funding to at least the FY 2002 levels.

As states and the federal government struggle with the economy and bulging budgets, it is important that we focus on the policies and programs that work to enhance our communities while preserving and improving the safety of our children and families. While policymakers work to cut spending on programs, it is important that they look at the research on what is working and what is not—what is cost-effective and what is wasteful. We have an urgent need to reduce our wasteful, counterproductive overreliance on incarceration and detention, and instead redirect resources into proven strategies that cost less, enhance public safety, and increase the success of youth who come in contact with the juvenile justice system.

Congress must reauthorize and fund the Juvenile Justice and Delinquency Prevention Act (JJDPA). Established in 1974 and most recently reauthorized in 2002 with bipartisan support, the JJDPA is based on a broad consensus that children, youth and families involved with the juvenile and criminal justice systems should be guarded by federal standards for care and custody, while also upholding the interests of community safety and the prevention of victimization. Given that there are in effect hundreds of different juvenile justice systems throughout the U.S., it is critical that juvenile justice has a dedicated focus and a "home" within federal government. This is essential for the purposes of developing national policies, objectives, priorities and plans, and for providing guidance, support and oversight to states/territories in implementing the JJDPA. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is the agency charged with

responsibility for juvenile justice at the U.S. Department of Justice. OJJDP carries out its purpose through research, policies and grants to states and localities to assist them in planning, establishing, operating, coordinating and evaluating projects for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation in the areas of juvenile delinquency prevention and systems improvements.

Since 2000, total federal juvenile justice funding declined by nearly 60 percent.

- The budget for the Office of Juvenile Justice and Delinquency Prevention's core research and dissemination efforts was slashed 90 percent, from $6.8 million to just $700,000.
- Title II State Formula Grants, which provide essential support for public agencies to develop and strengthen juvenile justice systems to prevent delinquency, reduce crime, meet vital protection requirements, and provide follow-up, post-placement services and training for youth, have lost over $13 million in annual funding over the last seven years.
- Title V Incentive Grants for Local Delinquency Prevention programs have fallen from nearly $95 million in 2002 to $40 million in 2009, to be used solely for gang prevention ($15 million) and the tribal youth program ($25 million).
- Appropriations for the Juvenile Accountability Block Grants (JABG), which provide states and local governments with funding to develop programs to promote greater accountability in the juvenile justice system, have been slashed from $250 million in 2002 to about a fifth of that amount in 2009.

Extensive research on juvenile justice and delinquency prevention programs has decisively shown us what works - and what doesn't - to reduce illegal behaviors and improve life outcomes for youth. Fully funding the above programs can be an effective way of improving public safety and promoting positive outcomes for children. Funding through these grants can go to supporting evidence-based programs that have been thoroughly researched and found to drastically reduce recidivism rates of youth and have been shown to be more cost-effective than detention or incarceration. For every dollar spent on multi-systemic therapy, an evidence-based intervention that works with the family to address the underlying causes of illegal and delinquent behavior and the role that families play in a young person's behavior, states can expect to receive over $13 in benefits in the form of increased public safety. Comparatively, for every dollar spent on county detention, slightly less than $2 is returned to the community in public safety benefits. Initiatives that benefit children, families and communities should be funded over incarceration and detention, which can be detrimental to the development of youth.

There are currently more than 90,000 youth in secure confinement across the United States, and about 1.6 million youth delinquency cases each year. This gives us more than 1.6 million opportunities to impact children's lives in a positive way. Without the funding necessary to ensure that these young people are treated fairly, and that opportunities are provided to help them succeed, the cycle of incarceration may continue and we will soon be adding these children to our burgeoning adult prison population. The time to act is now, and we strongly urge Congress to fund these important programs for the safety and well-being of our youth and communities. To this end, we respectfully request the following appropriations for juvenile justice:

- Restore the Title V Incentive Grants for Local Delinquency Prevention program to its FY02 level of **$95 million,** with few or no earmarks in FY 2010.

- Restore funding in FY 2010 for the Title II Formula grants to the FY02 level of **$89 million**.
- Fund JABG at the FY02 level of **$250 million** in FY 2010.
- Finally, over the past several years an increasing number of earmarks have precluded many of these programs from carrying out their primary purpose. We recommend that **no more than 25 percent** of these discretionary funds be earmarked for other purposes.

Fully funding these grants will allow for juvenile justice and community-based programs to provide the best services and support to youth and communities, which will be to the benefit of public safety, budgets and children.

KLUNE INDUSTRIES INCORPORATED
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Testimony of Klune Industries, Inc.
R. Max Chatwin, Lean Mfg. Manager, Spanish Fork Division
To the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies

On behalf of Klune Industries, Inc., I would like to thank the Committee for allowing Klune Industries to submit testimony for the record. As the lean manufacturing manager at the Spanish Fork division, I am writing to respectfully request that the Hollings Manufacturing Extension Partnership program be provided the authorized $122 million within the fiscal year 2009 Commerce, Justice, Science and Related Agencies Appropriations Bill. As you know, the Hollings Manufacturing Extension Partnership (MEP) is a program within the U.S. Department of Commerce, National Institute of Standards and Technology, a program which is authorized to improve competitiveness of America's manufacturing community.

MEP is a network of 59 centers, with over 350 locations across the country and in Puerto Rico, providing technical assistance and business support services to America's small manufacturers. An independent survey of 4,959 clients served by the program in federal fiscal year 2006 states that MEP clients report over $1.115 billion in cost savings directly attributed to the program's assistance as well as creating or retaining over $6.76 billion in sales. The program also helped manufacturers create or retain 52,585 jobs and increase investment of $1.65 billion back into the economy. The program, which has achieved significant impact on the local, state and national economies, is proposed to be eliminated in the President's fiscal year 2009 budget proposal.

For the past 15 months, Klune's Spanish Fork division has directly benefitted from the services of the Utah MEP. With their assistance, a $100,000 Incumbent Worker Training Grant (IWTG) was secured, providing the necessary funding for critical training related to AS9100 certification. This certification is mandatory for the operation of our business in supporting commercial and military aerospace manufacturing. The Utah MEP, in turn, has successfully delivered the majority of these training needs.

The Utah MEP has also delivered key training in lean manufacturing principles. Implementation of these principles has directly led to greater efficiencies in our operations, permitting the acquisition of additional domestic and international work. These new contracts support skilled workers in our community and are the springboard for additional job opportunities in the future.

Klune Industries believes that if the President's budget request is realized, American manufacturers will lose billions of dollars in economic impact at a critical time of need. It is the implementation of technology which is a catalyst for innovation, without which we cannot compete. MEP is a critical program in this nation's efforts to sustain, improve and grow the economic impact of the American industrial base in the global economy.

Sincerely,

Max Chatwin

R. Max Chatwin
Lean Manufacturing Manager
Klune Industries, Inc., Spanish Fork Division

Testimony of Manufacturing Technology Center
G. Keith Thompson, Executive Director
To the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies

On behalf of **Manufacturing Technology Center (MTC)**, I would like to thank the Committee for allowing VPMEP to submit testimony for the record. As Executive Director of VPMEP, I am writing to respectfully request that the Hollings Manufacturing Extension Partnership program be provided the authorized $131.8 million within the fiscal year 2010 Commerce, Justice, Science and Related Agencies Appropriations Bill. As you know, the Hollings Manufacturing Extension Partnership (MEP) is a program within the U.S. Department of Commerce, National Institute of Standards and Technology, a program which is authorized to improve competitiveness of America's manufacturing community.

MEP is a network of 59 centers, with over 350 locations across the country and in Puerto Rico, providing technical assistance and business support services to America's small manufacturers. An independent survey of 6,679 clients served by the program in federal fiscal year 2007 states that MEP clients report over $1.44 billion in cost savings directly attributed to the program's assistance as well as creating or retaining over $10.5 billion in sales. The program also helped manufacturers create or retain 57,079 jobs and increase investment of $2.19 billion back into the economy. The program, which has achieved significant impact on the local, state and national economies, is proposed to be doubled by President Obama.

MTC has worked with industrial clients throughout Southwest Virginia over the past decade. Our client assistance has provided process technology implementations including lean enterprise, lean- six sigma, supply chain management, quality management systems, engineering services and environmental assistance. Our work has been with over 500 local companies and has generated over 65 million dollars in bottom line impact to the region.

The proposal to double the program is designed to minimize manufacturing job loss and strengthen America's small manufacturers by providing greater access to MEP services. Given the urgent economic challenges, it is even more critical that we invest in a program that helps small manufacturers like ours survive and be positioned for growth when the recovery occurs. MEP is one of the best pro-active resources available to support this sector and its services are needed today more than ever. VPMEP respectfully requests $131.8 million be appropriated in the fiscal year 2010 CJS bill as a means to keep U.S. manufacturers the best in the world.

Statement of Bruce J. Stedman, Executive Director of the
Marine Fish Conservation Network
For the Record of the
House Subcommittee for Commerce, Justice, Science, and Related Agencies
Of the House Appropriations Committee
Regarding the FY 2010 Budget
For the National Oceanic and Atmospheric Administration

March 27, 2009

On behalf of the nearly 200 environmental organizations, fishing associations, aquariums, and marine science groups dedicated to conserving marine fish and achieving sustainable fisheries, the Marine Fish Conservation Network (Network) submits the following testimony for the record on the Fiscal Year (FY) 2010 budget for National Marine Fisheries Service (NMFS) within the National Oceanic and Atmospheric Administration (NOAA), Department of Commerce. For FY 2010, the Network is asking the Subcommittee to increase funding for core fisheries conservation and management programs **$84 million** above the amount provided to NMFS in the Omnibus Appropriations Act of 2009, in the following program areas:

	FY09 Omnibus Appropriations Enacted	**FY10 MFCN Request**
	Million U.S.$	Million U.S.$
Expand annual stock assessments	$40.50	**$50.0**
Survey and monitoring	$17.00	**$30.0**
Observer program	$32.68	**$60.0**
Fishery enforcement	$56.40	**$65.0**
Reducing bycatch	$3.36	**$10.0**
Reduce fishery impacts to EFH	$0.51	**$5.0**
Fisheries statistics	$15.86	**$22.0**
Cooperative research	$11.45	**$20.0**

We greatly appreciate the funding this Subcommittee has provided for conservation and management programs within NMFS for FY 2009, including increased funding for activities supporting the mandates of the Magnuson-Stevens Fishery Conservation and Management Act. We are particularly pleased that the Omnibus Appropriations Act of 2009 fully funded NOAA's FY 2009 budget request of $40.5 million for expanded fishery stock assessments to support the new mandate for annual catch limits in all U.S.

fisheries by 2011. However, we also note that funding for critical survey and monitoring projects – which provide the data needed for developing and updating stock assessments – was reduced from NOAA's FY 2009 budget request of $23 million to $17 million. In effect, the increased funding for expanded stock assessments was offset by decreased funding for the data-collection programs that support stock assessment development

Enactment of the reauthorized Magnuson-Stevens Act of 2006 (MSRA) was a major conservation accomplishment. Now Congress must provide the resources necessary to implement and enforce the conservation requirements of the law. The U.S. Commission on Ocean Policy (2004) and the Pew Oceans Commission (2003) have pointed out the need for additional resources for NMFS to meet its conservation mandates. Without significant additional investments in data collection, monitoring programs, and fishery stock assessment science, implementation of ambitious new mandates to end overfishing in U.S. fisheries and other programs will languish.To meet the additional responsibilies of the MSRA, our specific funding recommendations for NMFS conservation and management programs are listed below.

- **Expand Annual Stock Assessments/Improve Data Collection**

  MFCN Request: $50,000,000

The expanded requirements of the MSRA of 2006 will increase the need for fisheries data and stock assessments compared to past years. NMFS has made limited progress in expanding its ability to assess the status of fish stocks. Unfortunately, there is a backlog of hundreds of stocks which remain unassessed. Quantitative stock assessments provide the scientific and technical basis for setting numerical catch limits that avoid overfishing. Although catch limits often must be set without a stock assessment due to lack of available scientific information, fishery managers have substantially greater confidence that catch limits will prevent overfishing when the ACLs are based on an assessment.

Funding for this line item must be increased significantly in order to meet the new MSRA deadlines for establishing science-based annual catch limits in all U.S. fisheries by 2011. Therefore the Network is recommending a funding level of at least $50 million for expanded stock assessments and fishery data collection in FY 2010. The Network anticipates that additional budget increases beyond FY 2010 will be needed to provide stock assessments for all 230 major fish stocks in the Fish Stock Sustainability Index (FSSI), for the following reasons.

As shown in **Table 1** below, 74 individual stock assessments were prepared or updated in 2007, while only 128 of the 230 "major" stocks in the FSSI were considered to have adequate assessments in 2007. The total number of stocks assessed has increased incrementally, but the slow progress in this direction is not sufficient to support the MSRA's goal of ending overfishing by 2011.

Table 1 – FSSI stocks assessed per year and total number of stocks with adequate assessment

Year	2000	2001	2002	2003	2004	2005	2006	2007
# stocks assessed/year	37	53	64	60	63	105	68	74
# assessments rated "adequate"	106	111	106	107	108	120	120	128

Source: National Marine Fisheries Service, unpublished data. "Adequate" means an assessment has been done within the past five years, equivalent to Level 3 of the Stock Assessment Improvement Plan (NMFS 2001).

Based on NOAA's own analysis, the FY 2009 level of funding for stock assessment work would increase the number of major stocks with assessments only marginally over five years, as show in **Table 2** below. Less than 60% of the 230 major fish stocks in the FSSI would have adequate assessments through FY 2013. Absent significant new funding for stock assessments and related programs, many fishery ACLs will be determined without assessments or using assessments that are infrequently updated.

Table 2 – Percent of fish stocks with adequate assessments with/without FY09 budget increase

		FY 2009 Target	FY 2010 Target	FY 2011 Target	FY 2012 Target	FY 2013 Target
Percentage of FSSI Stocks with Adequate Assessments	**With increase**	55.7%	57.4%	59.1%	57.8%	57.0%
	Without increase	55.7%	54.3%	53.5%	52.5%	51.3%

Source: NOAA FY 2009 Budget Blue Book, Exhibit 13, p. 161.

- **Survey and Monitoring Projects**

MFCN Request: $30,000,000

In the Omnibus Appropriations Act of 2009, funding for critical survey and monitoring projects was reduced from NOAA's FY 2009 budget request of $23 million to $17 million. We urge the Subcommittee to increase funding for these projects in FY 2010 because they provide the data needed for developing and updating stock assessments. Many regions continue to experience chronic underfunding of basic resource survey and fishery monitoring needs to support stock assessment development, thus funding for resource surveys and basic data collection activities should be increasing, not decreasing. Thus the Network recommends that FY 2010 funding for this program should be increased to at least $30 million to support increased collection of catch data and expanded stock assessment development in all regions, for both commercial and recreational fisheries.

- **Observers/Training**

MFCN Request: $60,000,000

The Omnibus Appropriations Act of 2009 funds this program at NOAA's requested FY 2009 level of $32.7 million, but we must note that the FY 2009 funding level allows NMFS to place observers on vessels in only 40 fisheries each year according to NOAA's FY 2009 Budget Blue Book analysis (Exhibit 13, p. 179). We emphasize that many of the nation's fisheries will continue to have grossly inadequate observer coverage or none at all at the current level of funding. Observers collect essential fishery data for use in all aspects of fisheries management. The new MSRA requirements for annual catch limits and accountability measures will require greater commitments of funding in order to improve catch accounting and monitor compliance with annual catch limits in *all* regions and fisheries. The Network's recommended funding level of $60 million in FY 2010 reflects that increased need, although we do not believe it is adequate to provide full coverage of the nation's fisheries. We anticpate the need for additional increases in observer program funding above our FY 2010 request.

- **Fisheries Enforcement**

MFCN Request: $65,000,000

We are pleased that the Omnibus Appropriations Act of 2009 funds this program at NOAA's requested FY 2009 level of $56.4 million – 9% higher than the enacted FY 2008 funding level of $53.3 million. This includes a net increase of $1.1 million to the Enforcement and Surveillance budget line to address Illegal, Unregulated and Unreported (IUU) fishing on the high seas as required by the MSRA. The Network supports these modest increases in funding for enforcement, but the new MSRA requirements will require greater commitments of funding in order to ensure compliance with annual catch limits and other management objectives in *all* regions and fisheries. The Network recommends that Congress provide a net increase of $9 million for a total of $65 million in FY 2010, in part to support the expanded deployment of cost-effective technologies such as vessel-monitoring systems (VMS) on U.S. fishing vessels, as recommended by the U.S. Commission on Ocean Policy (2004).

- **Bycatch Monitoring and Reduction**

MFCN Request: $10,000,000

The Omnibus Appropriations Act of 2009 funds this program at NOAA's requested FY 2009 level of $3.36 million, but this level of funding is woefully inadequate to address the scope of the problem. Greater funding is needed to develop and test bycatch reduction technologies, to support cooperative research activities with fishermen, and to collect and process reliable fisheries bycatch information for use in stock assessments and management decision-making. The Network recommends that Congress provide at least $10 million in FY 2010 for the Bycatch Reduction Initiative as part of a plan to ramp up program funding toward the $30 million per year level recommended by the U.S. Commission on Ocean Policy (USCOP 2004: Table 30.1; Appendix G).

- **Reduce Fishing Impacts on Essential Fish Habitat (EFH)**

MFCN Request: $5,000,000

The Omnibus Appropriations Act of 2009 funds this program at NOAA's requested FY 2009 level of $0.517 million, but this critical element of sustainable fisheries management has been severely underfunded in recent years. The Magnuson-Stevens Act of 1996 gave fishery managers a clear mandate to identify and protect EFH, but the low level of funding for this line item speaks to the low priority currently given to this program area. A higher level of funding is necessary to identify and conserve vulnerable EFH. Healthy fish habitat is an essential precondition for rebuilding overfished stocks and sustaining fisheries over the long-term. Program funding should reflect that importance. The Network recommends that Congress provide no less than $5 million in FY 2010 for EFH conservation and management as part of a plan to ramp up program funding toward the $15 million per year level recommended by the U.S. Commission on Ocean Policy (USCOP 2004: Table 30.1; Appendix G).

- **Fisheries Statistics**

MFCN Request: $22,000,000

The Omnibus Appropriations Act of 2009 funds this program at approximately NOAA's requested FY 2009 level of $16 million, but additional funding will be necessary to support an improved and expanded recreational fisheries statistics survey program and other data-collection activities related to implementation of the MSRA. For instance, the MSRA's new requirements for annual catch limits and accountability measures will require dedicated funding estimated at $20 million per year to provide fishery managers the data they need to manage recreational fisheries effectively and address overfishing. Therefore the Network recommends a funding level of at least $10 million for FY 2010, and we anticipate a stepwise increase in funding beyond 2010 to meet the need for improved fishery data.

- **Cooperative Research**

MFCN Request: $20,000,000

The Omnibus Appropriations Act of 2009 funds this program at NOAA's requested FY 2009 level of $11.45 million to expand a national cooperative research and management program involving fishermen in the collection of fisheries data to improve stock assessments, estimates of bycatch, and other information. Involving fishermen in the scientific process also reduces industry skepticism regarding the integrity and veracity of the science upon which management measures are based. The Network believes that substantial new opportunities for cooperative research remain untapped and recommends a net increase of $9 million for a total budget of $20 million in FY 2010.

Thank you for considering our request for increasing funding for these important fishery management programs.

Testimony of Mountain States Steel
J. Chris Olsen, President
To the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies

On behalf of Mountain States Steel, I would like to thank the Committee for allowing us to submit testimony for the record. As General Manager of Mountain States Steel, I am writing to respectfully request that the Hollings Manufacturing Extension Partnership program be provided the authorized $122 million within the fiscal year 2009 Commerce, Justice, Science and Related Agencies Appropriations Bill. As you know, the Hollings Manufacturing Extension Partnership (MEP) is a program within the U.S. Department of Commerce, National Institute of Standards and Technology, a program which is authorized to improve competitiveness of America's manufacturing community.

MEP is a network of 59 centers, with over 350 locations across the country and in Puerto Rico, providing technical assistance and business support services to America's small manufacturers. An independent survey of 4,959 clients served by the program in federal fiscal year 2006 states that MEP clients report over $1.115 billion in cost savings directly attributed to the program's assistance as well as creating or retaining over $6.76 billion in sales. The program also helped manufacturers create or retain 52,585 jobs and increase investment of $1.65 billion back into the economy. The program, which has achieved significant impact on the local, state and national economies, is proposed to be eliminated in the President's fiscal year 2009 budget proposal.

Mountain States Steel and MEP have been focused on implementing LEAN concepts and methodology. Because of MEP and the projects we have completed, Mountain States Steel has been able to experience growth and sustain results. We committed to educating 100% of our employees by having them all attend the LEAN 101 class that is offered and delivered by MEP Utah. Preceding this there has been a major commitment to using 5S for workplace organization and safety, and to increase overall productivity. We have also partnered with MEP on many other improvements that have helped us to identify, document and improve fabrication processes. Below are some of the results we have experienced working with MEP.

- Sales increase from $15 million 2006, to $25 million for 2007, to $58 million for 2008.
- Hired new employees and experienced business growth.
- Increased productivity by 10% while maintaining quality standards.
- Reduced accidents from 34 (2007) to 14 in 2008.
- Improved company culture, and employee morale.
- Established visual controls that assist our employees in working faster, and smarter while supporting cultural and language issues in a multi cultural environment.
- Increased our cash flow and overall company financial health.
- Implementing TPM to enhance equipment productivity and extend equipment life cycle.

Mountain States Steel believes that if the President's budget request is realized, American manufacturers will lose billions of dollars in economic impact at a critical time of need. It is the implementation of technology which is a catalyst for innovation, without this we cannot compete

long term. MEP is a critical program in this nation's efforts to sustain, improve and grow the economic impact of the American industrial base in the global economy.

Sincerely,

J. Chris Olsen
President
Mountain States Steel

Testimony of Multi-Duti Manufacturing, Inc.
Ted Struttman, Chief Engineer
To the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies

On behalf of Multi-Duti Manufacturing, I would like to thank the Committee for allowing my company to submit testimony for the record. As Chief Engineer of Multi-Duti Manufacturing, I am writing to respectfully request that the Hollings Manufacturing Extension Partnership program be provided the authorized $131.8 million within the fiscal year 2010 Commerce, Justice, Science and Related Agencies Appropriations Bill. As you know, the Hollings Manufacturing Extension Partnership (MEP) is a program within the U.S. Department of Commerce, National Institute of Standards and Technology, a program which is authorized to improve competitiveness of America's manufacturing community.

MEP is a network of 59 centers, with over 350 locations across the country and in Puerto Rico, providing technical assistance and business support services to America's small manufacturers. An independent survey of 6,679 clients served by the program in federal fiscal year 2007 states that MEP clients report over $1.44 billion in cost savings directly attributed to the program's assistance as well as creating or retaining over $10.5 billion in sales. The program also helped manufacturers create or retain 57,079 jobs and increase investment of $2.19 billion back into the economy. The program, which has achieved significant impact on the local, state and national economies, is proposed to be doubled by President Obama.

Multi-Duti Manufacturing, Inc (MDM), a small manufacturing company in Colorado Springs manufactures pumps for both residential and industrial use that are used around the world. MDM's management was aware of Lean Manufacturing successes throughout the manufacturing industry and wanted to adopt Lean techniques in their facility. Through participation in the Colorado Springs Task Force, Ted Struttmann, Chief Engineer, was introduced to CAMT, Colorado's MEP center. MDM chose CAMT to help the company kick-start their Lean Manufacturing implementation.

All of MDM's fourteen staff members attended a Lean introductory course and five employees were chosen to participate in a week-long Kaizen Blitz. Through focused observation tools, such as spaghetti diagrams and time observation forms, the MDM staff identified the number of walking steps, distance traveled, and time looking for tools, and non-value added steps typical in a manufacturing process. These observations led them to 42 action steps necessary to decrease the non-value added activities, most of which were completed within three weeks. The results of the Kaizen Blitz and any open items are posted on the plant floor to encourage continuous improvement efforts on a daily basis.

Ultimately, the assembly line was significantly shortened and redesigned, the workstations were made smaller and more manageable, and the process was simplified, helping MDM achieve nearly one-piece flow in their process. Additionally, new manufacturing and process tools were identified to streamline production. MDM was able to reduce their cycle time by 35% and

eliminate 70% of distance traveled in their manufacturing process. This translated to a significant reduction in labor costs.

The proposal to double the program is designed to minimize manufacturing job loss and strengthen America's small manufacturers by providing greater access to MEP services. Given the urgent economic challenges, it is even more critical that we invest in a program that helps small manufacturers like ours survive and be positioned for growth when the recovery occurs. MEP is one of the best pro-active resources available to support this sector and its services are needed today more than ever. Multi-Duti Manufacturing respectfully requests $131.8 million be appropriated in the fiscal year 2010 CJS bill as a means to keep U.S. manufacturers the best in the world.

STATEMENT OF GABRIELLE MARTIN, NATIONAL PRESIDENT
NATIONAL COUNCIL OF EEOC LOCALS, NO. 216, AFGE/AFL-CIO
TO
THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES
ON
FY 2010 APPROPRIATION FOR EEOC,
INCLUDING INCREASING FUNDING AND REPLENISHING STAFFING
April 2, 2009

Chairman Mollohan, Ranking Member Wolf, and members of the Subcommittee, my name is Gabrielle Martin and I am the President of the National Council of EEOC Locals, No. 216, AFGE/AFL-CIO. The Council is the exclusive representative of the bargaining unit employees at the Equal Employment Opportunity Commission (EEOC), including investigators, attorneys, administrative judges, mediators, paralegals, and support staff located in offices in 53 cities around the country. I want to thank you for the opportunity to express our views to the Subcommittee on the proposed FY10 budget for the EEOC from the perspective of EEOC's frontline workers. The bottom-line concern for the Council is that staffing is woefully inadequate to handle: the record high 95,402 charges of discrimination that were filed in FY08; the additional enforcement responsibilities of two new laws; and the mushrooming backlog of 73,941 cases. This backlog most directly affects the public, e.g., when investigations suffer because witnesses have moved or a harassed worker hangs on waiting indefinitely for EEOC's help. As the nation struggles towards an economic recovery it will be critical for a revitalized EEOC to ensure a level playing field for employees and job applicants. The Council thanks this Subcommittee for acknowledging these issues and increasing EEOC's FY09 budget. However, to revitalize the agency after the damage caused by five years of frozen budgets, more is needed for FY10. Specifically, the Council urges the inclusion of bill and report language in the FY10 funding measure which: (1) increases funding to $378,000,000, i.e., the amount originally called for in FY08 Senate CJS Appropriations Bill (Senate Report 110-124); (2) raises the staff ceiling to 3,000 FTE's, i.e., the same level as 1994, the last time that EEOC's charge receipts were close to FY08's record high; (3) maintains oversight of headquarters and field restructuring; and (4) requires EEOC to hire and train "higher credentialed" employees for the call intake function.

Introduction:
The EEOC was created by the Civil Rights Act of 1964. The EEOC's mission is to enforce this nation's laws, which protect against discrimination in employment based on race, color, religion, sex, national origin, age, and disability. As of 2009, EEOC is also responsible for enforcing the Americans with Disabilities Act Amendments Act (ADAAA) and the Genetics Information Nondiscrimination Act (GINA). From its earliest days, EEOC has had dedicated employees, excited about the opportunity to change things, to make our nation a better place, to make sure that discrimination no longer is a barrier to people getting and keeping jobs. As our economy has stumbled, the employees of EEOC have been pressed to keep up with the increasing workloads. Record high charge filings will continue due to higher unemployment and enforcement of two new laws. Action must be taken to revitalize EEOC in order to build a better future for working Americans.

The Council Thanks This Subcommittee for the FY09 Report and Omnibus Act Language: The Council first wishes to thank this Subcommittee for listening and responding to the concerns of our members this past year. Most significantly, for FY09 this Subcommittee broke the five year cycle of frozen budgets and finally increased EEOC's funding by $15 million. This Subcommittee's Report Language had even tried to increase it by $20 million. Both the funding level in the Report Language and that contained in the final Omnibus Act exceeded the former administration's request, which demonstrate that this Subcommittee was receptive to the Council's concerns and took action. Also, the FY09 Omnibus conference report language called for hiring permanent frontline field staff to reduce the agency's swelling backlog, including addressing the large number of unfilled existing frontline staff positions. Additionally the Omnibus Act Bill language retained oversight, which prevents EEOC from taking any action to restructure without first coming to the Subcommittee.

EEOC Must Hire Staff to Process Record High Charge Receipts and Reduce the Backlog: EEOC's asymmetrical problem of diminished staff dealing with a growing workload reached a crisis in FY08. Specifically, since 2001, EEOC has lost over one quarter of its employees, with most of the losses being to the ranks of frontline staff. The EEOC ended FY08 with only 2,174 employees on board nationwide. Only a portion of this figure represents frontline positions that deal directly with the public. For instance, EEOC has only about 600 available investigators. In 2008, this remaining skeleton crew received 95,402 new charges of discrimination, the highest number ever received in agency history. In addition, for the second year in a row the backlog of cases jumped 35% to a deplorable 73,941. The workers who file these charges, which become part of the backlog, are left stranded.

EEOC's investigators have seen their inventories of cases climb to as high as 250 cases, as the work of retiring employees is redistributed to the remaining staff. These unreasonably high caseloads do not allow investigators to do an effective job of interviewing witness, reviewing documents, attempting conciliation, etc.[1] Fewer attorneys have meant a drop-off in case filings.

As work increases and staff decreases the inevitable result is that cases are bottlenecked. EEOC's backlog has grown from 39,000 in FY06 to 54,000 in FY07 and to 73,941 in FY08. In its FY09 budget submission, the EEOC anticipated that at the end of FY08 the backlog would be 66,976 and would grow to 75,000 in FY09. Instead, FY08's backlog leapfrogged to the worse statistic forecasted for FY09. Imagine all of these cases stacked in an enormous pile. This pile represents people who believe they were discriminated against on the job, still waiting for help. In a September 8, 2008, EEOC Customer Satisfaction Survey, one worker responding stated, "they need more staff to get these things done faster, it's been 10 months." Another survey respondent conveys the adverse impact of having to wait for EEOC, "I do not feel that they are acting on it and I am being harassed at work." More troubling is that once an EEOC investigator can get to these cases, witnesses have probably moved on and memories have grown stale.

[1] Additionally, on March 23, 2009, an arbitrator ruled that EEOC willfully violated the Fair Labor Standards Act by engaging in a nationwide pattern that results in suffered and permitted overtime for its own employees. The decision demonstrates that the agency has tried to balance its budget and staffing shortfalls on the backs of its employees, by refusing overtime to employees who management knows are compelled to work extra hours to keep up with their high caseloads.

Another clear marker of inadequate staffing is that the amount of time it takes to process a case has increased to 229 days. In one year, the wait for help faced by victims of discrimination has worsened from almost 7 months to almost 8 months. Things are so dire that in the summer of 2008, EEOC scrapped its requirement that 72% of its charges be processed within 180 days. The requirement is now that only 48% of charges be processed within 180 days. For the public, that means that more than one-half of the people who file charges will wait the 8 month average.

Now at a time when EEOC obviously cannot handle its current workload, it is taking on new demands, but without additional resources. In 2007, EEOC began a renewed focus on systemic (class cases). This year, EEOC begins enforcement of two new laws, the Genetic Information Non Discrimination Act (GINA) and the Americans with Disabilities Amendments Act. Moreover, while additional staff have not been hired to assist with the new work, existing staff have not been trained on the complexities of the new laws.

In order to effectively enforce its mission and reduce the backlog, the Council requests that Congress raise EEOC's staff ceiling to 3,000 FTE's, i.e., the same level as 1994, the last time that EEOC's charge receipts were close to FY08's record high. To ensure hiring keeps up with attrition, the Council suggests including report language requiring hiring throughout the year to achieve a net increase of at least 500 FTE's (in addition to the 2,554 which should be on board in FY09) and a total of no less than the requested 3,000 FTE's. It should also be specified that these slots are intended to be used for permanent frontline field positions, including support staff to free up its professional staff to do their work.

For the Current Fiscal Year, Oversight Is Needed to Ensure Hiring is Prioritized:
EEOC should prioritize replenishing lost staff and maintaining existing employees, in order to reduce the backlog. Instead, the former two EEOC Chairs intentionally kept staffing levels as low as possible, and then locked in those staffing losses by reducing office space. "Separation savings" were used in a manner inconsistent with mission priorities, such as wasting millions on the former outsourced call center failure.

As a result of its misdirected spending, in recent years EEOC had consistently refused to fill authorized positions. For instance in both FY07 and FY08, the agency ended the year over 200 employees short of the authorized 2,381 FTE's. Now for FY09, EEOC requested 2,554 FTE's. Congress funded EEOC $2 million above the level it requested to support that number of employees. Moreover, in its responses to this Subcommittee's questions for the record (QFR), EEOC claimed that it expected to be able to fund the FTE published in the President's FY09 budget. *(QFR, No. 4, p. 671)*. However, well into the second quarter of FY09, EEOC's total staffing still remains at 2,195, well below the FY09 authorized level.[2] Therefore, for the current fiscal year 2009, the Council urges this subcommittee to exercise oversight to ensure that EEOC does in fact hire to its staff ceiling of 2,554 FTE's.

Congress Should Raise EEOC's Budget to $378M, To Revitalize the Damaged Agency:
If EEOC is to be revitalized, it needs more funding. Five years of frozen budgets and questionable management decisions have left the agency too resource starved to effectively

[2] The small net gain of twenty employees this fiscal year, through February 2009, has been concentrated in Washington, instead of field offices around the country.

manage its growing workload. The chart included with this testimony illustrates EEOC's troubling customer service trends from FY01 through FY08.

This Subcommittee demonstrated its understanding of EEOC's critical situation by supporting the Omnibus Appropriations Act, which finally provided EEOC a $15 million increase, and including an even greater amount in the Report Language. This increase is a desperately needed down payment towards fully revitalizing the EEOC. Unfortunately, EEOC's FY09 budget request did not account for the 15% increase in charge receipts, the greater than anticipated growth to the backlog, or the resources necessary to enforce the passage of the GINA and ADAAA legislation. Therefore, the Council respectfully requests that this Subcommittee adopt the increase to $378 million, the amount originally called for by the Senate's FY08 CJS Appropriations Bill. This funding is needed now more than ever for backlog reduction, increased charge receipts, and to support the enforcement of new legislation.

Subcommittee Should Retain Bill Language Regarding Oversight of EEOC Restructuring: On January 1, 2006, as part of a nationwide field restructuring, EEOC downsized a dozen offices. The restructuring added bureaucratic layers, but no frontline staff. EEOC should now revisit the restructuring to fix its worst inefficiencies, such as states that were split between two districts. The EEOC should also keep its promise to reduce top heavy offices to a 1:10 supervisor to employee ratio. Only 16% of EEOC employees responding to a Union survey indicated that their offices met the agency's alleged 1:10 goal. Redeployed supervisors can help the frontline without added cost.

The final phase of EEOC's repositioning is the delayed restructuring of headquarters, which has been promised for three years. The intent of the headquarters restructuring should be to reduce redundancies and layers of management. These resources should be utilized to aid the frontline work in the field offices. The Council urges the Subcommittee to retain bill language regarding oversight of this restructuring. Additionally, Congress should assure a transparent process for public and internal stakeholders to have an opportunity to provide feedback of a draft plan.

Oversight of EEOC's Call Center Will Avoid Replication of the Failed Contract Center: Recently, the former Chair, Naomi Earp, bragged to the *Daily Labor Report* about making EEOC's new in-house call center "a complete mirror of what we had at the outsourced center," despite Congress shutting down that failure in 2007. In fact, EEOC did replicate the worst problems of the contract center by not hiring staff, who with proper training could provide substantive help to the public and to EEOC investigators. Instead, EEOC limits what these employees can do to answering the phones and directing callers to the EEOC's website to fill out newly available online questionnaires. However, the general benefit of expanding access is negated, because there are not adequate staff to process these new cases. The call center staff in no way completes any of the substantive work that continues to pile up in offices. Employees are overwhelmed and cannot keep up with the calls, the investigations or the incoming online questionnaires. Each piece of paper that piles up and each phone call that is not handled represent a real person who deserves better. Without increased skill levels and additional staff, the call center will continue to inundate offices with online questionnaires. Overall, case processing times will continue to grow and the backlogs will continue exploding.

The Report accompanying House Committee Print, HR No. 110 related to House appropriations for FY09, called on EEOC to conduct a "cost benefit analysis of hiring higher credentialed employees for the call intake function, which might provide more substantive assistance to callers and resolve a greater number of calls at the first point of contact." The Council supports this plan. Better trained and higher credentialed staff could not only resolve more calls, but could assist in processing the intake questionnaires that they send the public to submit.[3] In turn, investigative staff, who would be relieved from some of these intake responsibilities, could focus on processing cases already in the system. EEOC could then work to reduce the backlog.

EEOC Must Comply With the Regulatory Process On Federal Sector Reform:
Finally, I would like to bring to your attention that a recent Federal sector reorganization proposal would add additional layers of management at the cost of frontline positions. Growing Federal sector backlog and longer average case processing times instead should lead to proposals that increase frontline staff. Other controversial proposed changes would affect the rights to discovery and a hearing for Federal employees claiming discrimination in certain employment actions. The Council asks this Subcommittee to ensure that EEOC comply with the regulatory process, including posting a notice in the Federal Register, before proceeding with any changes to Federal Sector EEO process. Any Federal sector reorganization should be vetted through an EEOC vote and the House and Senate CJS Appropriations Subcommittees.

Conclusion:
In closing, I want to again thank the Chairman, Ranking Member and the Subcommittee for inviting me to testify. I hope my statement will give you insight into the difficult challenges facing EEOC. I urge the Subcommittee to include bill language in the FY10 funding measure which: (1) increases funding to $378,000,000, i.e., the amount originally called for in FY08 Senate CJS Appropriations Bill (Senate Report 110-124); (2) raises the staff ceiling to 3,000 FTE's, i.e., the same level as 1994, the last time that EEOC's charge receipts were close to FY08's record high; (3) maintains ongoing oversight of headquarters and field restructuring; and (4) requires EEOC to hire and train "higher credentialed" employees for the call intake function.

CHART: EEOC'S TROUBLING CUSTOMER SERVICE TRENDS[4]

		FY01	FY02	FY03	FY04	FY05	FY06	FY07	FY08
1	Full Time Employees	2,924	2,787	2,617	2,462	2,349	2,250	2,137	2,174
2	Backlog	32,481	29,041	29,368	29,966	33,562	39,946	54,970	73,941
3	Charge Receipts Filed	80,840	84,442	81,293	79,432	75,428	75,768	82,792	95,402
4	Resolutions	90,106	95,222	87,755	85,259	77,352	74,308	72,442	81,081
5	Avg. Charge Processing	182	171	160	165	171	193	199	229

[3] The higher credentialed intake staff would also be an excellent feeder position to fill investigator vacancies.
[4] National Academy of Public Administration report, 2/2/03; EEOC Budget Requests; www.eeoc.gov.

Official Written Testimony for Fiscal Year 2010
Submitted to the Subcommittee on Commerce, Justice, Science and Related Agencies
Committee on Appropriations
United States House of Representatives
Washington, D.C.

Submitted By
National Estuarine Research Reserve Association
Rebecca Ellin, Vice President

On behalf of the National Estuarine Research Reserve Association (NERRA), thank you for the opportunity to provide recommendations for the Fiscal Year 2010 budget for the National Estuarine Research Reserve System (NERRS) and related programs at the National Oceanic and Atmospheric Administration (NOAA). The NERRS plays a significant role in a number of high priority initiatives that provide critical information to coastal decision-makers at the local and regional levels to protect our nation's estuaries and coasts. We strongly recommend $27 million for NERRS operations, $15 million for NERRS construction and acquisition, and $7.3 million for the Coastal and Estuarine Research and Technology Program.

About the National Estuarine Research Reserve Association
The NERRA is a not-for-profit scientific and educational organization dedicated to the protection, understanding, and science-based management of our nation's estuaries and coasts. Established in 1987, NERRA's mission is to inspire protection of our nation's estuaries and to promote conservation-based research, education, and stewardship through the NERRS.

About the National Estuarine Research Reserve System
The NERRS is a network of protected areas, authorized under Section 315 of the Coastal Zone Management Act (CZMA), established for long-term research, education, and stewardship. Through an effective partnership between NOAA and the coastal states, the NERRS plays a critical role in sustaining the nation's estuaries and coastal communities. The NERRS includes 27 Reserves throughout the country that collectively protect over one million acres of habitat in 22 states and territories. Each of the 27 Reserves within the System:

- Provides extensive K-12 school programs that get students out of the classroom to understand the importance of coastal wetlands,
- Conducts research that benefits estuaries and coastal resources far beyond the boundaries of each individual Reserve,
- Provides critical training opportunities to local governments and others that links the latest science to practical resource management issues, and

- Protects and restores coastal wetlands. These wetlands have been greatly reduced over the past century and remain critically important for our nation's commercial fisheries, water quality, migrating birds, and flood control.

Operations Funds

The NERRA seeks $27 million to operate the NERRS, including local research, education, and stewardship programs and national NERRS programs. Operations funds will continue the System-wide Monitoring Program which monitors water quality, weather, and biological condition at each of the Reserves to evaluate short-term variability and long-term trends in coastal environmental quality. Operations funds also support science-based management of coastal and estuarine systems though the Coastal Training Program which engages local decision-makers in ecosystem management, and supports stewardship activities to protect and conserve Reserve sites for long-term research such as habitat mapping, restoration, biological inventories and management, and recreation management. The competitive Graduate Research Fellowship program is also funded by NERRS operations and provides hands-on research experience to students bringing academic research expertise to bear upon coastal and estuarine management. Funding at the recommended level will allow the NERRS to formally establish a national K-12 Estuarine Education Program to expand the capacity of the NERRS to provide education for school-age children using science-based curricula that meet local and national standards.

In addition, the increase in funding will allow the NERRS to expand from 27 Reserves to 29 by adding sites currently in the designation process—Wisconsin and Connecticut. We expect the 28th Reserve, the proposed Lake Superior National Estuarine Research Reserve in Wisconsin, will be designated in 2010. Governor Jim Doyle of Wisconsin formally nominated a 15,117 acre site near the Wisconsin-Minnesota border in late 2008. NOAA accepted the nomination and the state is now conducting public meetings and preparing an environmental impact statement and Reserve management plan. The proposed Reserve has received widespread public support in Wisconsin and Minnesota, including eight resolutions from local governments favoring the project. The funding we are requesting is critical to provide support for this new Reserve. The governor of Connecticut has also expressed interest in having a Reserve designated in that state and additional funding will allow for this expansion of the System.

Unfortunately, the NERRS has been constrained by level-funding for the past 7 years, at approximately $16 million. Inflation during this period has reduced NERRS "buying power" by nearly $3 million. As operating costs rise, particularly in coastal areas, each Reserve has been creative in leveraging external funding. However, these funding sources have been insufficient to prevent a reduction in programs at a time when Reserve programs should be increasing to address climate change and other pressing coastal issues. The recommended funding will enable the Reserves to advance their capacity to educate, preserve and conduct research on behalf of coastal and estuarine systems—the nation's most threatened natural resource areas. Federal funds received by the Reserves are matched with state funds.

Construction and Acquisition Funds

The NERRA seeks $15 million for NERRS construction and acquisition to maintain, upgrade, and construct Reserve facilities and acquire sensitive lands and waters from willing sellers. The

Reserves strive to incorporate energy-efficient technologies into their facilities to demonstrate the feasibility of these technologies and to reduce operations costs. The NERRS construction and acquisition funds protect priority coastal lands and waters at Reserve sites throughout the System. Federal funds received by the Reserves for these projects are matched with state funds.

Coastal and Estuarine Research and Technology Program
The NERRA seeks $7.3 million for the competitive Coastal and Estuarine Research and Technology Program that transforms the best available science into practical tools that coastal managers use to detect, prevent, and reverse the impacts of coastal pollution and habitat degradation. These projects require strong ties to the NERRS' research and education programs and prioritize the use of the Reserves for research conducted under the program.

The NERRA also seeks the Subcommittee's support to keep funding for the competitive Coastal and Estuarine Research and Technology Program separate from the NERRS operations budget. The President's proposal incorporates this program's budget with the NERRS operations budget, making it appear to be a dramatic increase in NERRS funding where there is none. In fact, Fiscal Year 2009 funding was $474,000 less than the total for these two programs in Fiscal Year 2008.

Partner Programs
The CZMA provides a distinct role for the NERRS in providing research and information needed by federal, state, and local coastal managers, and the public to effectively manage our coasts. While the NERRS is an integral component of these efforts, several other programs are equally important and complement the work of the NERRS. NERRA supports funding for these programs as well:

Coastal Zone Management Grants
Coastal Zone Management grants allow states and territories to address critical coastal management issues such as habitat conservation, public access, erosion control, and hazard mitigation. These traditional challenges to our coast are now exacerbated by the long-term threat of shifts in sea and lake levels resulting from climate change. States and territories need additional funding to enhance their ability to meet these challenges. The NERRA seeks $100 million in funding for Coastal Zone Management grants. Federal funds received by the coastal states are matched with state funds.

Coastal Zone Management Act Program Administration
NOAA's Office of Ocean and Coastal Resource Management (OCRM) coordinates a comprehensive national system of federal, state, territorial, tribal and commonwealth partnerships that manage our nation's coasts including the NERRS, the Coastal Zone Management grants, the Coastal and Estuarine Land Conservation Program, the Coral Reef Conservation Program, and the Marine Protected Areas Center.

The OCRM is a key partner in the success of the NERRS. The office coordinates national NERRS programs and provides technical assistance to the Reserves. Additionally, the Reserve System's collaborative, consensus-based decision-making process—which is managed by OCRM—is one of the great strengths of the NERRS.

The office has consistently been underfunded to adequately coordinate its programs and pay internal assessments and legal fees. This may impact OCRM's ability to administer the NERRS and the other nation-wide coastal management programs. The NERRA requests $12.4 million for OCRM to fully accomplish its coordination role.

Coastal and Estuarine Land Conservation Program
The Coastal and Estuarine Land Conservation Program (CELCP) provides vital support for securing long-term protection of lands from willing sellers that have significant conservation, recreation, historic, economic, and aesthetic values to the residents of coastal communities. The NERRA seeks $60 million for CELCP to expand protection of our nation's significant coastal and estuarine lands.

Coastal Services Center
The NOAA's Coastal Services Center (CSC) in Charleston, South Carolina, provides technical services to the NERRS and many of our state partners. The CSC supports projects and training to address specific regional and local coastal management issues including initiatives such as coastal resilience, regional governance, community impacts from coastal storms, coastal climate adaptation strategies, and the Digital Coast. The NERRA requests $56 million for the CSC.

The NERRA thanks the Subcommittee for its past support of the NERRS; your support has led to essential investments in protecting our coasts and estuaries. Please consider our Fiscal Year 2010 recommendations for NERRS programs and our partners as you progress through the appropriations process. Your support at the recommended levels will better inform management of the nation's coastal and estuarine areas and sustain significant coastal-based economies.

For more information, please contact:

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National Federation of Community Broadcasters
Submitted to the
House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies
Regarding the Fiscal Year 2010 Appropriations for the
Public Telecommunications Facilities Program

Testimony of Carol Pierson
President and CEO
March 25, 2009

Thank you for the opportunity to submit testimony to this Subcommittee requesting a $44 million appropriation for the Commerce Department's Public Telecommunications Facilities Program (PTFP) in FY 2010. As the President and CEO of the National Federation of Community Broadcasters (NFCB), I speak on behalf of 250 community radio stations and related individuals and organizations across the country including many Low Power FM stations. NFCB is the sole national organization representing this group of stations, which provide independent local service in the smallest communities and the largest metropolitan areas of this country. Nearly half of NFCB's members are rural stations, and half are controlled by people of color.

In summary, the points we wish to make to this Subcommittee are:

- Community Radio supports $44 million in funding for the Public Telecommunications Facilities Program in FY 2010.
- PTFP funding is unique. It is the only funding source available to help get new stations on the air and ensure that public broadcasting is available everywhere in the United States..
- PTFP will help public and community radio stations prepare to provide emergency information during natural or man-made disasters.
- PTFP will help fund for conversion of public radio and television to digital broadcasting.
- PTFP helps to bring public radio service to rural areas where it is not otherwise available, including support for the unprecedented number of new noncommercial community stations that will be being built over the next few years because of recent licensing opportunities at the FCC.
- PTFP is a targeted program carefully managed to replace necessary equipment by leveraging public with private funds.

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Community Radio supports $44 million in funding for the Public Telecommunications Facilities Program in FY 2010. PTFP funding is unique. It is the only funding source available to help get new stations on the air and ensure that public broadcasting is available everywhere in the United States. Federal funding distributed through the PTFP is essential to continuing and expanding the public broadcasting service throughout the United States. PTFP funding is critical to ensuring public radio's readiness to provide life-saving information to communities in the event of local disasters, as we have seen during weather emergencies in the past few years. With the advent of digital broadcasting, PTFP funding is helping with the conversion to this new technology. It is particularly critical for rural stations and those serving low income communities. PTFP funds new stations, expanding the reach of public broadcasting to rural areas and to audiences that are not served by existing stations. Finally, it replaces obsolete and worn out equipment so that existing public stations can continue to broadcast high quality programming in a carefully targeted, fiscally responsible manner..

PTFP will help public and community radio stations prepare to provide emergency information during natural or man-made disasters. As we saw during the severe storms and devastating hurricanes of the last few years, radio is the most effective medium for informing a community of weather forecasts, traffic issues, services available, evacuations, and other emergency conditions. Since everyone has access to a radio and they are portable and battery operated, a radio is the first source for this critical information. Radio stations therefore must have emergency power at both their studios and their transmitter in order to provide this service.

We support $44 million in funding to ensure that both the ongoing program will be continued, and hope that that there will be additional financial resources available to help cover the cost of improving the emergency infrastructure of public broadcasting stations. This additional funding is considered an urgent need if community stations are to withstand and continue broadcasting through extreme weather or other emergency situations. At a time when local service is being abandoned by commercial radio, PTFP aids communities developing their own stations which provide local information and emergency notifications.

The National Federation of Community Broadcasters supports PTFP funding to help public radio to convert to digital to provide more public service and keep up with the market. While *television's* digital conversion is mandated by the Federal Communications Commission and the date is imminent *radio* is also converting to digital. Commercial radio stations are converting to digital transmission, and public radio should not be left behind. The digital standard for radio has been approved by the Federal Communications Commission, and over 400 public radio transmitters have been converted. Public digital radio signals will provide more public service. Most exciting to public radio is that stations can broadcast two or more high quality signals, even while they continue to provide the analog signal. Additional digital audio channels will potentially more than double the service that public radio can provide, particularly to unserved and underserved communities. For example, public radio will be able to add services in languages other than English, or will be able to add distinctive cultural, music, or news programming.

PTFP helps to bring public radio service to rural areas where it is not otherwise available, including support for the unprecedented number of new noncommercial community stations that will be being built over the next few years because of recent licensing opportunities at the FCC. Often PTFP funds translator stations to expand the geographic coverage of an existing station. Federal funding is particularly critical to stations broadcasting to rural and underserved audiences which have limited potential for fundraising due to sparse populations, limited number of local businesses, and low income levels. PTFP grants also help with the planning and equipment needs of a new station. Recently, many of these new projects have been for Native American controlled stations on Indian Reservations or Low Power FM installations that broadcast very locally. Over the next few years there will be new demand on PTFP funding to build new noncommercial stations across the country because the FCC opened a filing window for new noncommercial radio stations for the first time in ten years in Fall 2007.

PTFP is a targeted program carefully managed to replace necessary equipment by leveraging public with private funds. Funding from PTFP has been essential to keep public radio stations on the air by funding the replacement of equipment, often items that have been in use for 20 or more years. The program is administered carefully to be certain that stations are acquiring the most appropriate type of equipment. They also determine that equipment is being properly maintained and will not fund the replacement of equipment before an appropriate period of time in use. Even so, PTFP funding is a matching program, so federal money is leveraged with a local commitment of funds. This program is a strong motivating factor in raising the significant money necessary to replace, upgrade and purchase expensive broadcast equipment.

Thank you for your consideration of our testimony. If the Subcommittee has any questions or needs to follow up on any of the points expressed above, please contact:

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The **NFCB** is a thirty-three-year-old grassroots organization which was established by, and continues to be supported by, our member stations. Large and small, rural and urban, NFCB member stations are distinguished by their commitment to local programming, community participation and community support. NFCB's 250 members come from across the United States, from Alaska to Florida, from every major market to the smallest Native American reservation. While urban member stations provide alternative programming to communities that include New York, Los Angeles, San Francisco, Chicago, and other major markets, rural

members are often the sole source of local and national daily news and information in their communities. NFCB's membership reflects the true diversity of the American population: 41% of members serve rural communities, and 46% are radio services controlled by people of color.

On Community Radio stations' airwaves examples of localism abound: on KWSO in Warm Springs, Oregon, you will hear morning drive programs in the Native language of that community; throughout the California farming areas in the central valley, Radio Bilingüe programs six stations targeting low-income farm workers; in Chevak, Alaska, on KCUK you will hear the local weather reports and public service announcements in Cup'ik/Yup'ik Eskimo; in Dunmore, West Virginia, you will hear coverage of the local school board and county commission meetings; KABR in Alamo, New Mexico serves its small isolated Native American population with programming almost exclusively in Navajo; and on WWOZ you can hear the sounds and culture of New Orleans throughout the day and night.

In 1949 the first Community Radio station went on the air. From that day forward, Community Radio stations have been reliant on their local community for support. PTFP funding is a critical source of matching funds for these essential community resources.

National Public Radio (NPR) Testimony
Submitted to the
Subcommittee on Commerce, Justice, Science and Related Agencies
U.S. House Committee on Appropriations
Regarding the Fiscal Year 2010 Appropriations for the
Public Telecommunications Facilities Program

Testimony of Michael Riksen
Vice President, Policy & Representation
March 25, 2009

Thank you, Chairman Mollohan and Representative Wolf for giving National Public Radio (NPR) and its hundreds of member stations the opportunity to submit written testimony for the record in support of the Public Telecommunications Facilities Program (PTFP) and its fiscal year 2010 appropriation. This year, public broadcasting is requesting that $44 million be allocated to PTFP. This level of funding will ensure that public radio stations can improve and expand their valued public service offerings to local communities nationwide.

NPR and its more than 850 public radio station partners operate as an independent, nonprofit media organizations nationally acclaimed for news, information, music and entertainment programming. Today, more Americans than ever - over 32 million people - are tuning into public radio programming and listening to NPR member stations on a weekly basis. Our audience has grown 66% in the past 10 years, bucking a precipitous decline in other media and a general overall decline in radio listening. Public radio stations independently select and produce community appropriate programming that best serve their listening areas.

Since 1962, public radio stations have utilized PTFP grants for replacement, maintenance and necessary upgrades of audio production and broadcast transmission equipment. PTFP is a competitive matching grant program to help public broadcasters, state and local governments, and Native American tribes construct facilities to bring educational and cultural programs to the public. Run by the National Telecommunications and Information Administration (NTIA) under the Department of Commerce, this program provides financial assistance to stations for capital projects such as replacing outdated hardware, purchasing new equipment to expand service to underserved and un-served areas, and converting to digital technology.

This essential capital grant program is available to public broadcasters, many of whom are constrained in their ability to finance capital expenditures. Stations cannot pass their costs on to their listeners, and most cannot take out loans for such projects, especially in this challenging economic climate and those in rural areas. The matching-grant structure of PTFP allows public radio stations to leverage funding from local government and private entities while providing the money needed to help defray the high costs of capital projects.

Fiscal year 2010 brings an important opportunity for public radio broadcasters. In 2007, the Federal Communications Commission (FCC) opened a filing window for non-commercial educational radio stations, the first such frequency filing opportunity in more than seven years. The response from public radio stations has been enormous, with several hundred applications filed for new frequencies to improve or provide first service for communities across America. Each of these new frequencies, once approved by the FCC, will require a station build-out, adding to the vitally important matching grant financing provide by PTFP.

The demand for PTFP funding far exceeds the amount of funds available. In fiscal year 2009, there were over 200 applications requesting more than $48 million in funding through PTFP, yet only $20 million was made available. Unfortunately, budget constraints have limited the amount of funds available for PTFP grants. Annual appropriations for the program in fiscal year 2004 were cut by 50% (from $43.2 million in fiscal year 2003 to $21.8 million). Funding levels for the past six years have remained at that level or lower. Increasing PTFP this year to its pre-2004 level of $44 million will help to meet the demand for this small, but important program, which will help many stations with their transition to digital radio as well as help them to expand coverage to underserved and un-served areas.

The process of converting to digital broadcast transmission technology adds another important element to the necessity of continuing the PTFP program. And in public radio, the conversion is well underway. By the end of 2008, more than 650 public radio stations had either completed or were nearing the completion of the conversion to a digital signal. Over 160 stations are multicasting (sending out two or more program streams), with more adding this important public service multiplier every day. Stations from every state are making this conversion to improve overall listener experience with public radio by enhancing audio quality; eliminating reception interference; and utilizing digital's multiple audio programming channels through multicasting. This important technological transition is possible because of Congress' commitment to provide PTFP federal matching funds to stations.

The future of radio depends on programming, connections to community and technology. In public radio, we know that our audience is demanding changes in how and when we provide programming to them. The old broadcast model of "if you build it, they will come" no longer holds true. Our audience wants programming on their terms, whenever and wherever it is most useful to them and to be delivered on a multitude of reception devices. Technology is the key to public radio's future programming and community connections imperatives.

Public Radio views the transition to digital broadcasting as a tool to improve and broaden the reach of our programming to underserved and un-served audiences. We will use it to make radio reading services for the blind and deaf more accessible. The inherently inclusive nature of digital technology makes it a perfect fit for public radio's relentless pursuit of public service.

With the help of PTFP grants, digital broadcasting technology has enabled public radio stations to:

• Provide increased local services to their communities
Stations are doubling and tripling their programming by multicasting through HD radio channels 2 and 3 options while broadening the base of listeners. Local community events such as concerts, town hall meetings, committee hearings, legislative floor sessions and other government programming are broadcast live using Internet streaming and HD radio technology. Listeners with HD radio receivers may view a variety of useful messages that scroll across radio display screens, including artist name and song title, live weather and real-time traffic updates, local news, school closings, movie listings and emergency alerts.

• Increase the diversity of their programming by providing additional content for their current audience
Constantly seeking to improve its service to listeners, HD radio channels 2 and 3 mean more options to listeners for music, entertainment and news programming. The additional HD radio channels allow stations to add public affairs programming, educational instruction, international news, specialty music streams (jazz, classical, bluegrass, folk, rock, pop, international, etc.), and non-English language news. To further increase program diversity for distribution on HD channels, some stations are training community members, including students and older adults, to professionally produce their own stories and performances.

• Offer additional programming to their "underserved" audiences, such as second language, ethnic and minority broadcasts
Several stations use Web sites to provide public service announcements in languages other than English for their local community. Many stations broadcasting in HD are creating Spanish language channels to provide news, including through BBC Mundo. Stations serving Native American communities are providing tribal programming over the air and online. Web sites operated by stations serving bilingual communities are integrating Web content for their diverse audiences. Site links in both English and Spanish are made available for critical and timely information to help listeners and Web visitors like those in southern Florida to prepare for hurricanes as well as find assistance in the aftermath of hurricane damage to property homes and business.

• Bring the blind and deaf into the content rich world of public radio
Relying often on small armies of volunteers, several stations provide public radio reading services for the blind. This is a life-line service that provides news education and readings from daily newspapers, magazine articles and books for the blind and low vision community. There are stations that provide 24-hour over the air radio reading services and digitally produced programs also serve the illiterate and print handicapped in local communities. Text information services such as artist and song titles, local weather, news updates, school closings, emergency warnings and public service alerts may also be incorporated into the signal for deaf and hard of hearing and can be read on digital radio displays.

• Web-Based and mobile platforms expand public radio programming and community services

Audiences are visiting station Web sites with greater frequency for local news and community events. Online community calendars posted on station Web sites allow local organizations of all sizes and areas to list public events and reach a wide audience. Listeners viewing station Web sites are connecting with local non-profit organizations and obtaining information about special cultural activities, festivals, public health fairs, musical events, educational seminars, lectures, classes, and workshops. Station Web sites also increasingly have online music play lists allowing the audience to find information on music played at their local station. Web-based applications at stations are also used to foster online communities to give listeners the opportunity to connect over common interests and passions by engaging in dialogue and sharing viewpoints about their lives. Podcast initiatives launched by stations are expanding programming for the audience in areas such as science, poetry, music, arts, history, politics, international affairs and health. The audience may also now download interactive media such as photo slide shows, video, Web streams and audio of local news, music and programming on their local station's Web site.

Public radio listeners may now stream local, national and international radio pieces over their mobile phones. NPR partners with member stations to bring news and features through mobile phone Web browsers. Listeners may make a simple phone call to access a menu of listening choices including NPR and local station programming, and listen to the audio from any phone. Text, audio and pictures may also be accessed directly to users through a Web site optimized for delivery to mobile phones and other mobile devices. Listeners can hear the NPR Story of the Day, play the *Wait Wait... Don't Tell Me!* Daily news quiz, and find other NPR stations while traveling.

PTFP priorities when issuing grants include expansion of public broadcasting to underserved and un-served areas of the country. For more than 45 years, the program has played a major role in the development and expansion of public radio throughout the country. Today, more than 93 percent of the American public can listen to a public radio station in their community.

In fiscal year 2008, PTFP approved 61 radio awards totaling $6.248 million. The largest radio grant went to the University of Utah for a project to establish three new FM/HD repeater stations. These stations will provide first public radio service to nearly 62,000 people in Monroe, Roosevelt, and Monticello, UT. Twenty PTFP radio grants were awarded to extend new public radio service to over 450,000 people and provide additional service to over 500,000 people. Communities that will receive first or expanded public radio service include the following: Blythe, CA; Kellog, ID; Rushville, IN; Brewster, KS; Madisonville and Fulton, KY; Monroe, LA; Cabool and Mexico, MO; Ely and International Falls, MN; Minnewaukan, ND; Gouverneur, Cape Vincent, Tupper Lake, and Watertown, NY; Greenville, OH; Pontotoc County, OK; Burns, Bend, and Enterprise. OR; Coatesville, PA; Union City, TN; Vernal, Richfield, Monroe, Roosevelt,

Monticello, and Castle Valley, UT; Emory, VA; Vergennes, VT; Omak, Twisp, and Oroville, WA; Ashland, WI; Franklin and Hillsboro, WV.

Maintaining service is also one of PTFP's main priorities. In fiscal year 2008, the program awarded thirty-nine grants to help stations replace basic equipment. Five of the radio projects were awarded on an emergency basis. These include: a grant of $81,393 to the University of Louisiana, Lafayette, to purchase equipment required to maintain service due to a forced relocation; a grant of $138,792 to Montana State University to replace a discontinued third-party analog microwave distribution system with a satellite system to feed a statewide translator network; a grant of $22,500 to the Texas Educational Broadcasting Cooperative, Austin, for installation costs to replace equipment destroyed by fire; a grant of $29,141 to the Utah State University to replace a transmitter operating on 1/6 power; and a grant of $70,531 to the University of Northern Iowa to replace a burned out transmission line.

For 45 years, PTFP has played a major role in the development of public broadcasting throughout the United States. Through the assistance the program provides, public radio has grown considerably and now reaches over 93 percent of the U.S. population. PTFP funding is even more important now than ever before given the nation's financial crisis and knowing that know underwriting support is down significantly at local stations.

On behalf of public radio stations all across America, NPR urges the Subcommittee to approve $44 million for PTFP and appreciates the long-standing support of public broadcasting.

Written Testimony provided by Dr. Francis Eberle
Executive Director
National Science Teachers Association

Before the
House Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies
Congressman Alan B. Mollohan, Chair
Congressman Frank R. Wolf, Ranking Member
April 2, 2009

The National Science Teachers Association respectively requests that the House Committee on Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies provide the Administration's FY10 funding level request of $7.0 billion for the National Science Foundation and provide increased funding for the Education and Human Resources Directorate.

First, thank you for the recent investments in the National Science Foundation with the FY 2009 Omnibus Appropriations Act and the $3 billion investment in NSF through the American Recovery and Reinvestment Act (ARRA).

We urge you to support continued strong investments in NSF's Education and Human Resources (EHR) Directorate. As you know, strengthening science and math education is a core mission of the NSF. The NSF has the capacity to incorporate the best from both the science and education R&D communities and enlists scientists, academicians and researchers in a highly regarded peer review process that generates and tests innovations in science-related disciplines for education.

Many of the programs in the NSF Education and Human Resources (EHR) directorate are designed to support and improve science education at all levels and in all settings (both formal and informal). These programs are unique in their capacity to move promising ideas from research to practice, to develop new and improved materials and assessments, to explore new uses of technology to enhance K-12 instruction, and to create better teacher training techniques.

In FY2010 NSF must continue and expand upon its R&D efforts in science and math education. Ongoing investment in R&D that builds on the innovation structure and addresses our nation's most significant challenges in science education is absolutely critical.

NSTA would also like to see increased funding for NSF's innovative Math and Science Partnership program. A recent analysis of schools participating in the MSP program shows significant improvements in students' mathematics and science proficiency.

As you know the preparation of high quality teachers is central to improving student performance in the STEM fields. Within NSF, one such teacher preparation program is

the Noyce Scholarship Program, which was expanded in the America COMPETES Act to encourage college STEM majors to pursue teaching careers in high-need schools. We urge you to increase the federal investment in this well regarded STEM initiative.

I also urge the Subcommittee to provide funding for the Partnerships for Access to Laboratory Science Pilot Program, also authorized by the America COMPETES Act. This research program would permit NSF to explore the best models for improving science laboratory facilities at the high-need secondary schools.

Research, education, the technical workforce, scientific discovery, innovation and economic growth are intertwined. To remain competitive on the global stage, we must ensure that each remains vigorous and healthy. That requires sustained investments in both the research and education functions at the NSF. Increased funding for the NSF Education and Human Resources Directorate will increase the agency's capacity to stimulate innovations and effect changes to K-12 science education.

NATURAL RESOURCES DEFENSE COUNCIL

March 27, 2009

Representative Alan Mollohan, Chair
Subcommittee on Commerce, Justice, Science and Related Agencies
Committee on Appropriations
Room H-310 The Capitol
Washington, DC 20515

Leila Monroe
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NRDC Oceans Program: Written Testimony for the Record of the Subcommittee on Commerce, Justice, Science and Related Agencies

Worldwide, our ocean systems are experiencing a silent collapse as a result of pollution, destruction of productive marine habitat, increased strain on fish populations and global warming-induced impacts, such as higher water temperatures, shifts in currents and acidification.[1] The National Oceanic and Atmospheric Administration (NOAA) needs robust and increased funding to perform critical and increasingly numerous ocean management functions. NOAA is responsible for: protecting marine and coastal habitats; managing commercial and recreational fisheries; expanding scientific exploration and ocean observation; sustaining coastal economies; managing National Marine Sanctuaries; forecasting weather; and coordinating with other agencies and states to perform environmental reviews of industrial activities planned for the oceans.

Congress should embrace the President's Budget proposal including:

- The commitment to advance climate and ocean research, including efforts to understand and monitor ocean acidification;

[1] http://www.pnas.org/content/105/suppl.1/11458.full.pdf+html

- $600 million for the construction and maintenance of NOAA research facilities, vessels, and satellites;
- $230 million for habitat restoration, hydrographic services, research, and management operations; and
- Full support for implementation of the Magnuson-Stevens Act and its requirement to eliminate overfishing by 2011.

As Congress considers use of the oceans for clean, renewable energy production, it is critical that such development is coupled with a commitment to protection of living marine resources and takes into account existing ocean users and the concerns of coastal communities. NOAA requires funding to assist other federal and state agencies to study, monitor, and report on common impacts of renewable energy. The Department of Energy (DOE) should work in conjunction with NOAA on baseline research and monitoring that can advance specific pilot and demonstration projects. In addition, there is a need for research and development (R&D) funding on project design that will have minimal effects on marine fish and wildlife. DOE should work in conjunction with NOAA to develop an R&D program for avoidance of fish and wildlife impacts. The exploration and development of ocean renewable power will also benefit from a publicly accessible common library of all available information on such project. DOE should work in conjunction with NOAA to compile and publish such a library.

Well-designed and implemented Marine Protected Areas (MPAs) are an important tool for maintaining marine biological diversity, protecting ocean habitats, and managing fish populations. They also provide opportunities for scientific research, education, and recreation compatible with their mission. The National Marine Protected Areas Center must have its funding restored to at least $4 million if it is to carry out its goals, including

implementation a framework for the national system of MPAs, restoration of a modest technical assistance and stewardship support program, stakeholder and advisory committee participation and engagement, collection of data for the marine managed areas inventory, and expansion of the MPA pilot project to other regions – all of which will contribute to the effective use of MPAs as a tool for ecosystem-based management.

Respectfully Submitted,

Leila Monroe

NRDC Oceans Policy Analyst

Navajo Nation Council Public Safety Committee Testimony
House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies
Outside Witnesses for Fiscal Year 2010
March 26, 2009

Chairman Mollohan, Ranking Member Wolf, and members of the Subcommittee, thank you for this opportunity to provide testimony on behalf of the Navajo Nation Council on the Fiscal Year 2010 appropriations for the Commerce, Justice, Science and Related Agencies Subcommittee. My name is Rex Lee Jim. I am an elected Delegate to the Navajo Nation Council and I serve as the Chairman of the Public Safety Committee of the Navajo Nation Council.

We were extremely pleased that the final conference report for the Economic Stimulus bill included $225 million for tribal jail construction in the Department of Justice, and that the FY 2009 Omnibus Appropriations included $10 million for this important program. By including $235 million for tribal jails, this Subcommittee has given hope to Navajo families and police and detention officers who have been put at risk due to our inability to incarcerate violent offenders because of our overcrowded and insufficient jails. This funding will make a substantial contribution to improving public safety in all of Indian Country.

We hope that Congress will build on the funding in the Stimulus bill and in the FY 2009 appropriations bill to help address the long unmet needs that have built up over many years of insufficient funding for tribal public safety. **Therefore, we urge that the Subcommittee provide $50 million for the Correctional Facilities on Tribal Lands Program and $25 million for the Tribal Courts Assistance Program (TCAP) in the FY 2010 Appropriations bill. We also urge the Subcommittee to provide full funding for the "Emergency Fund for Indian Safety and Health", which was approved as part of the reauthorization President's Emergency Plan for Aids Relief (PEPFAR).**

Detention Facilities

The Navajo Nation detention facilities were constructed in the late 1950's and early 1960's and have deteriorated so severely that prisoners can only be kept overnight in three of the six adult detention facilities. Since we only have 113 jail beds for the entire Navajo Nation (more than 250,000 people spread over the size of West Virginia), many inmates serve only a portion of their sentences due to the lack of available detention facilities. Unless we build more detention facilities, criminals arrested in Navajo Nation are essentially getting a 'get out of jail free' card.

We are very pleased that the federal government finally recognized the tremendous need for additional detention facilities in Indian Country and provided $225 million for the Correctional Facilities on Tribal Lands program in the Stimulus bill. This funding is a welcomed and substantial start in addressing the tremendous backlog in the need for new and renovated Indian jails, but will not resolve the entire problem.

According to the recent report of Shubnum Strategic Management Applications, which was commissioned by the Bureau of Indian Affairs, the federal government needs to spend $8.4 billion to bring detention centers in Indian Country up to current standards and to relieve overcrowding. According the Report, when the jails were inspected in spring 2006, many jails had too many inmates and not enough jailers. At the Navajo Nation's Window Rock Detention Center in Arizona, two detention officers were assigned to guard 68 inmates at a time. "The 68 inmates were packed' on every horizontal space in the dormitory cells," the report says. "This included two individuals on a single bunk bed and several individuals on the only available floor space below the bunk beds. The foul stench was extremely high at this hour with the crowded condition."

The Shubnum Report clearly illustrates that continued funding will be necessary to address the tremendous backlog in construction and repair of tribal jails. We hope that the Subcommittee will continue to lead the fight to address this massive and widely-acknowledged problem. The federal government must honor its trust responsibility to the Tribes and provide resources to repair existing facilities and build new detention facilities across all of Indian Country. **Therefore, we request that the Commerce, Justice, Science Subcommittee will provide $50 million for the Correctional Facilities on Tribal Lands Program in the Department of Justice in the FY 2010 Appropriations bill.**

Funding for Tribal Courts

The Tribal Courts Assistance Program has been level funded for several years. Navajo Nation Courts closed 130,380 cases from 2004 to 2006. However, insufficient funding resulted in 56,460 unclosed cases from 2004 to 2006. Without substantial increases, the number of cases will overload the Navajo Tribal Courts. The Senate version of the Recovery Act included $25 million for tribal courts that was stripped from the final bill. Therefore, we support restoring the money that was dropped from the stimulus bill and increase funding for tribal courts by $25 million.

The Supreme Court of the Navajo Nation is forced to conduct hearings in a building which appears to be a warehouse with paint peeling off the metal sidings, or to use other conference rooms when more space is necessary. The courtroom barely accommodates three justices, court personnel and attorneys. Space for the audience is extremely limited. The Navajo Nation is in dire need of an adequate and dignified judicial complex to house the Supreme Court and the Administrative Office of the Courts in Window Rock, Arizona. We hope to work with the Committee to identify authorization language that will allow for federal funding to be used for court construction and to seek appropriations and grants to construct a new Supreme Court building.

Emergency Fund for Indian Safety and Health

The 110th Congress recognized the tremendous need in Indian Country and responded by enacting the $2 billion "Emergency Fund for Indian Safety and Health", which was approved as part of the reauthorization President's Emergency Plan for Aids Relief (PEPFAR). This landmark legislation authorizes funding for public safety, health care, and water projects in Indian country. The Navajo Nation applauded the enactment of the authorization for the Emergency Fund, and now we urge Congress to provide the necessary funding to achieve the important goals that the Fund seeks to achieve. **Therefore, the Navajo Nation urges the Appropriations Committee to provide $400 million for the Emergency Fund in the FY 2010 Appropriations bills.**

While the five-year, $2 billion Emergency Fund has been authorized, it is uncertain how funding will be appropriated into the fund. The legislation authorizing the Emergency Fund states, "There is established in the Treasury of the United States a fund, to be known as the Emergency Fund for Indian Safety and Health, consisting of such amounts as are appropriated." The authorizing legislation does not describe which appropriations bills will provide the funding or how the appropriations will be provided. Without providing appropriations to the fund, no money can be spent from the fund as envisioned in law. We urge the Commerce, Justice, Science Appropriations Subcommittee to take the lead in working with Health and Human Services and Interior Subcommittees to ensure that the full Appropriations Committee provides $400 million for the Emergency Fund in FY 2010. The Navajo Nation is anxious to work with the Appropriations Subcommittees to ensure that the authorization is fully funded.

Need for Coordination between DOJ and BIA

Part of the problem with appalling state of Indian detention facilities is that two agencies (and two Appropriations Subcommittees) are involved in overseeing and funding the construction and operation of tribal detention facilities. The Department of Justice manages the Correctional Facilities on Tribal Lands Program, which provides grants to tribes to construct and/or renovate tribal correctional facilities. The Bureau of Indian Affairs funds Facility Improvement and Repair (FI&R) and Operation and Management (O&M) at Bureau-owned detention facilities in Indian Country.

Unfortunately, there is lack of understanding in Congress and in the Administration about the unwieldy responsibilities where the DOJ builds/renovates tribal jails while BIA funds operations and repairs of BIA-owned tribal jails. Also, the confusion is exacerbated by the lack of coordination between DOJ and BIA officials who oversee the construction (DOJ) and operation (BIA) of tribal detention facilities. **Congress should require DOJ and BIA to work together to ensure that tribes with the greatest need receive jail construction funding, and that the BIA will provide sufficient funding to provide staffing, operation and maintenance, and facilities improvement and repair for the new jails. It is also important that Congress provide sufficient funding for the recurring costs that will continue for tribes that are successful in building new jails.**

Inequitable BIA Policies Discriminate Against Tribally-owned Jails

We are extremely grateful that the Commerce, Justice, Science Subcommittee has taken the lead in providing substantial funding for the construction of tribal jails. However, without changes in the BIA's policies and management of tribal jails, we are concerned that tribally-owned jails will continue to suffer neglect and unfair treatment by the BIA.

The BIA owns and operates 59 detention facilities and is responsible for funding staffing, FI&R, and O&M for these facilities. In addition, there are 34 detention facilities that are owned and operated by tribes, either independently or through P.L. 93-638 contracts or self-governance compacts. These contracts and compacts advance the goals of Indian self-determination and self-governance. However, the BIA provides no funding for FI&R and O&M at tribally-owned detention facilities. **There is no logical, justifiable, or fair reason for the BIA to only fund the operation and repair of BIA-owned jails, while jails operating under self-governance agreements receive no funding for FI&R and O&M.**

The Navajo Nation is also pleased that the stimulus legislation provides $450 million to the BIA for *"for repair and restoration of roads; replacement school construction, school improvements and repairs;* ***and detention center maintenance and repairs."*** We were also pleased that the FY 2009 Omnibus Appropriations bill provided $21,500,000 for detention center replacement in Public Safety and Justice Construction. However, we are very concerned that if BIA employs current policies, Tribally-owned detention facilities will receive no funding. We hope that the Commerce, Justice, State Subcommittee can work with the Interior Subcommittee to ensure that BIA funding for detention facilities is distributed equitably to BIA-owned and Tribally-owned detention facilities. This will help ensure that the substantial jail construction funding provided in the stimulus bill will lead to well-managed and well-maintained detention facilities.

Navajo Nation Has Raised Its Own Taxes to Fund Detention and Courts

The Navajo Nation has recognized the lack of detention facilities as a paramount priority enacted a 1% sales tax dedicated for judicial/public safety facilities. We have raised our own taxes, despite the poor economic situation in the Navajo Nation, to address this vital issue. It is time for the federal government to fulfill its trust responsibility and join us in providing adequate funding for new detention facilities and courts.

Conclusion

This Committee has shown great leadership in focusing attention on public safety issues in Indian Country. We urge your continued support and ask that you seek the highest possible funding for Tribal Public Safety and provide full funding for the "Emergency Fund for Indian Safety and Health".

Thank you for this opportunity to share the concerns of the Navajo Nation. Please do not hesitate to contact me if you have any questions or if we can be of any assistance. The Navajo Nation looks forward to working closely with the Committee to address public safety concerns in Indian Country.

Submitted by

Dr. Kathleen Mullan Harris, President, Population Association of America (PAA)

Dr. Lynne Casper, President, Association of Population Centers (APC)

Population Association of America/ Association of Population Centers

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Testimony on behalf of the

Population Association of America/ Association of Population Centers

Regarding the Fiscal Year 2010 Appropriations for the

Census Bureau

and

National Science Foundation

Submitted to the

House Committee on Appropriations

Subcommittee on Commerce, Justice, Science, and Related Agencies

The Honorable Alan Mollohan, Chair

Introduction
Thank you, Chairman Mollohan, Ranking Member Wolf and other distinguished members of the Subcommittee, for this opportunity to express support for the Census Bureau and the National Science Foundation (NSF)--two agencies important to the Population Association of America and the Association of Population Centers (PAA/APC).

As members of the Coalition for National Science Funding, we support NSF receiving $7 billion in FY 2010—a mark consistent with the Administration's intended request. Although we do not yet know the Census Bureau's proposed FY 2010 request, we support the Bureau receiving whatever amount it requests to successfully and fairly conduct Census 2010.

Background on the PAA/APC and Demographic Research
The PAA is an interdisciplinary, scientific organization comprised of over 3,000 research professionals, including demographers, economists, sociologists, and statisticians. The APC is a similar organization comprised of over 40 universities and research groups that foster collaborative demographic research and data sharing, translate basic population research for policy makers, and provide educational and training opportunities in population studies.

Demography is the study of populations and how and why they change. Demographers, as well as other population researchers, collect and analyze data on trends in births, deaths, immigration and disabilities as well as racial, ethnic and socioeconomic changes in populations. Among the major policy issues, population researchers study the demographic causes and consequences of population aging, trends in fertility, marriage, divorce and their effects on the health and well being of children, and immigration and migration and how these patterns affect the ethnic and cultural diversity of our population and the nation's health and environment.

PAA/APC members rely on a number of federal agencies charged with funding demographic research and generating reliable, accessible data. The ability of our members to produce meaningful research, often used to inform policy decisions, requires the use of substantial data sets and support for research projects and research training. Both the Census Bureau and National Science Foundation (NSF), are key to the success of our field.

The Census Bureau
The Census Bureau is the premier source of demographic and economic data on every facet of our nation's population and communities. PAA and APC members rely on accessible data produced by the Census Bureau to conduct their research. Since census data are the foundation of research conducted by our members, we want to ensure Census 2010 is conducted accurately and fairly. Further, the agency needs sufficient funding to support its other ongoing survey operations as well.

We are grateful Congress provided the Census Bureau with an additional $1 billion as part of the recently enacted American Recovery and Reinvestment Act. This funding will be used to support important outreach, hiring, and training programs, as well as operational activities, critical to the success of Census 2010. Despite this infusion of two-year funds, we anticipate the Bureau will require more funding in FY 2010 to conduct Census 2010. We hope Congress will work with the Administration to fully fund the agency's request and to help generate widespread participation in the decennial census.

Fiscal Year 2010 is also a pivotal year for the American Community Survey (ACS), which has replaced the traditional census long form. In August 2010, the ACS will provide the first demographic, economic, and housing characteristics data for areas as small as census tracts and block groups, based on five years worth of data collection for households (2005 - 2009). To assure the data collected in the last year are as accurate as in previous years, the Census Bureau needs sufficient funding to continue sampling three million households that receive the ACS annually. Further, in FY 2010, PAA and APC urge the Subcommittee to work with the Bureau to increase the ACS sample size. The ACS sample size should be increased to ensure that the quality and applicability of ACS data are not compromised.

We hope the Administration's request also will enable the agency to continue its other ongoing surveys, which measure changes in individual and household demographic and economic conditions. Continuation of these activities is particularly important in the current difficult economic climate, as these data provide a basis for key economic indicators and help Congress assess the prudence of fiscal policy proposals.

National Science Foundation (NSF)

The mission of NSF is to promote the progress of science; to advance the national health, prosperity, and welfare; to secure the national defense. The demography of our population directly impacts the health, prosperity, welfare, and security of our nation. NSF's support of demographic research, particularly its support of large-scale longitudinal surveys, such as the General Social Survey and Panel Study of Income Dynamics, is central to the agency's mission and essential for the field of demographic research. NSF is the funding source for approximately 20 percent of all federally supported basic research conducted by America's colleges and universities, including basic behavioral and social research. Demographic research also depends on support from NSF for support of individual research projects and research centers.

PAA and APC thank the committee for the significant funding for NSF in the American Recovery and Reinvestment Act of 2009 and the FY 2009 Omnibus Appropriations Act. The funding for NSF in these Acts will allow the agency to broaden its reach and enhance the nation's capability to make new discoveries, leading to new innovations.

PAA and APC, as members of the Coalition for National Science Funding, support the President's Fiscal Year 2010 budget request for NSF of $7 billion. This budget will enable the NSF Social, Behavioral and Economic Science Directorate (SBE) to continue its support of social science surveys and a rich portfolio of population research projects. Furthermore, this funding will enable NSF to continue to fund worthy projects that promote transformational and multidisciplinary research.

The Census Bureau and the National Science Foundation support, indirectly and directly, the collection and availability of rich data sources important to PAA/APC members. Our economists, statisticians, social survey design experts rely on federally supported data to conduct sound research and inform public policy. Investments in these data sets are investments in good policy.

Thank you for considering our requests and for supporting federal programs that benefit the field of demographic research.

Testimony of RB Royal Industries, Inc.
John Valek, President/Chief Operating Officer
To the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies

On behalf of RB Royal Industries, Inc. I would like to thank the Committee for allowing RB Royal to submit testimony for the record. As President and Chief Operating Officer of RB Royal, I am writing to respectfully request that the Hollings Manufacturing Extension Partnership program be provided the authorized $131.8 million within the fiscal year 2010 Commerce, Justice, Science and Related Agencies Appropriations Bill. As you know, the Hollings Manufacturing Extension Partnership (MEP) is a program within the U.S. Department of Commerce, National Institute of Standards and Technology, a program which is authorized to improve competitiveness of America's manufacturing community.

MEP is a network of 59 centers, with over 350 locations across the country and in Puerto Rico, providing technical assistance and business support services to America's small manufacturers. An independent survey of 6,679 clients served by the program in federal fiscal year 2007 states that MEP clients report over $1.44 billion in cost savings directly attributed to the program's assistance as well as creating or retaining over $10.5 billion in sales. The program also helped manufacturers create or retain 57,079 jobs and increase investment of $2.19 billion back into the economy. The program, which has achieved significant impact on the local, state and national economies, is proposed to be doubled by President Obama.

RB Royal Industries, Inc. is a manufacturer of custom bent tube and hose assemblies that is located in Fond du Lac, WI and employs 89. Our company has worked with WMEP for several years, and the training we have received is playing a significant role in helping us weather the tough economic times we find ourselves in. The funding for MEP is even more critical today to provide small to medium-sized manufacturers with the skills to survive and expand as the economy improves.

The proposal to double the program is designed to minimize manufacturing job loss and strengthen America's small manufacturers by providing greater access to MEP services. Given the urgent economic challenges, it is even more critical that we invest in a program that helps small manufacturers like ours survive and be positioned for growth when the recovery occurs. MEP is one of the best pro-active resources available to support this sector and its services are needed today more than ever. RB Royal Industries respectfully requests $131.8 million be appropriated in the fiscal year 2010 CJS bill as a means to keep U.S. manufacturers the best in the world.

Testimony of S&S Steel Fabrication
Kent Wilson, General Manager
To the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies

On behalf of S&S Steel Fabrication, I would like to thank the Committee for allowing S&S Steel to submit testimony for the record. As General Manager of S&S Steel, I am writing to respectfully request that the Hollings Manufacturing Extension Partnership program be provided the authorized $122 million within the fiscal year 2009 Commerce, Justice, Science and Related Agencies Appropriations Bill. As you know, the Hollings Manufacturing Extension Partnership (MEP) is a program within the U.S. Department of Commerce, National Institute of Standards and Technology, a program which is authorized to improve competitiveness of America's manufacturing community.

MEP is a network of 59 centers, with over 350 locations across the country and in Puerto Rico, providing technical assistance and business support services to America's small manufacturers. An independent survey of 4,959 clients served by the program in federal fiscal year 2006 states that MEP clients report over $1.115 billion in cost savings directly attributed to the program's assistance as well as creating or retaining over $6.76 billion in sales. The program also helped manufacturers create or retain 52,585 jobs and increase investment of $1.65 billion back into the economy. The program, which has achieved significant impact on the local, state and national economies, is proposed to be eliminated in the President's fiscal year 2009 budget proposal.

S&S Steel is a Steel Fabrication Manufacturing facility located in Hurricane, Utah and employs 75. Since 2007 S&S Steel has partnered with MEP Utah to implement Lean tools. MEP Utah has helped S&S Steel use Value Stream Mapping to identify customers' needs and put a plan in place to meet those needs efficiently. S&S Steel then started working on 5S workplace organization and safety. With the help of MEP Utah we have completed projects in our steel yard, parts fabrication, fitting, welding and maintenance areas of our business. S&S Steel is committed to continuous improvement and waste elimination across the organization. It is very exciting to see the transformation taking place and the company culture changing to embrace improvements throughout S&S Steel. Partnering with MEP Utah is very important to our long term success with our Lean implementation. Below are some of the impacts we have experienced partnering with MEP Utah.

- Increased sales by $4,400,000
- Retained sales by $2,200,000
- Improved Safety from 25 accidents (2007) to 12 accidents (2008) resulting in a cost savings of $115,121
- Cost savings in labor, materials, energy, and overhead of $300,000 (2008)
- Avoided unnecessary investments of $1,500,000 (building expansion & equipment)

S&S Steel believes that if the President's budget request is realized, American manufacturers will lose billions of dollars in economic impact at a critical time of need. It is the implementation of technology which is a catalyst for innovation, without which we cannot

compete. MEP is a critical program in this nation's efforts to sustain, improve and grow the economic impact of the American industrial base in the global economy.

Sincerely,

Kent Wilson
General Manager
S&S Steel Fabrication

DR. JAMES G. SANDERS
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Skidaway Institute of Oceanography
10 Ocean Science Circle
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James Sanders is Head of the Skidaway Institute of Oceanography, a campus of the University System of Georgia. He received his B.S. from Duke University in Zoology and his Ph.D. from the University of North Carolina in Marine Sciences, and then was a postdoctoral investigator at Woods Hole Oceanographic Institution. Prior to his arrival in Savannah in 2001, Dr. Sanders was on the faculty and served as Director of the Academy of Natural Sciences' Estuarine Research Center in Maryland, then was Chairman of the Department of Ocean, Earth and Atmospheric Sciences at Old Dominion University in Virginia. Dr. Sanders is known for his interests within the area of trace element biogeochemistry: how trace elements are transported through coastal zones, transformed by chemical and biological reactions during transport, and how they can influence aquatic ecosystems. He serves as a consultant to federal and state science agencies and industrial groups in the U.S. and Europe. He is President of the National Association of Marine Laboratories, a Trustee of the Consortium for Ocean Leadership, and a member of the Science Advisory Board of the Environmental Protection Agency.

Education

1973	B.S., Zoology, Duke University
1975	M.S., Marine Sciences, University of North Carolina, Chapel Hill
1978	Ph.D., Marine Sciences, University of North Carolina, Chapel Hill

Professional History

2001-	Director, Skidaway Institute of Oceanography
2002-	Professor, School of Biology, Georgia Institute of Technology, Atlanta, GA
2002-	Adjunct Professor, Department of Marine Sciences, UGA, Athens
2003-	Adjunct Professor, Savannah State University
1999-2001	Professor and Chair, Department of Ocean, Earth, and Atmospheric Sciences, Old Dominion University, Norfolk, VA.
1981-1999	Curator, The Academy of Natural Sciences, Estuarine Research Center, St. Leonard, MD, 1990-1999. Associate Curator, 1985-1990. Assistant Curator, 1981-1985.
1983-1999	Center Directors, The Academy of Natural Sciences, ERC.
1981-1989	Adjunct Associate Professor, University of Maryland, Center for Environmental and Estuarine Studies, Chesapeake Biological Laboratory, Solomons, Maryland, 1985 -1989. Adjunct Asst Professor, 1981 -1985.
1980-1981	Visiting Assistant Professor, University of Maryland, Chesapeake Biological Laboratory.
1978-1980	Postdoctoral Investigator, Woods Hole Oceanographic Institution, Woods Hole, Massachusetts.

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Official Written Testimony for Fiscal Year 2010

Submitted by: Douglas Arnold, Ph.D.
President, Society for Industrial and Applied Mathematics (SIAM)

Submitted to the Subcommittee on Commerce, Justice and Science
Committee on Appropriations
United States House of Representatives
Washington, DC

Testimony on the Fiscal Year 2010 Appropriations
for the National Science Foundation

March 27, 2009

Summary: My name is Douglas Arnold and I am the President of the Society for Industrial and Applied Mathematics (SIAM). I am submitting this written testimony on behalf of SIAM to ask you to continue your support of the National Science Foundation (NSF) in fiscal year (FY) 2010 by providing NSF with $7.0 billion, a 7.9 percent increase over NSF's regular FY 2009 appropriations.

Written Testimony

My name is Douglas Arnold and I am the President of the Society for Industrial and Applied Mathematics (SIAM). Today I am submitting this written testimony for the record to the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the U.S. House of Representatives.

SIAM has over 12,000 members, including applied and computational mathematicians, computer scientists, numerical analysts, engineers, statisticians, and mathematics educators. They work in industrial and service organizations, universities, colleges, and government agencies and laboratories all over the world. In addition, SIAM has over 400 institutional members—colleges, universities, corporations, and research organizations.

First, I would like to emphasize how much SIAM appreciates your Committee's continued leadership on and recognition of the critical role of the National Science Foundation (NSF) and its support for mathematics, science, and engineering in enabling a strong U.S. economy, workforce, and society. In particular, we thank you and your colleagues for the substantial increases in funding for NSF in the fiscal year (FY) 2009 omnibus appropriations bill and the *American Recovery and Reinvestment Act of 2009*.

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Today, I submit this testimony to ask you to continue your support of NSF in FY 2010 and beyond. In particular, we request that your provide NSF with $7.0 billion, the level that the President has indicated he plans to request for this agency in the FY 2010 budget. This represents a 7.9 percent increase over NSF's regular FY 2009 appropriations and would continue the effort to double funding at NSF, as endorsed by Congress in the *America COMPETES Act* and by the President in the overview of his FY 2010 budget request.

As we are reminded every day, our nation's economic strength, national security, and public health and welfare are being challenged in profound and unprecedented ways. Addressing these challenges requires that we confront fundamental scientific questions. Computational and applied mathematical sciences, the scientific disciplines that occupy SIAM members, are particularly critical to addressing U.S. competitiveness and security challenges across a broad array of fields: medicine, engineering, technology, biology, chemistry, computer science, and others. Furthermore, in the face of economic peril, federal investments in mathematics, science, and engineering create and preserve good jobs; stimulate economic activity; and help to maintain U.S. pre-eminence in innovation, upon which our economy depends.

Other countries have observed the success of the U.S. model and are investing in research and education. Without sufficiently increasing support for science, engineering, and mathematics, the U.S. pre-eminence in innovation will be compromised. The critical role of America's unique research enterprise has been recognized by Congress in the *America COMPETES Act* and in the recently passed *American Recovery and Reinvestment Act of 2009.*

National Science Foundation

The National Science Foundation (NSF) provides essential federal support of applied mathematics and computational science, including almost 60 percent of all federal support for basic academic research in the mathematical sciences. Of particular importance to SIAM, NSF funding supports the development of new mathematical models and computational algorithms, which are critical to making substantial advances in such fields as climate modeling, energy technologies, genomics, analysis and control of risk, and nanotechnology. In addition, new techniques developed in mathematics and computing research often have direct application in industry. Modern life as we know it, from search engines like Google to the design of modern aircraft, from financial markets to medical imaging, would not be possible without the techniques developed by mathematicians and computational scientists. NSF also supports mathematics education at all levels, ensuring that the next generation of the U.S. workforce is appropriately trained to participate in cutting-edge technological sectors and that students are attracted to careers in mathematics and computing.

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Let me briefly highlight the main budgetary and programmatic components at NSF that support applied mathematics and computational science. The central element in this support comes from the NSF's Division of Mathematical Sciences (DMS), the core support for all mathematical sciences. DMS supports areas such as algebra, analysis, applied mathematics, combinatorics, computational mathematics, foundations, geometry, mathematical biology, number theory, probability, statistics, and topology. In addition, DMS supports national mathematical science research institutes; infrastructure, including workshops, conferences, and equipment; and postdoctoral, graduate, and undergraduate training opportunities.

In addition to my role as President of SIAM, I am also the McKnight Presidential Professor of Mathematics, at the University of Minnesota. For the past seven years I served as Director of the Institute for Mathematics and its Applications, which is located at the university. The Institute is one of seven Mathematical Sciences Institutes across the nation and represents the largest investment in mathematical research from NSF. I know from experience the tremendous gains that can come from bringing mathematical research and analysis to bear on the pressing problems facing our society.

The activities supported by DMS and performed by SIAM members, such as modeling, analysis, algorithms, and simulation, provide new ways of obtaining insight into the nature of complex phenomena, such as the power grid, global climate change, the human body, and energy efficient building systems.

Work in applied mathematics and computational science also is critical to enabling effective use of the rapid advances in information technology and cyberinfrastructure. Programs in the NSF Office of Cyberinfrastructure (OCI) focus on providing research communities access to advanced computing capabilities to convert data to knowledge and increase our understanding through computational simulation and prediction. The programs in OCI that support work on software and applications for the next generation of supercomputers are very important. Increased support for graduate students and early career researchers is also necessary to enable the development of a research community that focuses on the very interdisciplinary problems associated with the development and application of computational science techniques.

Supporting the Pipeline of Mathematicians and Scientists

All of us who are closely connected with the education and development of young scientists and engineers are greatly alarmed at the prospects they now face. I remember very well the difficult situation that arose from the 1990-91 recession. Unemployment rates among new math PhDs spiked to above 10 percent from their historical range of 2-3 percent. The gloom was palpable among undergraduate and graduate students, new PhDs, and their advisors, and many young people decided against studying math. The number

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of U.S. citizens starting full-time graduate study in mathematics fell 27 percent from 1992 to 1997. Of course, this took its toll in the production of PhDs five or so years later, and the number of US citizen math doctorates, which had increased steadily for a ten year period peaking at 586 in 1997-98, fell for six consecutive years, dropping by 26 percent. We have only recently recovered, and returned to the earlier levels of production. The shortage of these most highly trained quantitative minds has been sharply felt, and the cost to U.S. innovation and competitiveness was surely very great.

Without bold action, it is likely that such a situation will return, at a much greater level. Although the financial crisis arrived recently, it is already evident that it has caused many universities and companies to cancel or severely curtail their hiring. The number of employment ads placed in the Notices of the American Mathematical Society was down 28 percent this fall over last and would surely be lower were it not for advertising deadlines in the summer. The Employment Center at the Joint Mathematics Meetings in Washington in January had a record number of job seekers but 15 percent fewer employers. My own department generally hires two or three postdoctoral fellows a year as Dunham Jackson Assistant Professors, but this year we have cancelled our search. Of course, it is not only the young mathematicians we will not be hiring who will suffer. Our department will suffer from the loss of ideas and energy that these postdoctoral fellows bring to the department and the country will suffer from the lost innovation. A similar situation is playing out with respect to students as well. Our department has just been notified of a substantial cut in the teaching assistant budget, and plans to cut drastically back on graduate admissions. The result of this scenario, replayed across the country and in related fields as well, is likely to be many talented young people who could have entered careers in science, technology, engineering, or mathematics, and are instead swelling the ranks of the unemployed and underemployed.

Maintaining the pipeline of the mathematical workforce with programs that fund research and students is especially important because of the foundational and cross-cutting role that mathematics and computational science play in sustaining the nation's economic competitiveness and national security, and in making substantial advances on societal challenges such as energy, the environment, and public health. NSF has been a critical supporter of these efforts, as can be seen in the wide range of programs in which the Division of Mathematical Sciences has reached out to interface with other fields, such as geosciences, biology, cyber discovery, and solar energy.

Conclusion

I would like to conclude by thanking you again for your ongoing support of NSF and actions you have already taken this year to enable NSF and the research and education communities it supports, including thousands of SIAM members, to undertake the activities that contribute to the health, security, and economic strength of the U.S. NSF needs sustained annual funding to maintain our competitive edge in science and

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technology, and therefore we respectfully ask that you continue your robust support of these critical programs into the future, starting with providing $7.0 billion for NSF for FY 2010.

I appreciate the opportunity to provide testimony to the Committee on behalf of SIAM and look forward to providing any additional information or assistance you may ask of us during the FY 2010 appropriations process.

Society for Neuroscience
House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies
Request $7 Billion for FY2010 National Science Foundation Appropriations

Introduction

Mr. Chairman and members of the subcommittee, I am Thomas J. Carew, Ph.D., President of the Society for Neuroscience (SfN) and the Donald Bren Professor and Chair of the Department of Neurobiology and Behavior at the University of California, Irvine. It is my honor to submit this testimony on behalf of SfN in support of the National Science Foundation (NSF).

My research focuses on brain mechanisms underlying memory. Specifically I examine the temporal domains of memory: I wish to understand how some memories last only a few seconds, while others can endure a lifetime. An understanding of the cellular and molecular mechanisms of memory can open the gateway to elucidating the neuronal basis of these diverse forms of memory. To address this fundamental question, my research team at the University of California, Irvine, uses a very simple animal, the marine mollusk Aplysia, because its nervous system is composed of very large nerve cells that are relatively few in number. This affords significant advantages for analyzing the synaptic, biophysical, and molecular changes underlying different stages of memory. The fundamental goal of my experiments is to obtain an understanding of the mechanisms by which the nervous system acquires, stores, and retrieves information. I am the recipient of federal support from NSF and the National Institutes of Health for research and for the training of the next generation of scientists.

FY2010 Budget Request

SfN, as a member of the Coalition for the National Science Foundation, **supports a budget of $7 billion for NSF for FY2010, a 7.9 percent increase above FY2009**. This level matches the Obama Administration's request outlined in the preliminary budget request released last month. SfN and the scientific community applaud this strong support for the agency – it is a crucial step to advance science, build a science-driven new economy, and keep the U.S. competitive in science and technology.

Continued investment in basic research at NSF is essential to laying the groundwork for discoveries that will inspire scientific pursuit and technological innovation for future generations. As reflected in the America COMPETES Act, aggressive investment in technology and scientific research is crucial to ensure America sustains its global leadership and competitiveness. Science is now a truly global enterprise that has the potential to revolutionize the human experience, health, and wellness – the question is whether America will maintain its role leading the next generation of scientific advances.

Congress and the Administration made a bold investment in NSF by providing $3 billion in the recent economic recovery package. The funds in the recovery package will set the path for a stronger and more competitive economy, create high-wage jobs, and improve the health and life expectancy of many Americans. The $3 billion provided to NSF will go directly into the hands of the nation's best and brightest researchers at the forefront of promising discoveries, to deserving graduate students at the start of their careers, and to developing advanced scientific

tools and infrastructure that will be broadly available to the research community. With both long-term and short-term investments in basic science, the United States is poised to continue its leadership in science-based innovation.

With FY2010, Congress has an opportunity to ensure the nation seizes the scientific momentum created by the historic recovery investment. SfN urges Congress to support President Obama's call to "return science to its rightful place" and fund future innovation at NSF with $7 billion in FY2010.

NSF and Neuroscience

SfN supports this increase because NSF research is indispensible to studying how the brain functions, how it controls behavior and health, and how to develop new tools to treat many debilitating diseases and disorders.

The field of neuroscience is deeply interdisciplinary and relies on crucial advances in physics, computer science, mathematics, chemistry, engineering, and basic biology to develop new tools and techniques for studying brain cell activity. For instance, the field of neuroinformatics is driven in part by emerging computational innovation generated by NSF. Also, the physics necessary to create wonders like 11 Tesla functional Magnetic Resonance Imaging or advanced microscopy also emerge from NSF – with these tools, scientists can peer deeper into the brain. Finally, we were deeply honored that NSF-funded neuroscience was at the center of the Nobel Prize for Chemistry last fall. Two of the three winners are neuroscientists and members of SfN, Martin Chalfie and Roger Tsien. These scientists, along with Osamu Shimomura, were recognized for a magnificent contribution to science – the discovery and use of Green Florescent Protein (GFP), which was first observed in jellyfish. NSF support for this basic marine biology research to study nervous systems in crustaceans and other animal models was instrumental in discovering this protein. It has since become one of the most important tools used in contemporary bioscience, since it allows us to directly visualize specific types of nerve cells inside brain. In particular, GFP has become a crucial tool for studying many kinds of cell proteins, particularly brain cells, including nerve cell damage in Alzheimer's disease.

In return, many of these fields are applying neuroscience discoveries to their own fields to create new potential treatments and health interventions. For instance, brain-controlled prosthetics like cochlear implants are technical engineering marvels, making it possible for thousands of individuals who are profoundly deaf or severely hard-of-hearing to understand the speech of others, even over the telephone. By converting the acoustic vibrations of sound into electrical impulses and sending them directly to the brain via the auditory nerve, thereby bypassing receptor cells in the cochlea altogether, the implant provides this neurological "end-run" by stimulating nerve endings that would normally contact the hair cells. Recent discoveries in the neuroscience of hearing, coupled with more advanced technologies, are helping scientists design increasingly sophisticated cochlear implants as well as other types of devices that restore or enhance hearing. The cochlear implant offers a window on the power and potential of the human brain and provides a powerful example of what scientists are learning about the human brain's amazing adaptability and how this knowledge can ultimately be applied to improve quality of life.

Interdisciplinary collaboration is the hallmark of NSF research. For example, NSF-funded biologists and neuroscientists are discovering fundamental mechanisms important to understanding how humans and other animals behave, develop, communicate, learn, and process information. Understanding the neuroscience of animal diversity is necessary as we confront environmental and agricultural changes in the future. Also, NSF-funded physicists, mathematicians, computer scientists, and engineers have done ground-breaking work that enables the analysis of EEG data, the development of brain prosthetic devices, and other technologies that will assist in the rapid diagnosis and treatment of epilepsy and stroke. NSF-funded statisticians are developing new methods for analysis of the large amounts of genome data, on humans and other organisms, and developing better statistical tools for looking at the effects of the environment on human and animal populations. NSF-funded chemists have developed new methods that allows for the extremely accurate measurement of very small amounts of brain hormones.

It is also important to note that NSF is the critical funding source for evolutionary biology and neuroethology, using invertebrate models. This year, we celebrate the 200th birthday of the founder of evolutionary biology, Charles Darwin, and the 50th anniversary of the publication of his seminal work, *On the Origin of Species*. In fact, NSF support for evolutionary research has expanded substantially during the past decade. To help guide this expansion, the agency has hosted workshops, the goals of which are to identify emerging tools, identify and illustrate themes of particular promise, summarize major institutional resources and suggest infrastructure needs that will enable the next generations of advances in understanding evolution.

Indeed, many of the new findings in neuroscience can be traced back to fundamental work in these other fields that has contributed to new technologies of all kinds. This allows us to carry out new kinds of experiments not imaginable even 5-10 years ago. These discoveries have great potential to improve the lives of Americans and almost certainly would not have been made without the strong commitment to interdisciplinary research at NSF.

Commitment to Furthering Science Education and Training

Another key aspect of NSF is its support for science education and training. Through NSF grants and cooperative agreements with colleges, universities, K-12 school systems, and other research organizations throughout the United States, neuroscientists can continue to conduct the basic research that advances scientific knowledge and leads to tomorrow's treatments and cures.

SfN recognizes the leadership role that NSF plays in driving innovation in science education and is committed to furthering the study of learning, memory and perception by uniting education and neuroscience in the emerging field of "neuroeducation." Bringing together scientists and education practitioners, SfN is helping to contribute to the development of tools and strategies with the potential to ultimately improve education. As president of the Society, I am personally stressing the importance this issue by encouraging conversations between basic and applied researchers and underscoring how exciting progress in the field of neurobiology of learning and memory may inform the work of teachers and they role they can play in shaping the direction of future research. NSF's continued support for education and research that contributes to informing educational practice is essential to this burgeoning area.

Finally, I must emphasize that NSF is a leading force in the development of the next generation of scientists through its support of training. In fact, NSF often provides the initial grant mechanism supporting early career scientists before they transition to their first NIH grant. Future scientific progress relies upon the kinds of quantitative and interdisciplinary training that NSF fosters. NSF programs such as the Integrative Graduate Education and Research Traineeship Program (IGERT) are producing a cohort of scientists who have learned to work cooperatively, and have learned to learn across disciplinary boundaries, ensuring that the workforce is provided highly trained scientists who are unafraid of the challenges of the future.

About the Society for Neuroscience

The Society for Neuroscience is a nonprofit membership organization of basic scientists and physicians who study the brain and nervous system. Recognizing the field's tremendous potential, the Society was formed in 1969 with less than 500 members. Today, as we celebrate 40 years of advancing science and improving health, SfN's membership numbers more than 38,000, and it is the world's largest organization of scientists devoted to the study of the brain. Neuroscience advances the understanding of human thought, emotion, and behavior. Our member neuroscientists work to understand animal and human nervous systems, how they develop and learn, and how they interact with their environment. Our membership includes investigators from backgrounds as diverse as physics, chemistry, engineering, mathematics, biology, biochemistry, and psychology, brought together to understand all aspects of brain function, from molecules and genes to cognition.

SfN is devoted to education about the latest advances in brain research and to raising awareness of the need to make neuroscience research a funding priority. Many SfN members are committed to developing educational innovations that take advantage of new neuroscience research. This has given rise to an exciting new breed of neuroscientists who wish to combine their research careers in neuroscience with a commitment to enhancing K-12 education in the nation.

Conclusion

With passage of the American Recovery and Reinvestment Act, Congress and the Administration have entrusted the U.S. scientific enterprise, led by NSF and other agencies, to help reinvigorate the American economy. With sustainable, reliable, and robust increases, NSF will be able seize the momentum created by the additional funds and build a science-driven economy. Providing $7 billion for NSF in FY2010 helps ensure the agency is able to continue to fund high-quality, interdisciplinary and basic research, even after the recovery funds are expended. The nation cannot afford to lose the collaborations among scientists, engineers, physicists and biologists that have resulted in such tremendous advances, contributing to improved health. Further, NSF's support for education and training cannot continue without stable funding, as a severe decrease would leave the next generation of researchers with few options, perhaps forcing them to leave science altogether.

The scope of the challenge of understanding the human mind requires a bold approach and the ability to undertake high-risk, high-reward, interdisciplinary projects. NSF is a strong supporter of the kind of research that allows neuroscientists and our colleagues to push the boundaries to ensure groundbreaking, life-enhancing discoveries. By laying the groundwork for revolutionary

advances in neuroscience with interdisciplinary research, NSF is poised to keep the U.S. internationally competitive in the 21st century and beyond.

We urge the subcommittee to support and approve $7 billion for NSF in FY2010. Thank you for the opportunity to submit this testimony.

Sincerely,

Thomas J. Carew
President, Society for Neuroscience
Bren Professor and Chair
Department of Neurobiology and Behavior
University of California, Irvine

Testimony of Springs Fabrication
Belinda Popovich, Director of Business Development
To the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies

On behalf of Springs Fabrication, I would like to thank the Committee for allowing my company to submit testimony for the record. As Director of Business Development for Springs Fabrication, I am writing to respectfully request that the Hollings Manufacturing Extension Partnership program be provided the authorized $131.8 million within the fiscal year 2010 Commerce, Justice, Science and Related Agencies Appropriations Bill. As you know, the Hollings Manufacturing Extension Partnership (MEP) is a program within the U.S. Department of Commerce, National Institute of Standards and Technology, a program which is authorized to improve competitiveness of America's manufacturing community.

MEP is a network of 59 centers, with over 350 locations across the country and in Puerto Rico, providing technical assistance and business support services to America's small manufacturers. An independent survey of 6,679 clients served by the program in federal fiscal year 2007 states that MEP clients report over $1.44 billion in cost savings directly attributed to the program's assistance as well as creating or retaining over $10.5 billion in sales. The program also helped manufacturers create or retain 57,079 jobs and increase investment of $2.19 billion back into the economy. The program, which has achieved significant impact on the local, state and national economies, is proposed to be doubled by President Obama.

Springs Fabrication, Inc. offers many services such as product design, material processing machining, fabrication, liquid painting and assembly to a wide variety of industries. Founded in 1986 and located in Colorado Springs, Colorado, the company has steadily grown, increasing their client base, acquiring state-of-the-art manufacturing technology, and increasing their number of employees to well over one hundred.

Belinda Popovich, Director of Business Development and Larry Westman, Quality Assurance Manager are responsible for Springs Fabrication's continuous improvement efforts. Belinda explains that the company experienced considerable growth from 2002 to 2006-115.7% rate of growth averaging nearly 30% annual growth over 4 years. The growth, although welcome, presented a challenge to efforts of company-wide coordination and efficiency. In its near 20 years of existence, each of Springs Fabrication's departments had developed its own processes and idiosyncrasies, often resulting in wasted time and redundancy.

Springs Fabrication embarked on an extensive year-long training program led by CAMT, Colorado's MEP center, in order to "discover inefficiencies and stick to the essentials," said Belinda. The entire staff participated in training and implementation of lean principles, starting with principles of lean training, and continuing through value stream mapping, 5S, kanban/pull systems and ending in two week-long kaizen events.

With each training, it became increasingly clear to Springs Fabrication that unnecessary motion was their biggest adversary. Employees spent time searching for needed materials and paperwork, duplicating efforts due to lack of communication, and moving materials from place to place. Staff used their new lean knowledge to establish new processes, such as creating supermarkets for inventory, staging areas, pull systems and kanbans, as well as shifting their job traveler to an electronic system from which anyone could pull needed information.

Immediately after implementing new lean processes, each department from order entry through processing calculated the amount of motion—walking distance—, and the corresponding time, that was eliminated from daily operations. Each department targeted a decrease of 30% motion, and all exceeded that goal, usually astronomically. The scheduling department and project managers reported a decrease of over 90% in their motion. The programming and engineering department reported a decrease of 70%, and the processing department reported a decrease of 60%. Another immediate and significant improvement was a 60% decrease in lead time from order placement to initial production phase. Springs Fabrication is dedicated to sustaining and continuing gains realized through lean methodology.

Due to CAMT trainings, Springs Fabrication was able to hire 31 new employees, increase sales revenue by $5,000,000, and cut costs by $930,000.

The proposal to double the program is designed to minimize manufacturing job loss and strengthen America's small manufacturers by providing greater access to MEP services. Given the urgent economic challenges, it is even more critical that we invest in a program that helps small manufacturers like ours survive and be positioned for growth when the recovery occurs. MEP is one of the best pro-active resources available to support this sector and its services are needed today more than ever. Springs Fabrication respectfully requests $131.8 million be appropriated in the fiscal year 2010 CJS bill as a means to keep U.S. manufacturers the best in the world.

Testimony of Tailored Label Products, Inc.
Mike Erwin, President
To the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies

On behalf of Tailored Label Products, I would like to thank the Committee for allowing Tailored Label Products to submit testimony for the record. As President of Tailored Label Products, I am writing to respectfully request that the Hollings Manufacturing Extension Partnership program be provided the authorized $131.8 million within the fiscal year 2010 Commerce, Justice, Science and Related Agencies Appropriations Bill. As you know, the Hollings Manufacturing Extension Partnership (MEP) is a program within the U.S. Department of Commerce, National Institute of Standards and Technology, a program which is authorized to improve competitiveness of America's manufacturing community.

MEP is a network of 59 centers, with over 350 locations across the country and in Puerto Rico, providing technical assistance and business support services to America's small manufacturers. An independent survey of 6,679 clients served by the program in federal fiscal year 2007 states that MEP clients report over $1.44 billion in cost savings directly attributed to the program's assistance as well as creating or retaining over $10.5 billion in sales. The program also helped manufacturers create or retain 57,079 jobs and increase investment of $2.19 billion back into the economy. The program, which has achieved significant impact on the local, state and national economies, is proposed to be doubled by President Obama.

Tailored Label Products is located in the heart of Menomonee Falls, Wisconsin, in a newly expanded 53,000 square foot operation. This business has grown from $5.3 million in 2003 to just under $12 million in 2008 with the help of the services provided by the Wisconsin Manufacturing Extension Partnership's team of Lean consultants. We have doubled our employment in this same period to 64 high paying, skilled jobs. We have invested over $3 million in new technology for production excellence. We are a former manufacturer of the year and a Best Workplaces award winner for three years in a row…all tied to operational investments and employee training. This past week we celebrated our 25th year in business.

The proposal to double the program is designed to minimize manufacturing job loss and strengthen America's small manufacturers by providing greater access to MEP services. Given the urgent economic challenges, it is even more critical that we invest in a program that helps small manufacturers like ours survive and be positioned for growth when the recovery occurs. MEP is one of the best pro-active resources available to support this sector and its services are needed today more than ever. Tailored Label Products respectfully requests $131.8 million be appropriated in the fiscal year 2010 CJS bill as a means to keep U.S. manufacturers the best in the world.

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Statement of Emily Woglom on behalf of The Nature Conservancy on FY 2010 Appropriations for the National Oceanic and Atmospheric Administration Subcommittee on Commerce, Justice, Science and Related Agencies Committee on Appropriations United States House March 27, 2009

Thank you for the opportunity to offer the recommendations of The Nature Conservancy (Conservancy) on the fiscal year 2010 budget for the National Oceanic and Atmospheric Administration (NOAA). NOAA's programs and products provide vital services to the country and provide for sound management and conservation of our natural resources while also supporting the functions of major industries including transportation, energy, insurance, tourism, and recreational and commercial fishing. The Conservancy's partnerships with NOAA are critically important to meeting our mission of conserving biological diversity.

The Conservancy urges the Committee to provide appropriations for NOAA at or approaching **$5 billion**, as recommended by the House Oceans Caucus. This funding level for NOAA would allow expanded ocean conservation, restoration, and management programs; increased research and education activities; while providing for improvements in infrastructure (satellites, ships, high performance computers, facilities) and data management. As our top priorities, The Nature Conservancy supports the following funding levels for specific NOAA efforts:

Habitat Restoration:	**$53.3 million**
Coastal and Estuarine Land Conservation:	**$60 million**
Coral Reefs	**$32.7 million**
Pacific Salmon and Protected Species Conservation:	**$95 million**
Regional Ocean Collaboration:	**$10 million**

Our coasts, oceans and Great Lakes are facing multiple threats from sea level rise, energy development, and coastal development at the same time that we've come to better understand the immense human and ecological values of healthy coastal and marine systems. Additional funding should be made available in the abovementioned areas to address these threats.

NOAA and The Nature Conservancy

The Conservancy works to identify priorities for coastal and marine conservation through ecoregional plans. We identify present and likely future threats to biological diversity and then identify appropriate strategies for conservation. At more than one hundred marine sites around the world, The Nature Conservancy has used a variety of strategies for marine and coastal conservation including habitat restoration, removal of invasive species, coastal land acquisition, private conservation of submerged lands, establishment of protected areas, management of extractive marine resources activities, and reduction of nutrient and toxic inputs to coastal systems. No single strategy works everywhere; at every site multiple conservation approaches that take into account the biological, socioeconomic, and political circumstances are needed.

NOAA is an important partner to the Conservancy in many aspects of our conservation work:

- We work with NOAA's programs that support **site-based conservation and restoration** activities of coastal and marine systems. Programs such as Coastal and Estuarine Land Conservation, Community-based Restoration, Open Rivers Initiative, and the Pacific Coastal Salmon Recovery Fund are excellent examples of practical, community-oriented approaches to conservation of coastal and marine resources. These programs should be expanded.
- Our chapters routinely partner with NOAA programs that provide or support **management** of marine and coastal ecosystems. The National Marine Sanctuary Program, the National Estuarine Research Reserve System, the Coastal Zone Management Program, the Coral Reef Program, and fisheries and protected species management programs, are all valuable partners on Conservancy projects and should be funded robustly.
- We rely upon NOAA's **data, research, and monitoring** of coastal and marine systems, and have several shared priorities on which we collaborate. For example, NOAA's Coastal Services Center maintains a strong partnership-oriented approach to providing information and technical assistance to states, local governments, other federal agencies, and the private sector to inform decision-making.
- NOAA's contributions to state and local implementation and education programs help ensure that the human **capacity** exists to address environmental management issues at the necessary scale. The Committee should provide funding for staff capacity to provide technical assistance, efficiently manage grants and programs, and help to measure effectiveness.

These programs make valuable contributions to our work and to the Nation as a whole and should be robustly funded.

Funding for Ocean and Coastal Programs

Increasingly, the pressures of coastal development, sea level rise, energy development, and pollution threaten to impair watersheds, impact wildlife habitat, and damage important coastal ecosystems. Coastal and marine systems are play a critical in supporting the health and economic viability of our communities—they filter pollutants from stormwater runoff; control flooding after severe storm events; serve as vital nursery habitat for economically-important fish and shellfish populations; provide nesting and foraging habitat for coastal birds; and afford valuable opportunities for coastal recreation and nature-based tourism. The following detailed funding recommendations prioritize funding for programs that support marine, estuarine, and coastal conservation and restoration. NOAA has demonstrated significant capability to achieve results by advancing constructive, on-the-ground and in-the-water habitat conservation. Habitat losses have a substantial impact on the health and productivity of marine ecosystems, yet NOAA's ability to work closely with communities around the country to stem or reverse these losses is constrained by the relatively small amount of funding they receive. We would urge you to consider increasing funding for the following programs:

Habitat Restoration ($53.3 million):

- **Community-based Restoration Program ($28 million) and Open Rivers Initiative ($12 million)**: During the development of the American Recovery and Reinvestment Act, the restoration community was able to demonstrate a backlog of over $760 million worth of projects. In addition to restoring important ecological systems that will provide long-term ecological and economic benefits, these projects will also generate near-term job

opportunities: an estimated 20.3 jobs per million dollars. In response to this combination of demand and opportunity, Congress provided $167 million for these programs. We greatly appreciate this Committee's support of these priorities in the development of the Recovery Act. We recommend providing increased annual funding for these programs to make more progress on the restoration backlog and support additional job opportunities. In addition, if funded at higher levels, these programs could contribute to larger-scale restoration projects that can have benefits at the watershed, ecosystem, or regional level.

- **Damage Assessment, Remediation, and Restoration Program (DARRP) ($9.3 million)**: Thousands of oil spills and hazardous waste sites contaminate coastal and estuarine areas. DARRP uses a collaborative process to respond to pollution events, assess injuries, and work with responsible parties to restore natural trust resources. Through this program NOAA has secured nearly $450 million in settlements for restoration projects over the last 15 years. Additional funding is necessary for NOAA to continue to properly respond to spills, conduct initial environmental assessments, and work to resolve each settlement.
- **Estuary Restoration Program ($4 million)**: The Estuary Restoration Act (ERA), as reauthorized by the Water Resources Development Act of 2007, sets a goal to restore one million acres of estuary habitat by 2010. The Act encourages coordination among all levels of government, and engages the unique strengths of the public, nonprofit, and private sectors. The ERA authorizes $4 million for NOAA, including $2.5 million for on-the-ground restoration projects and $1.5 million for maintenance of restoration project monitoring data.

Coastal and Estuarine Land Conservation ($60 million)

- **Coastal and Estuarine Land Conservation Program (CELCP)**: The Nature Conservancy supports funding CELCP at $60 million for FY2010. To date, Congress has appropriated nearly $200 million for CELCP. This funding has allowed for the completion of over 150 conservation projects, with more in progress. CELCP projects in 26 of the nation's 35 coastal states have already helped preserve approximately 35,000 acres of the nation's coastal treasures, and the number of acres will grow as more projects come to completion. All federal funding has been leveraged by at least an equal amount of state, local, and private investments, demonstrating the broad support of the program, the importance of coastal protection throughout the nation, and the critical role of federal funding to its success. We recognize that this is a substantial increase of prior year funding levels, but feel that it is warranted given the historical funding levels and the pent-up demand left over from low funding levels in the last three years. Over $230 million of vetted ranked projects were identified over the last three years, with only $74 million of available funding. We support a competitive process to award CELCP funding. However, for a competitive process to be successful, funding for the program needs to accommodate a greater percentage of the overall demand for coastal acquisition projects.

Coral Reef Conservation ($32.7 million)

NOAA's Corals Program is a matrixed program that results in a coordinated effort across four NOAA line offices. We support this coordinated approach and encourage the Committee to consolidate the coral funding into a single budget line.

- **Coral Reef Conservation Program ($30.5 million)**: The Conservancy continues to work through a strong partnership with NOAA's Coral Reef program, and we are delighted with their enthusiastic desire to work together on improving resilience of coral reefs, developing

approaches for sustainable financing for coral conservation activities at the local level, and other creative approaches to reducing threats to corals. The $30.5 million requested would include additional funding to support "Local Action Strategies," a unique partnership between NOAA and states and territories to address threats to coral reefs at the local level.

- **Coral Reef Monitoring ($737,000)**: This line item is an important part of the Coral Reef Program, but in the past has been requested by the Administration through the National Environmental Satellite Data and Information Service (NESDIS). This line item funds a modest but effective program known as "Coral Reef Watch." We support including this funding as part of the main Coral Reef funding line in addition to the $30.5 million referenced above.
- **Deep Sea Coral Reefs:** The FY 2009 Omnibus included $1.5 million for deep sea coral work. These corals, like their tropical counterparts are incredibly complex and diverse ecosystems, yet relatively little is known about them. The Conservancy supports $1.5 million as a minimum level of funding for this effort.

Pacific Salmon and Protected Species Conservation ($95 million)

- **Pacific Coastal Salmon Recovery Fund ($90 million)**
  The Conservancy strongly supports $90 million for the Pacific Coast Salmon Recovery Fund (PCSRF). PCSRF has funded hundreds of successful on the ground salmon conservation efforts and is a critical state, tribal, and local complement to federal salmon recovery and management efforts. PCSRF projects are further matched in a 3:1 ratio (federal/non federal) by states, tribes and local stakeholders and have resulted in significant progress in protecting and restoring salmon across their range, which are critical to the economic, ecological, and cultural well being of the Pacific Northwest and Northern California. We are pleased that NOAA is moving towards a more merit-based allocation of funds focused on activities to recover and protect listed and at-risk salmon populations.
- **Cooperation with the States ($5 million)**: Through this program, authorized under Section 6 of the Endangered Species Act, NMFS provides grants to States to support conservation actions that contribute to recovery or have direct conservation benefits for listed species, recently de-listed species, and candidate species that reside within that State. A comparable program in U.S. Fish and Wildlife Service (FWS) has been successful in funding activities that contribute to the recovery of listed species under FWS jurisdiction. With the exception of jointly managed species (e.g. Atlantic salmon), activities related to NMFS jurisdiction species are not eligible for funding under the FWS program. While substantial funding has been directed to Pacific salmon, there are few resources available to support proactive conservation efforts geared toward recovery of the other 30 species for which NMFS has sole or joint management responsibility.

Regional Approaches to Ocean and Coastal Issues

- **Regional Collaboration ($10 million):** The FY 2009 Omnibus included $4 million to help implement the Gulf of Mexico Governors' Action Plan. The Conservancy thanks the Committee for their support of this effort and urges the Committee to provide an additional $6 million of funding in 2010 to support implementation of regional collaborations in the Northeast, Mid Atlantic, Southeast, and the West Coast, as well as the Governor's Alliance in the Gulf of Mexico. As states come together to form these collaborations, funding should be made available to work on issues that are most effectively addressed at the regional scale. As

such, we also recommend including this funding in the budget under the title or "Regional Collaborations" rather than "Gulf of Mexico Regional Collaboration."

For ease of consideration, we include this detailed table that aligns our funding recommendations with the NOAA budget structure:

Line Office, Account, Program	**FY 09 Enacted**	**FY 10 TNC Rec**
National Ocean Service		
Operations, Research, and Facilities		
Regional Collaboration	$4M	$10M
Coral Reef Program	$28.9M	$32.7M*
Response and Restoration Base, Damage Assessment, Remediation, and Restoration Program (DARRP)	$9.3M	$9.3M
Estuary Restoration Program	$2.2M	$4M
Procurement, Acquisition, and Construction		
Coastal and Estuarine Land Conservation Program	$15M	$60M
National Marine Fisheries Service		
Operations, Research, and Facilities		
Community-based Restoration Program	$13M	$28M
Open Rivers Initiative	$7M	$12M
Protected Species Research & Management, Cooperation with States	$990K	$5M
Sustainable Habitat Management (Deep Sea Corals)	$1.5M	*
Pacific Coastal Salmon Recovery Fund	$80M	$90M

*Recommendation includes moving $1.5M from the NMFS budget line to the main Coral Reef budget line in NOS.

Thank you for this opportunity to share with the Committee the Conservancy's priorities in NOAA's FY 2010 budget. We would be pleased to provide the Committee with additional information on any of the Conservancy's activities described here or elsewhere. You may contact Emily Woglom at 703-841-5374 or via email at ewoglom@tnc.org, if you have questions on which we might be of assistance.

The Nature Conservancy is an international, nonprofit organization dedicated to the conservation of 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. Our on-the-ground and in-the-water conservation work is carried out in all 50 states and in more than 30 countries and is supported by approximately one million individual members. We have helped conserve nearly 15 million acres of land in the United States and Canada and more than 102 million acres with local partner organizations globally.

The Conservancy owns and manages approximately 1,400 preserves throughout the United States—the largest private system of nature sanctuaries in the world. We recognize, however, that our mission cannot be achieved by core protected areas alone. Therefore, our projects increasingly seek to accommodate compatible human uses to address sustained human wellbeing.

Testimony of
Alan Front
Senior Vice President, The Trust for Public Land
Submitted to the
House Appropriations Subcommittee on
Commerce, Justice, Science and Related Agencies
Public Witness Day Hearing
March 27, 2009

Chairman Mollohan and Ranking Member Wolf, thank you for the opportunity to submit testimony in support of funding for the Coastal and Estuarine Land Protection Program (CELCP) administered by the National Oceanic and Atmospheric Administration (NOAA). My statement today urges you to provide funding through the CELCP program to the coastal and lake states and the territories at the level of $60 million in Fiscal Year 2010. This funding is necessary to protect the ecologic, recreation, historic and aesthetic values and the economic vitality of our coastal communities.

The Trust for Public Land (TPL) is a national nonprofit land conservation organization that conserves land for people to enjoy as parks, community gardens, natural and scenic areas, historic sites, working landscapes, and other public assets. Since 1972, TPL has worked with willing landowners, community groups, and national, state, and local agencies to complete more than 4,000 land conservation projects that protect more than 2.5 million acres in 47 states and the territories. TPL has partnered with NOAA, private landowners, and state and local governments on over 50 CELCP-funded coastal land protection projects. Since 1988, TPL also has helped states and communities craft and pass over 463 ballot measures, generating almost $31 billion in new conservation-related funding. These conservation measures provide an important source of state and local matching funding for CELCP and other federal land protection programs.

TPL and other non-governmental partners invest our energies, funding, and staff in the places where the threats to open spaces are most urgent. Not surprisingly, many of those public-private conservation partnerships have focused on our nation's dwindling coastal open spaces. Even with the considerable focus on our most critical coastal ecosystems and shorelines, we continue to fall farther and farther behind in our efforts to help state and local government partners protect the coastal open spaces. In recent years, we have witnessed an unprecedented pace of resource-damaging development along our coastlines. The need for prompt conservation action in these sensitive and challenged areas is only increasing. The recent economic downturn may well provide a window of opportunity when public conservation agencies and partners can better compete and stretch limited acquisition dollars further, making this a wise time for strategic federal investment in coastal conservation.

Coastal protection provides many public benefits including buffering from storms and floods, filtering pollution and maintaining water quality, providing waterfront and coastal access for public recreation, supporting fish and shellfish populations important to

commercial and recreational fisheries, preserving coastal habitats for nesting and foraging birds, and securing habitat for native wildlife including threatened and endangered species. The CELCP program is the only federal program dedicated exclusively to helping coastal communities protect their natural and recreational heritage. CELCP is essential federal funding, that allows state and local governments, and their private conservation partners, to respond effectively to coastal conservation needs. The recent NOAA eligibility requirement that each coastal state develop a Coastal and Estuarine Land Conservation Plan helps ensure that both federal and non-federal dollars are being smartly targeted and wisely spent.

The spiraling development pressures upon our nation's coastal zone are obvious and well documented. Since 1970, coastal areas have experienced steady increases in population. According to NOAA, coastal counties constitute only 17% of the nation's land areas, but account for 53% of its populations – a population density five times greater than non-coastal counties. From the millions of permanent residents who enjoy the manifold attractions of coastal life to the millions more who simply seek a short-term respite, Americans continue to flock to our coastal towns, beaches, and waterfronts. According to the U.S. Commission on Ocean Policy, "more than $1 trillion, or one-tenth of the nation's annual gross domestic product, is generated within the relatively narrow strip of land immediately adjacent to the coast that we call the nearshore zone. When the economies throughout coastal watershed counties are considered, the contribution swells to over $45 trillion, fully half of the nation's gross domestic product, accounting for some 60 million jobs." The health of our coasts is inextricably linked with the economic health of the nation.

Rapid and often unplanned development has marred once-pristine viewsheds and substantially reduced public access to the coast. The resulting increase in impervious surfaces has correspondingly increased nonpoint source pollution and seriously degraded coastal and estuarine waters. The loss of coastal wetlands has drastically impaired estuaries, some of the most ecologically productive habitat on earth. Conserving coastal and estuarine lands protects water quality, reduces flooding and erosion, protects valuable fish and wildlife habitats, and supports coastal recreation. Both the U.S. Commission on Ocean Policy and the Pew Oceans Commission reports have stressed the importance of land conservation as part of their broader recommendations to Congress and the nation.

In 2002, Congress stepped in to respond to that need and enhance the federal role within the federal-state coastal conservation partnership by creating the Coastal and Estuarine Land Conservation Program (CELCP) to protect "those coastal and estuarine areas with significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational states to other uses." Authorized at $60 million annually, funding for the program grew from an initial $15 provided in FY2002, to a high of $50 million in 2004, before declining each subsequent year to a low of $8 million in FY2008. Despite its uneven funding history, the CELCP program has built an impressive track record. To date, the over $200 million provided by Congress for the CECLP program has funded over 150 conservation projects in 26 of the nation's coastal states and territories helping to protect approximately 35,000 acres. This

federal funding has been leveraged by at least an equal amount of state, local and private matching investments, demonstrating the broad support for the program, the importance of coastal protection, and the critical role of federal funding to accelerate coastal protection. Inclusion of the Coastal and Estuarine Land Protection Act in the recently passed H.R. 146, the Omnibus Public Lands Management Act of 2009, formally codifies CELCP and recognizes the program's achievement and significance.

In 2007, by directive from this subcommittee, NOAA instituted a competitive grants selection process for the CELCP program. The CELCP team at NOAA has done an impressive job of managing this transition and creating a thorough competitive grants process. In the last three years, NOAA, in partnership with the States, has identified over $230 million of vetted and ranked projects. While we support the competitive nature of the program, full funding at $60 million annually is needed to meet the demand of increasingly high-quality projects being developed by states with other partners and submitted to NOAA. We were pleased to see the program funding increased to $15 million in FY2009, reversing a five-year funding decline. However, this will only fund the first eight or so of the 43 competitively ranked projects in FY09, meeting a fraction of the total project need of $63 million.

The CELCP program is the only federal program dedicated exclusively to helping coastal communities protect their natural and recreational heritage. CELCP provides essential federal funding that allows state and local governments, and their private conservation partners, to respond effectively to coastal conservation needs. Perhaps the best way to underscore the critical value of this program to the American people is to provide some examples of the projects seeking funding in FY10:

Lapakahi Marine Life Conservation District (MLCD), Hawaii County, Hawaii
CELCP funding will bring into public ownership and protection the last privately held property fronting the Lapakahi MLCD on the North Kohala coast of the big island of Hawaii. This 17.05-acre tract includes 200 feet of shoreline and will connect a total of 1.75 miles of publicly held coastline and protect habitat for the threatened green sea turtle and the endangered Hawaiian monk seal. The requested $1.25 million from the Hawaii Legacy Land Conservation Fund Program will match CELCP funding in the amount of $1.25 million.

Pao'o Coastal Conservation Project, Hawaii County, Hawaii
A CELCP grant of $1.25 million equally matched with County of Hawaii funds will bring 10.61 acres on the North Kohala coastline into county ownership and protection. The property includes over 1900 feet of shoreline and adjoins the Lapakahi Marine Life Conservation District (MLCD), and state conservation land. This project protects sensitive shoreline habitat from conversion to inappropriate development and increases public access for compatible recreation. The property provides wildlife habitat for coastal seabirds, migratory songbirds, and other species including the Hawaiian monk seal. The adjoining MLCD is known to support over 112 species of fish including at least ten species of greatest conservation need.

Magnolia Hill Conservation Project, Massachusetts
The City of Gloucester, The Trust for Public Land, The Trustees of Reservations, and Essex County Greenbelt Association are working together to protect the unique 109-acre Magnolia Hill property located in the coastal area of Essex County, MA. This upland habitat overlooking Gloucester Harbor represents an intact Oak-Hemlock-White Pine forest and wooded swamp supporting the state-listed Blue spotted Salamander and state-endangered Sweetbay Magnolia. The property drains into a 12-acre tidal coastal salt pond, Clark Pond, and connects 1270 acres of contiguous protected coastal zone habitat. Three million dollars in CELCP funding will be matched by an equal amount of state, local and private funding.

Harsens Island Conservation Area, Lake St. Clair, Michigan
The 547-acre Harsens Island Conservation Area lies at the heart of the St. Clair flats – the largest freshwater delta in the world. Located on both the Atlantic and Mississippi flyways, migratory waterfowl use of these coastal waters and wetlands has historically reached three million annually. Protection of this coastal area will enhance public access for recreation, eliminate the threat of development, and protect sensitive coastal habitat. $7 million in Michigan Natural Resources Trust Fund dollars will match a $3 million CELCP grant.

Houghton Falls Nature Preserve, Lake Superior, Bayview Township, Wisconsin
Seventy-seven acres on the shore of Bayfield Peninsula with 2,230 feet of Lake Superior shoreline will be protected as a town park. This rare boreal forest habitat contains numerous species of greatest concern including the Gray Wolf, Northern Flying Squirrel, Woodland Jumping Mouse, and Water Shrew. The property is an important stopover for Neotropical migratory birds, and a fish nursery for Lake superior whitefish and other species. The Town of Bayfield will own and manage the property as a public park, eliminating the threat of conversion and enhancing public access and recreational opportunities. A $1.423 million CELCP grant will be equally matched with funding from the Wisconsin Knowles-Nelson Stewardship Fund.

Kiket Island Addition to Deception Pass State Park, Phase II, Skagit County, WA
A $3 million CELCP grant will complete the purchase of the final 40 acres of the Kiket Island project in the northern reaches of Puget Sound. TPL is working with the Washington State Parks and Recreation Commission to protect a total of 96 acres of high quality coastal habitat and over two miles of shoreline threatened with conversion for development. Kiket Island represents an intact, high functioning intertidal zone with all eight species of Puget Sound anadromous fish, including habitat for the endangered Chinook salmon and bull trout. The central portion of Kiket Islands contains mature forest with old growth characteristics providing excellent habitat for bird, including owls, and other native wildlife. A $3 million CELCP grant will be matched with $3.431 million in funding from Washington State Parks.

Harstine Island – Scott Acquisition, Mason County, Washington
The protection of 97 acres of tidelands, wetlands and associated upland habitat will be supported by a $525,000 CELCP grant matched with equal funding from the Washington

State Wildlife and Recreation Program – Riparian Grant Account. A great diversity of wildlife species utilize the property and Harstine Island including seabird colonies, seal/sea lion habitat, nesting Bald Eagle and Osprey, and other native wildlife. Four freshwater streams on the property provide overwintering habitat for juvenile salmon, especially Coho. Public ownership of the property will enhance limited public access to the Puget Sound shoreline.

Ayers Creek-Holly Grove Swamp, Worcester County, Maryland
To be protected are 431 acres along Ayers Creek within the waters of Newport Bay and the larger Maryland Coastal Bays area. The property, including one-half mile of tidally influenced shoreline, will be added to the State's Ilia Fehrer Nature Reserve. The forested wetlands are important habitat for eleven state and/or federally listed species. $1 million from Maryland Program Open Space and $250,00 from Worcester County Program Open Space Funds will match $1.25 million in CELCP funding.

Keewaydin Island, Rookery Bay National Estuarine Research Reserve, Florida
TPL is working in partnership with the State of Florida to protect five crucial acres of beach front within and adjoining the Rookery Bay National Estuarine Research Reserve (RBNERR). Extremely attractive for private sale and development, this property links surrounding protected areas. The RBNERR protects the largest and most pristine subtropical mangrove estuary in the world, with over 150 species of wading, nesting and migratory birds, and numerous threatened and endangered species including the Atlantic loggerhead sea turtle, gopher tortoise, least tern, piping plover, and West Indian manatee. $1.5 million from the Florida Forever Program will match a $1.5 million CELCP grant.

San Miguel Natural Reserve, Puerto Rico
FY10 CELCP funding will complete the third and final phase of this important coastal land protection effort at the San Miguel Natural Reserve along the northern coast of Puerto Rico. Due to extensive draining and development of Puerto Rico's coastal wetlands, this area is one of the last ecologically functional wetlands together with an undeveloped coastal shoreline. It is home to forty-two critical species and includes important nesting grounds for the federally listed Leatherback sea turtle. A $3 million CELCP grant is needed, matched by a land value donation from the landowner, to protect the final 179 acres and prevent habitat fragmentation. This partnership with the Commonwealth of Puerto Rico, The Trust for Public Land, and NOAA will protect in total 601 acres at the San Miguel Natural Reserve.

These several examples are just a small representation of the breadth and depth of CELCP program needs for the coming year across our nation's coastal geographies and communities. In closing, The Trust for Public Land urges you to provide full funding of the CELCP program at the authorized level of $60 million in FY10 for this critically important program. This level of federal commitment is necessary to meet the demonstrated program need and to position NOAA to be fully responsive to the many state and local governments and private partners working together to protect our coastal heritage. Thank you.

Testimony of Trans-Coil, LLC
Steven Copp, President
To the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies

On behalf of Trans-Coil, LLC, I would like to thank the Committee for allowing Trans-Coil to submit testimony for th record. As President of Trans-Coil, I am writing to respectfully request that the Hollings Manufacturing Extension Partnership program be provided the authorized $131.8 million within the fiscal year 2010 Commerce, Justice, Science and Related Agencies Appropriations Bill. As you know, the Hollings Manufacturing Extension Partnership (MEP) is a program within the U.S. Department of Commerce, National Institute of Standards and Technology, a program which is authorized to improve competitiveness of America's manufacturing community.

MEP is a network of 59 centers, with over 350 locations across the country and in Puerto Rico, providing technical assistance and business support services to America's small manufacturers. An independent survey of 6,679 clients served by the program in federal fiscal year 2007 states that MEP clients report over $1.44 billion in cost savings directly attributed to the program's assistance as well as creating or retaining over $10.5 billion in sales. The program also helped manufacturers create or retain 57,079 jobs and increase investment of $2.19 billion back into the economy. The program, which has achieved significant impact on the local, state and national economies, is proposed to be doubled by President Obama.

Trans-Coil LLC is an electrical equipment manufacturer located on the northwest side of Milwaukee, Wisconsin employing 84 individuals. As a small business, it is essential our organization have access to quality business consulting services at costs that are affordable. The Federal and State government subsidized consulting services Trans-Coil has received from the Wisconsin Manufacturing Extension Partnership have been major contributors to the company's sustaining double digit revenue growth for each of the past seven years, generating a four-fold increase in paid Federal and State income taxes and increasing its Milwaukee area employment approximately 40% since 2002.

My request is that you aggressively support additional federal funding for the MEP program. Programs such as these provide the training and consultative direction that will identify real, meaningful opportunities for small business across our state and the nation to put individuals both back to work and on the road to economic recovery.

The proposal to double the program is designed to minimize manufacturing job loss and strengthen America's small manufacturers by providing greater access to MEP services. Given the urgent economic challenges, it is even more critical that President Obama actively support significant investment in a program that helps small manufacturers like ours survive and be positioned for growth when the recovery occurs. MEP is one of the best pro-active resources available to support this sector and its services are needed today more than ever. Trans-Coil LLC respectfully requests $131.8 million be appropriated in the fiscal year 2010 CJS bill as a means to keep U.S. manufacturers the best in the world.

Testimony of Virginia's Philpott Manufacturing Extension Partnership
Jeff Kohler, Executive Director
To the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies

On behalf of **Virginia's Philpott Manufacturing Extension Partnership (VPMEP),** I would like to thank the Committee for allowing VPMEP to submit testimony for the record. As Executive Director of VPMEP, I am writing to respectfully request that the Hollings Manufacturing Extension Partnership program be provided the authorized $131.8 million within the fiscal year 2010 Commerce, Justice, Science and Related Agencies Appropriations Bill. As you know, the Hollings Manufacturing Extension Partnership (MEP) is a program within the U.S. Department of Commerce, National Institute of Standards and Technology, a program which is authorized to improve competitiveness of America's manufacturing community.

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VPMEP has worked with industrial clients throughout Virginia over the past decade. Our process technology implementations include lean enterprise, lean six sigma, supply chain management, quality management systems, engineering serving innovations and business growth. Our work has generated over half a billion dollars in increased or retained sales, over one hundred million dollars in increased investments, over a half billion dollars in bottom line impact, and over 4000 jobs created or retained.

The proposal to double the program is designed to minimize manufacturing job loss and strengthen America's small manufacturers by providing greater access to MEP services. Given the urgent economic challenges, it is even more critical that we invest in a program that helps small manufacturers like ours survive and be positioned for growth when the recovery occurs. MEP is one of the best pro-active resources available to support this sector and its services are needed today more than ever. VPMEP respectfully requests $131.8 million be appropriated in the fiscal year 2010 CJS bill as a means to keep U.S. manufacturers the best in the world.

Testimony of Williams-Pyro, Inc.
Della Williams, President
To the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies

On behalf of Williams-Pyro, Inc., I would like to thank the Committee for allowing my company to submit testimony for the record. As President of Williams-Pyro, I am writing to respectfully request that the Hollings Manufacturing Extension Partnership program be provided the authorized $131.8 million within the fiscal year 2010 Commerce, Justice, Science and Related Agencies Appropriations Bill. As you know, the Hollings Manufacturing Extension Partnership (MEP) is a program within the U.S. Department of Commerce, National Institute of Standards and Technology, a program which is authorized to improve competitiveness of America's manufacturing community.

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Williams-Pyro, Inc., MEP: Texas Manufacturing Assistance Center

Williams-Pyro designs and manufactures equipment that prevents U.S. weapons from destroying our own carriers. For more than forty-five years, Williams-Pyro has designed and manufactured weapon systems test equipment, which tests for spurious current or voltage. Without this equipment, weapons could be loaded onto carriers charged with spurious current, causing the missiles to misfire—destroying the carrier and lives of service men and women.

Williams-Pyro is not limited to developing weapons test equipment. In fact, Williams-Pyro has designed and manufactured more than 200 unique products and has clientele in government, energy, gas and oil exploration, retail, insurance, public service (fire departments), and residential housing industries. This woman-owned small business has been producing innovations in Fort Worth, Texas, since 1963. Williams-Pyro has received 47 U.S. patents and developed a profitable current product line of more than 100 types of military and industrial electrical connectors and fasteners. Most of Williams-Pyro's products fit into one of three categories: (1) weapon systems test equipment, (2) geophysical products, and (3) fire suppression devices.

Williams-Pyro has been developing and manufacturing weapons testing equipment for more than 45 years and has been a defense subcontractor since 1965. In fact, Williams-Pyro's first profitable product was a weapons testing system for military aircraft. This market continues to be

a strong opportunity base for Williams-Pyro, as the company provides customized adapters for weapon systems of the F-4, F-14, F-15, F-16, F-18, F-111, A-10, A-7, F-22, and F-35.

The second focus of Williams-Pyro's products is the oil exploration industry. Williams-Pyro develops and manufactures Measurement While Drilling (MWD) adapters and connectors for clients in the U.S. and Canada.

The third major product focus is fire suppression. Williams-Pyro's StoveTop FireStop® is installed in millions of residences, primarily apartments. This simple fire suppression device attaches under a stove's vent hood to sense and suppress grease fires on the stovetop. Streamlining the StoveTop FireStop® manufacturing process is what brought the **Texas Manufacturing Assistance Center (TMAC)** to Williams-Pyro's front burner.

Situation

The StoveTop FireStop® contains an activating mechanism that releases fire suppressant onto stovetop fires. This activating mechanism contains a tiny explosive-filled capsule, which employees filled by hand in a wasteful, expensive, and dangerous process. TMAC worked with Williams-Pyro to develop a computerized "X-Y Table" to fill the capsules automatically, efficiently, and safely. We went from producing hundreds of capsules a day to thousands, cutting costs in half. That experience showed me the breadth of what TMAC can do. Since that first project, I've used TMAC for employee training, ISO 9001 registration, a utility use audit for tax rebates, statistical process control training, a sales plan, and a large facility expansion—nearly 100 projects over twelve years.

Innovation

Williams-Pyro is also one of the leading small businesses working to research and develop technology-based solutions. Williams-Pyro's staff includes engineers specializing in wireless communication, ad-hoc networks, artificial intelligence, digital signal processing, condition-based maintenance, power grid management, and advanced sensor systems. For the last five years, Williams-Pyro has focused on building core competencies by researching specific technologies, conducting simulations, and building and testing prototypes. Recently, Williams-Pyro has transitioned its focus to commercializing its R&D solutions. Growing out of this effort is Williams-Pyro's newest product lines: TrendAq™ (condition-based maintenance), Duradero™ (power grid management), and AccuTag™ (wireless sensor networks).

Williams-Pyro has won numerous research grants from the Department of Defense (DOD) as well as the National Aeronautics and Space Administration (NASA), the National Science Foundation (NSF), the Department of Transportation (DOT), the Department of Homeland Security (DHS), the Defense Advanced Research Projects Agency (DARPA), and the National Institute of Science and Technology (NIST). Most recent innovations have concerned advanced sensor systems within wireless mesh networks, condition-based maintenance, and portable power grid management.

Impact

When TMAC first started working with Williams-Pyro in 1997, Williams-Pyro had 11 employees. Twelve years later, Williams-Pyro employs 97 people. The company has experienced double-digit revenue growth every year since 1997 and developed a diversified customer base by increasing industry customers from 40 percent to 70 percent.

The Research and Development department has grown from one employee to 16 engineers, 2 technical writers, 2 project managers, 1 business unit manager, and 3 technology-focused marketing/product managers. In the manufacturing department, productivity has grown 75 percent while reducing unit costs by 50 percent. Because of its dedication to the planning process and structured growth strategy, Williams-Pyro averages 9.5 out of 10 in the overall satisfaction of customers on annual customer surveys.

Williams-Pyro's growth drive began with a TMAC-inspired Strategic Plan, which set real goals and named the employees responsible for achieving them. Among the considerations, Williams-Pyro addressed were development, grant assistance, prototyping, quality systems, marketing, lean six sigma initiatives, production, and sales. Williams-Pyro reached all the goals set in its first five-year plan in 2002. The company is now working on the next phase: strategic plans for the future—both short- and long-term.

Testimonial

TMAC gave us direction and continues to help us realize our potential. The improvement processes we've implemented have positively impacted our bottom line, which enables us to increase our competitiveness, open positions, and capacity for new business opportunities.

The proposal to double the program is designed to minimize manufacturing job loss and strengthen America's small manufacturers by providing greater access to MEP services. Given the urgent economic challenges, it is even more critical that we invest in a program that helps small manufacturers like ours survive and be positioned for growth when the recovery occurs. MEP is one of the best pro-active resources available to support this sector and its services are needed today more than ever. Williams-Pyro respectfully requests $131.8 million be appropriated in the fiscal year 2010 CJS bill as a means to keep U.S. manufacturers the best in the world.

For more information, visit www.williams-pyro.com

County: Tarrant
NAICS 33593: Special Purpose Connectors & Cable Assemblies
NAICS 42199: Fire Suppression Devices
Industry: Weapon systems test equipment, connectors; fire suppression; geo-physical

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