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DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS FOR 2001

HEARINGS

BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED SIXTH CONGRESS
SECOND SESSION

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

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LUCILLE ROYBAL-ALLARD, California

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

GAIL DEL BALZO, JENNIFER MILLER, MIKE RINGLER, and CHRISTINE RYAN
Subcommittee Staff

PART 9

TESTIMONY OF MEMBERS OF CONGRESS AND OTHER INTERESTED INDIVIDUALS AND ORGANIZATIONS

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DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS FOR 2001

TESTIMONY OF MEMBERS OF CONGRESS AND OTHER INTERESTED INDIVIDUALS AND ORGANIZATIONS

THURSDAY, MARCH 23, 2000.

COPS PROGRAMS

WITNESS

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

Mr. ROGERS. The committee will be in order. This commences the hearing at which individual Members of Congress will present their views on various aspects of the administration's budget request for fiscal year 2001. Your statements will be made a part of the record, and we hope you can summarize and keep your remarks within the 5-minute frame, and we assure you that if you do you will be given more favorable treatment.

We will begin with the gentleman from Indiana, Mr. Visclosky. Welcome to you to your subcommittee.

Mr. VISCLOSKY. Thank you, Mr. Chairman. Mr. Chairman, I want to thank you and every member of the committee for your judgment as well as your generosity for the last several years. Mr. LoBiondo and I have introduced the Bulletproof Vest Partnership Grant Act which was originally authorized 2 years ago. It was a new start in both of the last two fiscal years and you fully funded the program.

I am convinced today that there are police officers alive in the United States of America that would be dead but for the decision you and the members of the subcommittee made. I thank you very much and very sincerely for your judgment and generosity.

Obviously on behalf of Mr. LoBiondo and myself, we again appreciate the subcommittee's consideration as far as funding of the program.

Additionally the subcommittee also was very generous last year in earmarking \$2.5 million for the Hoosier SAFE-T Communication Program. Over the course of years we will need about \$66 million. The request this year is for a follow-on of \$3 million.

The final item is a new item, an earmark for the First Congressional District of Indiana of \$50,000 for an automated fingerprint identification system (AFIS).

Mr. Chairman, I appreciate your courtesy and again your consideration in the past years and for your time today.
[The information follows:]

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

Committee on Appropriations

U.S. House of Representatives

Testimony of U.S. Representative Peter J. Visclosky

IN-01

March 23, 2000

Mr. Chairman, Mr. Serrano, members of the Subcommittee, thank you for the opportunity to testify before you today on the importance of funding for COPS programs that directly assist local law enforcement agencies. In particular, I want to direct my remarks to the Bulletproof Vest Initiative and the COPS Technology Program. The nation's law enforcement community owes you a debt of gratitude for generously funding these valuable initiatives at \$25 million and \$100 million, respectively, in FY2000. I respectfully request that you continue to support such important endeavors in FY 2001 by maintaining level funding of \$25 million, the Administration's request, for the Bulletproof Vest Initiative, and by directing the COPS office to award grants under the COPS Technology Program in the amount of \$3 million for Project Hoosier SAFE-T, as well as \$50,000 for acquisition of an Automated Fingerprint Identification System (AFIS) in Northwest Indiana.

Bulletproof Vest Initiative

As you may recall, I along with Congress Lobiondo originally introduced the Bulletproof Vest Partnership Grant Act in 1997. The bill was cosponsored by 305 Members of the House, and the President signed it into law on June 16, 1998. The purpose of the Act was to save the lives of law enforcement officers by helping state and local governments equip their law enforcement officers with bulletproof vests. The Act authorized the Bureau of Justice Assistance (BJA), to administer the funds directly to state and local governments. Partner governments must show their own commitment to improving the safety of their law enforcement officers by providing at least 50 percent of the cost of each vest purchased under this program.

BJA has a streamlined and innovative process by which eligible governments may apply for grants under this program. The entire application and payment process for the Bulletproof Vest Partnership Program occurs electronically via the program's web site. This process is intended to ensure that they provide vests to officers in the most customer-friendly and expedient manner.

The program saw great success in its first year of operation, receiving applications from more than 3,500 jurisdictions. Law enforcement departments have purchased more than 92,000 vests, while 76 percent of the applicants received the full 50 percent in federal money. The fact is that two police officers are shot every twenty-four hours, and the risk of fatality from a firearm while not wearing body armor is 14 times higher than for officers wearing vests.

Consequently, I respectfully request that the Subcommittee maintain level funding for the Bulletproof Vest Partnership Program at \$25 million.

Project Hoosier SAFE-T

Law enforcement agencies in Indiana currently operate on several different radio frequencies and, as a result, they find it extremely difficult to communicate with other police, fire, and emergency departments. In fact, a police officer in one jurisdiction in pursuit of a felon into a second jurisdiction currently must switch to another radio channel to communicate with the officers in the new jurisdiction. However, he or she can no longer talk to the members of his or her own department unless the officer in pursuit switches back to the original channel.

As you can see, this state of affairs causes serious difficulty in coordinating responses to emergency situations among various departments and, consequently, severely impairs the ability of police officers to fight crime. Fortunately, there is a clear solution, Project Hoosier SAFE-T. Last year this Subcommittee provided \$2.5 million to begin the initial construction of the infrastructure for a statewide mobile voice and data communication system. This system will benefit public safety by allowing emergency medical services, fire officials and police officers to communicate with one another effectively. The cost of the infrastructure for this initiative is estimated at \$66 million. This cost does not include the data system or user equipment, such as radios, laptops, or dispatch consoles. These infrastructure improvements will be coupled with a Demonstration Grant Initiative to show the need for such improvements. To date, 73 of the 92 counties in Indiana have indicated a desire to participate in the program. These demonstration grants will provide localities with upgrades for their communication systems.

Therefore, I respectfully request \$3 million for the continued support of Project Hoosier SAFE-T.

Automated Fingerprint Identification System

In addition, I respectfully request that the Subcommittee direct the COPS office to award a grant under the COPS Technology Program in the amount of \$50,000 for the acquisition of an AFIS in Northwest Indiana. AFIS would allow police departments to enter fingerprints into a digital system that would instantly check the prints against state and Federal Bureau of Investigation (FBI) records. This system would be shared among several local jurisdictions, and would give them immediate access to information about the individual in custody. Currently, police departments that do not have access to an AFIS rely on the ink and paper method of taking fingerprints. This method has proven to be unreliable in some instances because the fingerprint images often smudge. In addition, the images have to be mailed to the FBI for verification, allowing some criminals to be released before knowledge of their criminal histories can be divulged. AFIS would eliminate these problems, and prevent criminals from using aliases to hide prior criminal convictions.

Thank you, Mr. Chairman.

Mr. ROGERS. Well, I want to I thank the gentleman. It was his legislation that led to the bulletproof vest authorization and we jumped on it here and quickly found the moneys to fund it. It was a very worthwhile expenditure of funds and I agree with you, I think there are some law enforcement officers who are alive today because of it.

I thank you for your contribution to a very important program.

Mr. VISCLOSKY. Thank you, Mr. Chairman.

Mr. ROGERS. Thank you. Mr. Cramer. Oh, by the way, Mr. Visclosky, you get extra points for keeping it brief.

Mr. VISCLOSKY. That is what I was counting on, Mr. Chairman.

THURSDAY, MARCH 23, 2000.

CHILDREN'S ADVOCACY CENTER PROGRAMS

WITNESS

HON. BUD CRAMER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALABAMA

Mr. CRAMER. Thank you, Mr. Chairman, and thank you, Mr. Serrano, as well. I am back again on behalf of the National Children's Advocacy Center Programs.

Mr. Chairman, since 1993 this committee has funded this national network. Because of your support we now have 500 children's advocacy center programs around this country. We did a brief on the committee members. Every district represented on this committee has a children advocacy center program in it. We are rescuing children.

The beauty of this program, Mr. Chairman, is the money that has been appropriated has acted as seed money. These programs come into existence and are supported mainly by the private sector in all of the communities where they exist. These are programs that umbrella community resources that allow the law enforcement detectives, the child protective service workers, mental health practitioners, law enforcement to come together to interview together children and family members that are going through certain processes. It might be the criminal justice system where children were removed from parents. All of these children are child abuse victims, many of them severely injured and many of them child sexual abuse victims.

So on behalf of them I thank you. And just quickly because you challenged me to be brief and I want to be brief because I want to be rewarded, the congressional spouses have adopted this as their program, so locally here with D.C.'s children advocacy center called Safe Shores. And it has taken the District—which has a remarkable set of circumstances to deal with here with this resource scatterings, it has taken them a few years to get their program established called Safe Shores. What the congressional spouses are going to help make it happen here is they are going to help locate our national headquarters for this program. The District has given us a school on Capitol Hill, the Gales School across the Hill. And the spouses and the local program's board is going to raise money so we can locate our national office of this program that this committee has caused to be created.

I am just here on behalf of the Children's Advocacy Center Program to say thank you. Mr. Chairman, you might remember this program started when I was a district attorney in my prior political life. In my prior political professional life I was DA there in Huntsville, Alabama for 10 years. And it was there on the front line that I saw these children coming through the system and saw that the system was reabusing them. It wasn't working together and it wasn't rescuing them. So we started the first children's advocacy center program there in Huntsville, Alabama. That is going back in the early days until now we have seen hundreds of these rise up.

We thank the committee for its support.

[The information follows:]

Statement of
The Honorable Bud Cramer
In Support of the Children's Advocacy Center Program
Before the
House Appropriations Committee
Subcommittee on Commerce, Justice and the Judiciary
Thursday, March 23, 2000

Mr. Chairman and members of the subcommittee, I want to thank you for giving me the opportunity to present testimony before you today in support of the Children's Advocacy Center Program.

The Children's Advocacy Center Program is part of the Victims of Child Abuse Act of 1990 which authorizes the Office of Juvenile Justice and Delinquency Prevention (OJJDP), U.S. Department of Justice, administers federal funds for the start-up and expansion of Children's Advocacy Centers (CACs).

This subcommittee has generously funded the Children's Advocacy Center Program in the past. I want to thank you for your support of this program and your understanding of the impact this program has on thousands of physically and sexually abused children across the United States every year. I'd like to ask for your continued support of this program.

With your help, the Children's Advocacy Center Program has enabled the establishment of over 500 Children's Advocacy Centers in the United States over the past seven years. These Centers are comprehensive, child-focused programs based in facilities that allow law enforcement, child protection professionals, prosecutors, and the medical and mental health communities to work together to handle child abuse cases.

Children's Advocacy Centers are designed by communities to meet their own needs, so there are as many types of facilities in which CACs exist as there are different types of communities. The over-arching goal of CACs is to make sure that children are not further victimized by systems designed to protect them.

The Children's Advocacy Centers are all members of a national membership organization called the National Children's Alliance (NCA). The NCA is headquartered here in Washington, D.C. and is a non-profit organization whose mission is to assist communities seeking to improve their responses to child abuse by establishing and maintaining Children's Advocacy Centers.

The Children's Advocacy Center Program has received widespread, bipartisan support of 75 members of Congress and 91 congressional spouses, all of whom have joined our Congressional Steering Committee.

The program has also been recognized by the Administration for its role in fighting violence against children. Last June, the National Children's Alliance co-hosted the *National Summit on Children Exposed to Violence* along with the Departments of Justice and Health and Human Services.

Even Barney, the big, purple dinosaur, has pledged his support for this program. The National Children's Alliance was recently chosen as Barney's charity of choice to be highlighted during a two-year Barney Stage Show Tour from 1999 through 2001.

You may wonder what my role is in all of this and why I come to you year after year asking for your support for this program.

Before coming to Congress in 1991, I served as the elected District Attorney of Madison County, Alabama, for 10 years. As D.A., I saw first-hand the inadequacies of the justice system in dealing with child abuse victims.

After prosecuting two especially severe cases of physical and sexual abuse, I knew I had to do something to change the system. I knew we were just not prepared to handle these cases. So, with help from my community, I started the first Children's Advocacy Center in my hometown of Huntsville. I consider myself the "grandfather" of the Children's Advocacy Center Program because this center has served as the model for over 500 centers across the country.

I am proud of the work these Centers are doing and have seen first-hand the benefits of that these Centers provide, which include (1) increased, successful prosecutions; (2) consistent follow-up to abuse reports; (3) medical and mental health referrals; and (4) consistent, compassionate support for child victims and their families. These Centers provide an efficient, cost-effective mechanism to handling child abuse cases and are strongly supported by law enforcement, prosecutors, and the judiciary.

Due to the overwhelming success of this program, the Children's Advocacy Center Program has grown tremendously over the past few years.

In 1992, there were 22 Centers. Today, there are 247 full member centers, 93 associate member centers, 26 state chapters, and over 174 developing centers. Since 1998, membership in the National Children's Alliance has grown by 66 percent.

More importantly, the number of children helped by Children's Advocacy Centers has dramatically increased. In 1997, the Centers helped over 54,000 children. In 1998, the Centers helped over 75,000 children. In the first 6 months of 1999 alone, the Centers helped 75,000 abused children. Of these children, the vast majority were under the age of 12.

There are Children's Advocacy Centers in all of the states that you represent and most of you have at least one Center in your congressional district.

I suspect that many of you have been receiving letters from your Children's Advocacy Centers requesting an increase in funding for this program. Each of these letters will tell you about the good work those individual programs are doing with abused children in your community. They also are likely to ask you for help in continuing their work with an increased appropriation.

The funding received through the appropriations process goes directly to the over 500 Centers around the country, including 4 Regional Centers which provide information, consultation, training, and technical assistance.

For FY 2000, this program received an appropriation of \$5.5 million. The need to continue and expand the program is great and warrants and increase in funding. Therefore, I respectfully request funding in the amount of \$10 million.

Mr. Chairman, I thank you and the members of this subcommittee for your consideration of this request.

National Children's Alliance

February 2000

f	Regional Offices	4
#	Full Members	247
†	Associate Members	90
^	States Containing Chapters	26
§	Chapters	26
	Non-Member & Developing Prgrms	174

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Mr. SERRANO. I think that was smart that you reminded the chairman that you were a prosecutor.

Mr. CRAMER. Oh, okay.

Mr. ROGERS. Well, the gentleman, again, is the father of this program. He is the one that came up with the idea and promoted it all of the way through. Quickly, he convinced us of the wisdom of it and we have been able to fund a good number of these. We think they are doing a good job and you have done a wonderful job in proposing it.

Mr. CRAMER. Thank you.

Mr. ROGERS. Thank you and you are a very valuable member of the Appropriations Committee. You have some points stacked up for you there.

Mr. CRAMER. Barely. It is a challenge for a Southerner to talk fast.

THURSDAY, MARCH 23, 2000.

TESTIMONY OF MEMBERS OF CONGRESS

WITNESS

HON. ELIJAH CUMMINGS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

Mr. ROGERS. Mr. Cummings.

Mr. CUMMINGS. Thank you, Mr. Chairman. I represent the 17th Congressional District of Baltimore. According to the Statistic Abstract of the United States for 1998, of the 15 largest cities in the United States, Baltimore ranks first in overall crime rates at more than 12,000 criminal offenses per 100,000 city residents. We also rank first in violent crime rates, 2,722 violent crimes committed per 100,000 residents and second in property crime rates, 9,278 property crimes per 100,000 residents. These are firsts that I would rather not win and I know my constituents would rather not win them either.

More than 72,000 people moved out of Baltimore during the 1990s, a rate of 600 per month and the second highest rate of population loss in America. While not solely attributable to crime rates, there is certainly a correlation with the urban flight experience by Baltimore.

Furthermore, Baltimore City has experienced a significant drop-off in the number of officers serving on the police force. As of July 31, 1999, there were 2,985 actual sworn members of the Baltimore City Police Department. 3,222 positions were funded and so the city currently has about 337 vacancies. The current vacancy rate of the Baltimore Police Department is especially high due to the recent offering of deferred retirement option program, which saved money for the city but was a disastrous operational impact on the Police Department. Over the past 6 years the sworn vacancy rate has averaged 110 officers. This rate is significant because if these positions were filled they would create a fully staffed drug enforcement and tactical unit of three-fourths of the personnel necessary for a police district. The Department has been unable to get enough qualified candidates to fill these slots.

While the police force shrinks crime increases, particularly drug-related crime. At present the police estimates suggest that there are roughly 50 open drug markets in Baltimore. These sites, which are often located near city schools or other areas where young people gather, have become commonplace in Baltimore because Baltimore's resources are stretched very thinly. Roughly 2,900 children are arrested each year for purchasing narcotics from drug dealers who prey on them. The city's new mayor has set the goal of permanently eliminating a minimum of 10 of these open air markets within the next 6 months.

Clearly, Mr. Chairman, if this Congress is to live up to the commitment that we all share, Republican and Democrat, to help ensure public safety in our urban centers as well as in rural suburban communities, more resources must be provided to those on the frontlines of the war against crime.

I want to spend just a short while talking about the appropriation request I have made to the subcommittee today on behalf of Mayor O'Malley and our city. I have asked the subcommittee to provide \$10 million in fiscal year 2001 funding for a multi-faceted violent crime reduction initiative to help reverse the tide of crime in my home city.

I requested funding to reinstate a Police Cadet Program, which would serve as a way to recruit and provide young adults with an education and career path to work police academy. The police could actually assist in operating and expanding the Police Athletic League Program and serve as mentors for community youth in after school programs.

Funding was also requested to support overtime for officers services necessary to close down the Baltimore open drug markets. Currently many officers would like to volunteer for overtime to patrol the neighborhoods where dope dealers peddle their poison, but the Police Department lacks the resources that would permit them to serve.

At present Baltimore City's homicide detectives investigate roughly 300 murders each year with outdated technology and training that is often behind the cutting edge. With earmarked funding the city would be able to assist these detectives in the use of state of the art forensic technologies such as DNA analysis, voice stress analysis, blood spatters, crime scene management, and other new investigative tools.

The Baltimore City Police Department would also purchase new computer software. Right now officers spend between 25 and 50 percent of their time in station houses filling out reports from arrests they have made. My request would support technologies that would reduce the amount of time police officers spend in-house so that these men and women can go back to walking the beats on Baltimore's streets.

Finally, supporting my request would enable the Baltimore City Police Department to purchase 55 new vehicles, 55 unmarked vehicles for violent crime investigators and 10 unmarked cars for the homicide unit. Baltimore Police Department estimates that 232 out of the department's 850 marked and unmarked vehicles are out of service due to excessive milage and departmental accidents. By providing these resources the subcommittee would send a loud and

clear message to the citizens of Baltimore and other urban areas around the Nation that we will no longer tolerate crime at any level, that we will not tolerate pushers and dealers ruining the lives of our children, and we will not tolerate the violence that touches so many lives in our inner city.

Thank you very much, Mr. Chairman, and thank you Mr. Ranking Member.

[The information follows:]

Testimony of
Representative Elijah E. Cummings
before the
Subcommittee on
Commerce, Justice, State, and Judiciary
Thursday, March 23, 2000

Mr. Chairman, let me first thank you for the opportunity to testify before the committee today. I represent the seventh district of Maryland-- the City of Baltimore -- and am committed to ensuring that my district is livable -- where families and their children can obtain quality health care and education, and where they can feel safe.

Unfortunately, however, according to the Statistical Abstract of the United States for 1998, of the fifteen largest cities in the United States, Baltimore ranks first in overall crime rates with more than 12,000 criminal offenses per 100,000 city residents, first in violent crime rates (2,722 violent crimes committed per 100,000 residents) and second in property crime rates (9,278 property crimes per 100,000 residents). These are "firsts" that I'd rather not win -- and I know my constituents would rather not win either. More than 72,000 people moved out of Baltimore during the '90s -- a rate of 600 per month and the 2nd highest rate of population loss in America. While not solely attributable to crime rates, there is certainly a correlation with the urban flight experienced by Baltimore.

Furthermore, Baltimore City has experienced a significant drop-off in the number of officers serving on the police force. As of April 30, 1995, there were 3,094 actual sworn members of the Baltimore Police Department. 3,204 positions were funded. Thus, there were 110 sworn vacancies. As of July 31, 1999, there were 2,985 actual sworn members of the Baltimore Police Department. 3,322 positions were funded, and so, the city currently has about 337 vacancies. The current vacancy rate at the Baltimore City Police Department is especially high due to the recent offering of DROP (deferred retirement option program), which saved money for the city with a disastrous operational impact on the police department. Over the past six years, the sworn vacancy rate has averaged 110. This rate is significant because if these positions were filled, they could create a fully staffed Drug Enforcement and Tactical Unit or ¾ of the personnel necessary to staff a police district. In the past ten years, the Baltimore City Police Department has lost an average of 197 officers per year through retirements and resignations. The Department has been unable to get enough qualified candidates to fill these slots.

While the police force shrinks, crime increases, particularly drug-related crime. At present, police estimates suggest that there are roughly 50 open air drug markets in Baltimore. These sites, which are often located near city schools or other areas where young people gather, have become commonplace in Baltimore because police resources are stretched so thinly across the city. Roughly 2,900 children are arrested each year for purchasing narcotics from drug dealers who prey on them. The city's new mayor has set the goal of permanently eliminating a minimum of 10 of these "open air" drug markets in his first six months in office.

Clearly, Mr. Chairman, if this Congress is to live up to the commitment that we all share – Republican and Democrat alike – to help ensure public safety in our urban centers as well as in rural and suburban communities, more resources must be provided to those on the front lines of the war against crime.

I want to spend just a short while talking about an appropriations request I have made to the Subcommittee to assist Mayor O'Malley, the Baltimore Police Department, and, most importantly, the citizens of Baltimore. I have asked the subcommittee to provide \$10 million in FY2001 funding for a multi-faceted Violent Crime Reduction initiative to help reverse the tide of crime in my home city.

I have requested funding to reinstate a Police Cadet Program which would serve as a way to recruit and provide young adults with an education and career path towards the Baltimore Police Academy. The Police Cadets would assist in operating and expanding the Police Athletic League program and serve as mentors for community youth in after-school programs.

Funding was also requested to support overtime for officer service necessary to close down Baltimore's "open air" drug markets. Currently, many officers would like to volunteer for overtime to patrol the neighborhoods where dope dealers peddle their poison, but the police department lacks the resources that would permit them to serve.

At present, Baltimore City's homicide detectives investigate roughly 300 murders each year with outdated technology and training that is often behind the cutting edge. With earmarked funding, the city would be able to assist these detectives in the use state-of-the-art forensic technologies such as DNA analysis, voice stress analysis, blood spatters, crime scene management, and other new investigative tools.

The Baltimore City Police Department would also purchase new computer software. Right now, officers spend between 25 and 50 percent of their time in the stationhouse filling out reports from the arrests they have made. My request would support technologies that would reduce the amount of time police officers spend in-house so that these men and women can go back to walking the beat in Baltimore's neighborhoods and doing the

excellent job they were hired to do.

Finally, supporting my request would enable the Baltimore City Police Department to purchase 55 new police vehicles - 45 unmarked vehicles for violent crime investigators (five in each district) and ten unmarked cars for the homicide unit. Current estimates with respect to police equipment suggest that additional resources are necessary to help carry out the mission of protecting public safety in Baltimore. BCPD estimates are that 232 of the department's 850 marked and unmarked vehicles (27%) are out of service due to excessive mileage and departmental accidents.

By providing these resources, the Subcommittee would send a loud and clear message to the citizens of Baltimore and other urban areas around the nation that we will no longer tolerate crime at any level - we will not tolerate pushers and dealers ruining the lives of our children and we will not tolerate the violence that touches so many lives in our inner cities.

Thank you Mr. Chairman, Ranking Member Serrano and the members of the Subcommittee for this opportunity to testify before you on this most important issue.

[Handwritten signature]

Mr. ROGERS. Thank you, Mr. Cummings, for that excellent testimony. This current career we provided \$287 million for juvenile justice assistance, most of which is for grants, practically all of it are grants such as you speak of, and \$552 million for Byrne grants available also for local police forces and not to mention the huge investment of the COPS program and the local law enforcement block grants, all of which would be available for local police departments.

So I would encourage you and the police departments there to seek those grants because they are for that very purpose.

Mr. CUMMINGS. We will.

Mr. ROGERS. Mr. Serrano.

Mr. SERRANO. I know the gentleman is interested in this issue because he has spoken to me concerning it. I think there are different approaches. One is the one you bring to us today and, as the chairperson says, make sure we make use of existing dollars in there because there is quite a bit of money in there that could be used locally.

Mr. CUMMINGS. Thank you.

THURSDAY, MARCH 23, 2000.

TESTIMONY OF MEMBERS OF CONGRESS

WITNESS

HON. WAYNE GILCHREST, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

Mr. ROGERS. Mr. Gilchrest.

Mr. GILCHREST. Mr. Chairman. Good afternoon, everyone.

Mr. ROGERS. Welcome.

Mr. GILCHREST. Thank you. Are you ready to go?

Mr. ROGERS. Yes, we will make your statement part of the record and if you would like to summarize it in 5 minutes or less we would be delighted to hear from you.

Mr. GILCHREST. I do ask unanimous consent that my full statement be submitted for the record, and for the purposes of human sensitivity will roll through it rather quickly.

Mr. Chairman, we have come before this committee before dealing with this most important but sometimes obscure agency in the Federal Government called National Oceanic Atmospheric Administration. They deal with the coastal areas and the oceans of the world. And what we are asking for today from our strong perspective is adequate funding to let these folks do their job in specific programs that would be very helpful not only to constituents in my district but certainly to people around the country.

The first program I want to talk about is called Lower Chesapeake Bay Research. This is a program that helps with the Chesapeake Bay program, which many of you may be familiar with, establish an understanding for the dynamic marine ecosystem of the Chesapeake Bay. The reason that is critical to us not only from an environmental perspective but from an economic perspective is that basically the most important aspect of my district as far as the economy of my district is concerned is the Chesapeake Bay, from commercial fishing to recreational boating, to restaurants to tour-

ism and so on, is the fishery of the Chesapeake Bay. And knowing that complex, dynamic ecosystem so that it can be managed appropriately to sustain the resources, we would like the amount of \$2.5 million funded to the Chesapeake Bay research organization.

The next area is oyster reef restoration, which we are asking for a small amount, Mr. Chairman, just \$1 million. Now, the reason this is important is because about 90 percent of the oyster population in the Chesapeake Bay has been eliminated because of over-harvesting, pollution. It has disappeared over the last 100 years. If we look back at the turn of the century, 1900, we have lost over 90 percent of the oysters for various reasons as a result of human activity. What we finally decided the way to bring the oysters back is to instead of building an oyster bar which would not be as high as this table is from the bottom of the water, but bring it back to its natural state, which is making an oyster reef from the bottom of the bay to as high as this ceiling or the double height of this ceiling.

If you build an oyster reef you do two things. You make oysters more resistant to diseases because they are in a more natural environment and how it has evolved. You can reproduce oysters because in the process of reproducing when they spit out those tiny little eggs the current takes them and replaces them. There is not a lot of oysters around, they just disappear.

And the third thing is oysters used to filter out the entire Chesapeake Bay in about 3 days. They would purify the water because they are filter feeders. Because of the small number of oysters we have now they don't filter any pollution from the Bay whatsoever. So the small amount of funding for that program we feel is significantly important.

The third thing is fisheries research. That is not only for the Chesapeake Bay but for around the country. Briefly, there is eight management councils on the coastal areas of the United States that provide management and expertise as to how to conduct a fishery, whether it is in New England, the Gulf States, Alaska or wherever it might be. The only way to manage our fishery resources so they don't become polluted and more than 50 percent of our stock is depleted is to get good science on what the stocks are now. To get the science you have to have the people with the expertise and you have to have the vessels. If we don't have the science we don't have the data that these management councils from around the country that depend on that information to help restore our fisheries and to sustain our fisheries, then we will continue to have depletion in the fish stock.

Harmful algal blooms is probably something that you have heard in the form of *Pfiesteria*. *Pfiesteria* is a microorganism that is not new. It has been on the planet for about a million years. It has 24 different life cycles. It is very complex. It is a plant and an animal depending on its life cycle. When it comes out and has its reproduction process it emits a small chemical in the water. That small chemical attaches or attacks the neurological center of any species that happens to be in the water at the time, including humans. Some of the fish—and in North Carolina you probably heard over the years there has been a billion fish that have been harmed as a result of that. The reason this has actually killed—in Maryland

we have had millions of fish die. What this harmful algal bloom research can help with around the country, but particularly in Maryland, the Department of Agriculture and NOAA have gotten together to try to understand the impact of human activity, agriculture in particular, to fisheries and waterways. So we feel that a number of things could happen as a result of this appropriation. Not only will there be a better understanding of these kinds of microorganisms, but what causes these microorganisms to go into that stage of their life cycle where they become toxic and how we can better manage the fisheries and better manage our agricultural resource.

The last two things I will just say very quickly. The National Sea Grant College Program. The Sea Grant College Program has been an effective, positive ingredient for making policy in this Congress. Many Members who choose can have a Sea Grant fellow. I have had them ever since I have been here. Not only are they dynamos when it comes to working long hours but they are very smart people and they help with all of this.

I know George Gekas, if and when he comes through here, will also support the Susquehanna River flood forecast and warning system appropriation because it does a lot of help for people downstream to avoid problems when there is too much rain in these floods.

So I am prepared to answer all of your questions.

[The information follows:]

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1st District, Maryland

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AND INFRASTRUCTURE

CHAIRMAN, COAST GUARD AND
MARITIME TRANSPORTATION

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COMMITTEE ON RESOURCES

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Testimony of the Honorable Wayne T. Gilcrest Before the Subcommittee on Commerce, Justice, State and the Judiciary Committee on Appropriations March 23, 2000

Mr. Chairman and Members of the Committee, thank you for this opportunity to testify in support of some good programs that are of enormous importance to the First Congressional District of Maryland, and, I believe, to the nation.

Before I get to those specific issues, however, I would like to express my strong support for the National Oceanic and Atmospheric Administration and the critical work that this agency does. NOAA, through its five line offices, is working to help us understand the mechanics of how our planet functions. From the coastal zone, to the high seas, to the climate, the system is interrelated.

The programs I would like to discuss this afternoon are as follows:

I. NOAA Chesapeake Bay Research	\$2.5 million
II. Oyster Reef Restoration	\$1 million
III. NMFS Fishery Research	
Resource Information	\$140 million
Fishery Industry Information/Fish Statistics	\$25 million
Replacement Fishery Research Vessel	\$51.6 million
IV. Harmful Algal Blooms/ <i>Pfiesteria</i>	\$14.5 million
V. Sea Grant - Oyster Disease Research	\$3 million
VI. Susquehanna River Flood Forecast and Warning System	\$1.5 million

I. NOAA CHESAPEAKE BAY RESEARCH

I ask for your continued support to ensure that the National Oceanic and Atmospheric Administration (NOAA) has sufficient resources to meet its responsibilities in the Chesapeake Bay restoration effort. Specifically, I ask that the subcommittee fund the NOAA Chesapeake Bay Office at \$2.5 million as authorized by Congress in 1992. For sixteen years, NOAA has been the lead agency responsible for the marine science component of the multi-agency Chesapeake Bay Program. NOAA plays a vital role in the Bay Program directing research in several areas, including fisheries stock assessments, habitat restoration, and data management.

In FY 2000, the Chesapeake Bay office began multi-species fisheries stock assessments. Increased funding in FY 2001 is necessary to support this comprehensive and effective approach to fisheries management. Last year the committee provided \$500,000 to initiate this program,



through assessments of multi-species models, and the Blue Crab Mark and Recapture Program to monitor this critical species in the Bay. As a result, the Chesapeake Office is well prepared to implement a multi-species strategy.

In a region whose economy is largely driven by the health of its natural resources, accurate assessments of commercially and recreationally important finfish and shellfish stocks, the collection of reliable data concerning nutrient and toxin levels in its waters, and the preservation of vital habitats is not to be compromised. I urge your continued support for this program.

II. OYSTER REEF RESTORATION

I request that the Committee provide an additional \$1 million to support oyster habitat restoration through NOAA's Chesapeake Bay Office. This request is based upon the consensus of scientists from Virginia and Maryland who agree that long term restoration can be achieved through the construction and protection of a sufficient number of reef sanctuaries that 1) restore habitat and ecological function, 2) improve water quality and increase oxygen levels, and most importantly, 3) create a sustainable fishery that can exist with no addition of public funds.

The requested \$1 million is part of a multi-agency ten-year investment in restoring oyster populations and the health of the Bay. As a part of this partnership, NOAA would conduct community-based oyster restoration projects, site and map oyster reef sanctuaries, rehabilitate harvest areas, and plant adult oysters and seed oysters to enhance oyster stocks on and near new reefs, while EPA and the Army Corps of Engineers would contribute expertise in water quality monitoring, public outreach, education, and reef construction. To achieve the Bay Program's goal of a tenfold increase in oyster populations by 2010, Virginia and Maryland have agreed to contribute a combined total of \$50 million over the next ten years to restore oyster habitat.

Oysters are critical to the health of the Bay. This effort will restore a self-sustaining resource, allowing disease-resistant strains to spawn and ultimately taking a commercial fishery off publicly funded life support. Therefore, I urge the Committee to fund the NOAA component of this project.

III. FUNDING FOR THE NATIONAL MARINE FISHERIES SERVICE

In 1996, Congress voted overwhelmingly to strengthen our commitment to keep fisheries sustainable for future generations through the passage of the Sustainable Fisheries Act (P.L. 104-297). This landmark legislation reauthorized and amended the 1976 Magnuson-Stevens Fishery Conservation and Management Act to include strong language directing the National Marine Fisheries Service to take aggressive steps to stop overfishing, rebuild depleted fisheries, reduce bycatch of unwanted species, and protect habitat vital to fish species during critical life stages. The House version of the Sustainable Fisheries Act was approved by a vote of 388-37.

In this country today, no industry relies on a renewable biological resource the way the U.S. commercial fishing industry does. Commercial landings by U.S. fishermen at ports in the

50 states were 9.2 billion pounds valued at \$3.1 billion in 1998 and contributed \$25.4 billion to the U.S. Gross National Product.

The National Marine Fisheries Service is responsible for managing the resources this industry depends upon through the most complex and transparent management systems in the world. Currently there are 40 fishery management plans that have been formally amended some 500 times. NMFS publishes over 900 Federal Register notices each year in conjunction with those plans. NMFS must conduct management activities with and through 8 Councils, hundreds of advisory panels, approximately 30 other federal agencies, all coastal fishery agencies, numerous fisheries commissions, and numerous international organizations. NMFS must consider the effects on and work with some 7.5 million recreational fishermen, over 200,000 commercial fishermen, 60,000 processing employees, 10,000 wholesalers, and hundreds of fisheries dependent communities.

Good science will lead to sustainable management decisions that will result in U.S. fisheries producing at their optimal level. NMFS is also responsible for producing the science upon which management decisions are based. Current yields of U.S. fisheries are only 60 percent of what they could be because these fisheries are not being managed with the most complete information. 904 species are managed in the 2.2 million square miles under Regional Fishery Management Council's geographical area of jurisdiction. Of that, 98 species are overfished and the status of 674 species is unknown.

Therefore, I request that the Committee increase funding for the National Marine Fisheries Service to carry out the mandates under the Sustainable Fisheries Act as follows:

- \$140 million for Resource Information with report language directing NMFS to develop a viable work plan for completing assessments for fishery stocks which are unassessed, by which Congress may measure the agency's progress;
- \$25 million for Fishery Industry Information/Fish Statistics, so that the Agency may collect vital information on the impact management decisions have on coastal communities; and
- \$51.6 million for the second of four Fisheries Research Replacement Vessels as outlined in NOAA's FY2000 budget request.

If we choose not to invest in science today, it will still cost the taxpayer, through disaster payments to fishermen, vessel buyout programs, and other federal programs to repair the economic damage of collapsed fisheries on coastal communities, not to mention the foregone value of healthy producing fisheries. A reasonable federal investment today will save untold millions in the future.

IV. HARMFUL ALGAL BLOOM/PFIESTERIA RESEARCH (SEA GRANT AND NATIONAL OCEAN SERVICE)

As in previous years, we support the emphasis that the Administration has placed on Harmful Algal Bloom/Pfiesteria research and response. These outbreaks are more than just an environmental problem. Harmful algal blooms, sometimes known as red tides, pose direct threats to human health, to the economic health of the fishing industry in my district, and to the

health of fishery stocks. Given the far-reaching implications of the problem, I believe it is important to have a broad-based response. The work of NOS will be invaluable to understand and solve the mystery of red tides, *Pfiesteria* and other harmful algal blooms.

I encourage the Committee to fund these programs at the levels I requested in FY 2000. Specifically, I support \$14.5 million be appropriated for the following:

- \$1.5 million for NOS and NMFS labs;
- \$5.5 million for the Coastal Assessment Program of NOS;
- \$2 million for the Ocean and Coastal Research Program of NOS; and
- \$5.5 million for federal and state monitoring through the Coastal Ocean Program of NOS

In addition to supporting funding for the excellent work done by the National Ocean Service, we would like to also mention that under the \$65.8 million we have requested for the National Sea Grant College Program is included \$3 million for HAB/*Pfiesteria* research.

Our understanding of the causes and effects, as well as the effort to develop a means to reduce the occurrence of these events are enhanced by the participation of the Sea Grant College program. Sea Grant provides a consistently high return to the taxpayer through science-based solutions to pressing marine resource problems. The Sea Grant Program consists of 29 closely linked university-based programs that maintain a balanced effort of research, education, and outreach. Sea Grant's role is unique, and it has proven to be highly effective. In a 1995 review of the Sea Grant Program, the National Academy of Sciences found that "Sea Grant has played an important role in supporting high-quality strategic research of local and national significance and has transferred research results to the industrial and environmental communities." Therefore, we urge the Committee's continued support of Sea Grant and the program's research to mitigate harmful algal blooms.

V. NATIONAL SEA GRANT COLLEGE PROGRAM - OYSTER DISEASE RESEARCH

I strongly support providing the full \$3 million authorized for oyster disease research and the \$3 million authorized for harmful algal blooms and *Pfiesteria* research will only enhance the restoration effort. There is a serious need to continue this comprehensive research program to develop a means to control MSX, Dermo and the other oyster diseases that currently plague the Chesapeake and other regions of the nation. The health of the oysters is inextricably linked to the health of the Bay. Failure to provide adequate funding will seriously hinder efforts to bring oysters back to historic levels and will compromise Bay restoration efforts.

VI. SUSQUEHANNA RIVER FLOOD FORECAST AND WARNING SYSTEM (NATIONAL WEATHER SERVICE)

I would also like to express my support for full funding for the Susquehanna Flood Forecast and Warning System (SRBFFWS) at \$1.5 million in FY2001.

The Susquehanna River Basin is one of the most flood prone areas in the country. According to the National Oceanic and Atmospheric Administration, approximately 10 percent of all national flood damage occurs in the Susquehanna River Basin. If it were not for the 24-

hour monitoring provided by the SRBFFWS, the losses would be far greater. The National Weather Service estimates that "...the Susquehanna River Basin Flood Forecasting System Improvement Project [has a]...cost/benefit ratio of 1 to 12.5...based on flood damage reduction for the Susquehanna River Basin." Very few federal programs can boast such dramatic cost effectiveness.

The importance of the system to my district became clear in January 1996. Severe flooding and ice flows on the Susquehanna River did a great deal of damage to a small town in my district called Port Deposit. In that year's flooding, sixteen people lost their lives in the watershed. If not for the SRBFFWS, the loss of life could have been much worse. Thousands of people living along the river might not receive the flood warning in time to evacuate and get to safety. This is one of the reasons why cities, counties, emergency management agencies and private organizations throughout the Susquehanna basin support funding for SRBFFWS. With improved forecasting and warning systems, further damage and loss of life can be avoided.

We have been advised by the Susquehanna River Basin Commission that an appropriation of \$1.5 million to the National Weather Service for Susquehanna River Basin Flood Forecasting System would fund a fully operating system (24 hour monitoring of 20 stream gages, 56 precipitation gages, 89 satellite data transmission units, and 30 temperature sensors). This funding also would allow the implementation of the NWS Advanced Hydrologic Prediction System (AHPS), a state-of-the-art system that promises to give the region even greater protection. The AHPS would provide improved river forecasts through better modeling and improved processing methods, offering forecasts from several months away to a critical few hours.

Thank you Mr. Chairman for the opportunity to testify. Please let me know if I may provide the Committee any additional information.

Mr. ROGERS. Well, thank you for your testimony. This current year we provided \$1.8 million for Chesapeake Bay studies and almost a half million for the Bay Oyster Recovery Partnership, half a million for Bay Multi-species Transitional Strategy, 59.2 million for Sea Grants, 185 million for construction, 283 million for basic core research, and 247 million for external basic research. And I have to tell you that if this budget resolution that is now pending passes it looks like the overall appropriations level will be cut by 4 percent from current levels. And we are not going to have any money for the things that—

Mr. GILCREST. Can I ask you, is that 596 or 586, what we are voting for today?

Mr. ROGERS. It is—I am not sure. But that is what we have been told from our leadership, that we are really going to be in a bad squeeze. It is not flat funding, it is less than flat, even funding for next year. So we are going to be in a real bind. I know how strongly the gentleman feels about these issues as do a lot of people. I am just saying that don't look for a lot.

Mr. GILCREST. Well, thank you, Mr. Chairman. We will stay with you on all of these issues and we will be getting funded as much as is possible. It is worth the numbers.

Mr. ROGERS. The budget resolution calls for a 596.5 billion. Thank you.

Mr. Serrano.

Mr. SERRANO. No. I just want to thank you for your testimony and really a lesson on oysters.

Mr. GILCREST. The committee is invited any time at your convenience to come to the Eastern Shore. Can I testify again, Mr. Chairman, with some oyster fritters? I will bring them tomorrow.

Mr. ROGERS. Ms. Roybal-Allard.

The gentleman's testimony is an example of the extraordinarily broad jurisdiction of this subcommittee. We deal with everything from embassy security to oysters in the Bay.

Mr. GILCREST. We appreciate your responsibilities, Mr. Chairman.

Mr. ROGERS. Thank you very much. Ms. Pelosi.

THURSDAY, MARCH 23, 2000.

RADIO FREE ASIA, THE ASIA FOUNDATION, JUVENILE JUSTICE PROGRAMS IN SAN FRANCISCO, AND INS STAFFING AT SAN FRANCISCO INTERNATIONAL AIRPORT

WITNESS

HON. NANCY PELOSI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Ms. PELOSI. Mr. Chairman, as a native Marylander I can testify to the deliciousness of those oysters. A long time ago oyster roasts were a regular part of our lives. I don't know if they have enough to do that now but it was a long time ago.

Mr. ROGERS. I meant to point out to Mr. Gilcrest and the others we will make your written statements a part of the record and if

you would like to summarize in 5 minutes or less, we give you points for less.

Ms. PELOSI. Thank you, Mr. Chairman, Mr. Serrano, ranking member, Congresswoman. As a former member of this subcommittee I fully appreciate the breadth of your jurisdiction and I admire your power. I am going to be very brief, submit my full statement for the record and heeding the chairman's admonition, just enumerate a few requests.

Thank you very much for the opportunity to testify and thank you always for your previous support for some requests about Radio Free Asia, the Asia Foundation, and language supporting funding for improvements of the juvenile justice system in San Francisco. I appreciate your consideration of the following requests and look forward to working with you on the fiscal year 2001 appropriations bill.

Mr. Chairman, seeing this backlog, I am going to be exceedingly brief. If you want me to elaborate I will. Radio Free Asia, the administration is requesting 23.77 million for Radio Free Asia for fiscal year 2001, an increase from an estimated \$22 million for this year. I respectfully request that the committee provide at least the administration's request of \$23.77 million and that increase is primarily related to cost of living and inflation. Radio Free Asia is the only international radio broadcast providing news and information 24 hours a day to China in seven languages and dialects. It goes also to North Korea and Vietnam—reporting important documents.

The Asia Foundation. I support the administration's fiscal year 2001 request for 10 million for the Asia Foundation. While this is an improvement over recent years, even this level of funding will limit the foundation's ability to undertake important programs given the challenges and opportunities facing the Asia region. The Asia Foundation advances U.S. interests by strengthening democratic institutions as well as advancing economic opportunities and cooperative regional relations through the Asia Foundation's ability to deliver high quality programs on the ground through its network and offices in Asia. More on that and Radio Free Asia are in my full statement.

The Bureau of Justice. The City of San Francisco has requested my assistance to obtain \$4.5 million for improvement of San Francisco's juvenile justice system, including the detention upgrades. I have a fuller description of the request and the justification in my statement.

Immigration—I am trying to be a model to those who follow, Mr. Chairman. Immigration and Naturalization Service. I am concerned about the problem of insufficient INS staffing in San Francisco International Airport and request funding for 50 new full-time positions. We are building what will be one of the largest international travel centers in the world. It is a Pacific gateway. Working with the INS they recommended an increase of 54 stations from the 28 existing stations and to adequately staff this they must increase to 218 full-time positions. They are at 116 now. So this request is to consider fuller funding there.

And on behalf of all 52 members of the bipartisan California delegation, this is a bipartisan request—not that the others were not, but this is with authority to speak for all 52 California Representa-

tives—I respectfully request that the subcommittee provide at least \$650 million for the State Criminal Alien Assistance Program, which is authorized in fiscal year 2001 level. I commend Congresswoman Roybal-Allard on her leadership and wanted to bring this to the attention of the committee the unanimous support of our delegation, which is not easy to obtain, Mr. Chairman, even though this is a very top priority for our State. And I elaborate on it further in my statement.

With that, I thank you again for your past support and for the opportunity to testify today. I would be pleased to answer any questions.

[The information follows:]

Representative Nancy Pelosi
Subcommittee on Commerce, Justice, State, and Judiciary Appropriations

March 23, 2000

Mr. Chairman, Ranking Member Serrano and Member of the Subcommittee, thank you for the opportunity to testify on behalf of several programs of interest to the people I represent in Congress. Thank you, as always, for your previous support for my requests, including funding for Radio Free Asia; The Asia Foundation; and language supporting funding for improvements to the juvenile justice system in San Francisco.

I appreciate your consideration of the following requests and look forward to working with you on the FY '01 Appropriations bill.

Radio Free Asia

The Administration is requesting \$23.77 million for Radio Free Asia for FY'2001, an increase from the estimated FY'2000 \$22 million. I respectfully request that the Subcommittee provide at least the Administration's request of \$23.77 million. The net increase over FY'2000 is primarily related to cost-of-living and inflation.

Radio Free Asia is the only international radio broadcast providing news and information 24 hours a day to China in seven languages and dialects [Mandarin, Tibetan (Lhasa dialect), Amdo (Tibetan dialect), Kham (Tibetan dialect), Cantonese, Uyghur, and Wu (Shanghaiese)]. The service has broadcast exclusive reports from China's Xinjiang region, including reports on the massive military crackdown in the Hotan area of Xinjiang.

Other RFA broadcasts have included reports on documents from inside Vietnam and North Korea dealing with party corruption, providing a venue for an open dialogue by launching new call-in broadcasts focusing on democracy building, worker rights, and family issues. The North Korean newspaper *Minju Chosun*, a propaganda organ of the government, recently said RFA is "playing a role tantamount to a nuclear weapon in getting rid of socialism in Asia."

The Asia Foundation

I support the Administration's FY 01 request for \$10 million for the Asia Foundation. While this level is an improvement over recent years, even this level of funding will limit the Foundation's ability to undertake important programs, given the new challenges and opportunities facing the Asia region.

The Asia Foundation advances U.S. interests by strengthening democratic institutions and human rights; as well as advancing economic opportunities and cooperative regional relations through the Foundation's ability to deliver high quality programs on the ground through its network of offices in Asia.

For example, the Foundation has supported the largest U.S. supported election programs in preparation for the parliamentary elections in June 1999, contributed to a better understanding on inter-religious and inter-ethnic issues throughout the country, and encouraged human rights awareness and investigations of past violations. These efforts are only a few examples of the ways that the Asia Foundation helps to reinforce State Department goals and advance U.S. interests. I hope the Subcommittee funds the Administration request.

Department of Justice
Bureau of Justice Assistance

The City of San Francisco has requested my assistance to obtain \$4.5 million for improvements to San Francisco's juvenile justice system, including detention upgrades. Juvenile Hall is an integral component of this system and San Francisco's model juvenile justice action plan, which Congress has previously supported. Currently, the City's plan is designed to improve residential and programming resources and add additional security improvements for detained youth. The City has committed \$19 million in funds to assist with significant improvements and the state of California has recognized the soundness of the City's plan by providing significant funding. Additional federal resources are needed to address inadequate housing as well as health and mental health space; no centralized schooling; and insufficient recreational space and therapeutic programming options.

Immigration and Naturalization Service (INS)

I am concerned about the looming problem of insufficient INS staffing at San Francisco International Airport (SFO) and request funding for 50 new full-time positions. The new International Terminal is scheduled to open for full operations on September 26, 2000. This Terminal's newly expanded capacity will enable it to continue its important role as a Pacific gateway for international travel. In designing the Terminal, SFO staff consulted extensively with Immigration and Naturalization Service (INS) staff to ensure the design of the new Terminal and FIS [Federal Inspection Service] area would meet the federal standard for processing international travelers at U.S. airports.

To meet this standard, the San Francisco Airport Commission, in consultation with INS, designed the FIS area to process a minimum of five thousand passengers per hour and to construct 82 INS workstations – an increase of 54 stations from 28 existing stations. We expect these 82 workstations to be fully operational when the new facility opens. To adequately staff these new 82 stations and to meet the federal processing standard, the number of INS inspectors assigned to the San Francisco Bay Area region must increase to 218 full-time positions – a sharp increase. Currently, there are 116 full time INS inspectors at SFO. Recently, I learned the INS plans to fund an additional 52 full time INS inspectors to reduce the existing short term gap. Nonetheless, to ensure the airport is fully staffed on its opening day, we need another 50 full time INS inspectors.

Without this funding, passengers will experience considerable delays, frustration, and inconvenience. It will also increase the difficulty airport inspectors currently face in carrying out their duties. I hope you will provide funding for an additional 52 new full-time positions in the San Francisco Bay region.

Bureau of Justice Assistance

State Criminal Alien Assistance Program

On behalf of all 52 bipartisan Members of the California Congressional delegation, I respectfully request that the Subcommittee provide at least \$650 million for the State Criminal Alien Assistance Program [SCAAP] which is the Authorized FY 01 level. While the federal government has the exclusive role of securing our nation's borders, the current SCAAP funding level forces states and localities to pay a large share of incarceration costs for undocumented criminal aliens. Because California has the largest population of undocumented aliens, our state and local governments incur greater incarceration costs than other jurisdictions. This total cost to California exceeds federal reimbursements by hundreds of millions of dollars. The \$650 million requested by the California delegation is well under half California's costs. For your review, I have attached the bipartisan California delegation letter signed by all 52 California Representatives. I hope you will provide funding for the fully authorized \$650 million.

Thank you, Mr. Chairman and Members of the Subcommittee, for your consideration of these important requests. Your past support has been very helpful to their ongoing success and I appreciate your leadership in funding these programs.

Congress of the United States
House of Representatives
Washington, DC 20515

January 13, 2000

The President
 The White House
 1600 Pennsylvania Avenue, NW
 Washington, DC 20500

Dear Mr. President:

In anticipation of your Fiscal Year 2001 budget request, we are writing to respectfully request your support for increased funding of the State Criminal Alien Assistance Program (SCAAP).

Securing our nation's borders is the exclusive jurisdiction of the federal government. With this responsibility, comes the added duty of punishing undocumented aliens who endanger our communities through criminal acts. While SCAAP acknowledges the federal government's obligation in these regards, the current funding level forces states and localities to pay the largest portion of incarceration costs for undocumented criminal aliens.

Because California has the largest population of undocumented aliens, our state and local governments incur greater incarceration costs than any other jurisdiction. In fact, the total cost to qualifying jurisdictions exceeds federal reimbursement by hundreds of millions of dollars. This additional spending takes taxpayer dollars away from local education and public safety projects in order to pay the staggering cost of incarcerating criminal aliens.

SCAAP is currently authorized at \$650 million – an amount that represents well under half the total cost incurred. In your FY 2001 budget request, we strongly urge you to increase the level of funding in order to adequately reimburse states for the massive cost of incarcerating illegal criminal aliens.

Thank you for your consideration.

Sincerely,

David Drier
Sam Lane

C. G. Smith
James Lewis

Nicholas Panko

Robert J. Matsui

~~Joe Ojima~~
John T. Volitto

Grace J. Napolitano

Ed Roysce

Wally Hergen
Joe Saca

Tom Lupton

Ken Calvert

Buck McHenry

Barbara Lee

Don Ruler

Bill Thomas

Anna C. Echao

Boyd F. Davis

Sam Bunn

Elm. Gilly

Ch. Cox

Haywardmen

Boyd Miller

Matthew J. Spector

Kendy 'Buck' Cunningham

Anna Hunter

Shirley
Lynn Woolsey
Willa Thompson
Pete Stark
Tommy
Louella Sanchez
Ellen Otauscha
Lois Capps
Bob Filner
Tom Campbell
Stephen Horn
Don Packard

Mary Bone
~~James~~
Joe Lof
James Profer
Brian Gilbray
Brad Sherman
Will Dohy
Syd Hill
Tammy Peloni
Louella Lyndal Allard
Howard L. Berman
Maxine Waters

Mr. ROGERS. I thank the gentelady for her testimony and the abbreviation of it. The gentelady has been one of the great captains of Radio Free Asia along with Congressman Porter and others. We saw fit this current year to provide 8.25 million for the Asia Foundation. And we have tried to fund the other items that the gentelady has mentioned, including SCAAP, which has been a real labor. But again I point out that the budget resolution that is on the floor, we are going to be severely strapped for funds again this year more than last year even.

Mr. Serrano.

Mr. SERRANO. Well, just to thank you, Nancy, for your testimony and I know you have been—we all know you have been a champion in these issues. The chairman is correct, but even within that problem we will do what I know is right.

Ms. PELOSI. Thank you, Mr. Chairman. Mr. Chairman, if I may say about the Asia Foundation, a few years ago we were trying to get funding up to \$20 million and then with everything being decreased and there has been a real tightening of the belt and revaluation of how to afford it because the funds simply were not there. So this \$10 million is not something we are seeking from \$2 million or \$4 million. It is something that we have been cut back from seeking to 20 when we were at the 16, or 18 million level several years ago. I hope that we can do our best on that as well as the others.

Mr. ROGERS. The gentelady is a very forceful and valued member of the Appropriations Committee. We appreciate your testimony. Ms. Roybal-Allard.

Ms. ROYBAL-ALLARD. You have summarized it and we appreciate your testimony on these issues.

Mr. ROGERS. Mr. Stupak.

THURSDAY, MARCH 23, 2000.

COPS PROGRAM, BYRNE FORMULA GRANTS PROGRAM, CONVICTED OFFENDER DNA INDEX SYSEM SUPPORT ACT, INTERNATIONAL JOINT COMMISSION, ST. LAWRENCE SEAWAY STUDY, AND THE NATIONAL GRANT PROGRAM

WITNESS

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

Mr. STUPAK. Thank you, Mr. Chairman. I will just quickly summarize my testimony and open up for any questions that you may have. First of all, Mr. Chairman, we have talked about the COPS program. Once again I hope we can honor the President's request of \$1.3 billion for fiscal year 2001.

The Byrne grants formula, you have always been great on that. Despite the President's request to reduce it to \$460 million we would like to see it at \$552 million, which is really last year's level. I would ask this to go at the level that we had last year on the Byrne grants. You know Byrne grants as well as I do.

There is sort of a new request we have in here, which is a DNA bill, Mr. Chairman. Representative Ben Gilman and Jim Ramstad

and myself, we have a Convicted Offender DNA Index System Support Act. The reason that is important, sexual offenders, they take their DNA or you go to a crime scene offense, you take the DNA. But the States and local governments don't have any money to then test that DNA to classify it. For instance, nationwide we have over 700,000 backlog on DNA. California, 132,000 have been collected and 132,000 are unanalyzed, just sitting there. So if you have a perpetrator out there of violent crime with DNA, there is no way—if you get that match there is no way to take it and put it against your State's bank to see if they may have committed other crimes.

Kentucky is one of the better states. They have collected 3,102 samples and they have only a backlog of 327. Kentucky has been one of the better states. Michigan my state, zero. 5200 have been collected and none of them analyzed. We are asking basically about \$40 million. The President's proposal submits \$5.3 million for FBI DNA—that is just the FBI DNA backlog. And then we would like to see 15 million for State and local DNA convicted offender backlogs.

So that is why we are coming up with those funds, Mr. Chairman, to come up to help us out with the DNA data bases and solve more crime and hopefully get this backlog cleaned up.

The International Joint Commission. As you know, Mr. Chairman, the Boundary Waters Act of 1909 created the International Joint Commission. We are asking for \$6.172 million for International Joint Commission. That is an increase of just 250,000 above the President's request. Actually it is \$2.74 million above last year's appropriation.

For many reasons, the St. Lawrence Seaway study has to be completed. They have just done work on the boundary waters between the U.S. and Canada, the Great Lakes in particular. They have to develop a plan to study lake levels on the Great Lakes. As you know, they are really, really low and that is why they have additional requests.

The maritime academies. This committee has always been great in helping all of our state maritime academies. We would like to see \$11 million for the state maritime academies. There is only one on the Great Lakes and that is the Great Lakes Maritime Academy at Traverse City, part of my district. That takes care of all of the shipping concerns on the Great Lakes, provide our sailors and merchant mariners for the Great Lakes.

Mr. Gilchrest mentioned the National Sea Grant. I wholeheartedly agree with him on that. We use our program a bit differently, to help fight the invasion of foreign species in the water. When the salties or the ocean going ships come up the St. Lawrence Seaway they discharge their ballast water and they give us things like Eurasian ruffe, the zebra mussels, sea lamprey, which really wiped out our fish population and played havoc with our environment of the Great Lakes. That is why we have the Great Lakes Environmental Research Lab.

It is all in here, Mr. Chairman. I will stop right there. If you have any questions on the DNA, the formula for the Byrne grants, the COPS program, I would be happy to answer any questions.

[The information follows:]

Testimony of Rep. Bart Stupak
Hearing of the Appropriations Subcommittee on Commerce, Justice, State
Fiscal Year 2001 Appropriations
March 23, 2000

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

COPS

Mr. Chairman, as you may know, I am the founder and co-chair of the Law Enforcement Caucus. I have been a strong supporter of the COPS Program since its inception and today urge this committee to accept President Clinton's request of \$1.3 billion for FY 2001.

The COPS Program is one of the best crime fighting tools that Congress has provided to local governments. The community policing approach has effectively reduced crime in jurisdictions throughout America, and is a cost-effective way of stopping crime before it starts.

I would like to point out that community policing is even more important during this time of increasing mistrust of the police, which is so evident in New York and Los Angeles. The COPS Program puts police officers directly in our communities and on our streets, assuring our citizens that police are working with them, not against them, to solve problems and fight crime.

To date, 104,000 additional officers have been funded by the COPS office. The Office funded these officers ahead of schedule, and is continually receiving requests for more officers. The COPS program represents the largest federal commitment ever to local law enforcement. It continues to respond to the needs of our communities, by adding officers to the beat and funding school resource officers, who contribute to the important effort of preventing violence in our schools.

I look forward to working with this Subcommittee to provide adequate funding for the COPS Program this year and to develop a way to extend the program and the federal commitment to communities beyond the year 2001. I ask you to support President Clinton's request of \$1.3 billion, so that we can reach our new goal of adding 50,000 more officers to the beat in the next five years.

Byrne Grants

I also urge your support for another important law enforcement priority: Byrne Grants. I urge the Subcommittee to fund the Byrne Formula and Discretionary Grant Program at the level equal to last year's \$552 million, despite the President's reduced request of \$460 million. Byrne Formula Grants are an important matching grant program designed to create safer

communities and improved criminal justice systems.

For example, before the availability of formula grant funds, drug efforts in Michigan were accomplished by the state police and large urban law enforcement departments. Five state troopers covered drug investigations in 40 counties in Northern Michigan including the Upper Peninsula.

When these funds became available, however, seven drug teams were created in that region. As a result, arrests increased by 400 percent. Through the Byrne Formula Grant program, greater cooperation, coordination, and collaborative efforts were created by regional, state and local law enforcement jurisdictions.

Byrne Grants are invaluable not only to Michigan, but to the whole nation as well. They fund important programs such as community and neighborhood crime prevention programs, efforts to improve court effectiveness and reduce court delays, and prevention programs for gangs and at-risk youth, to name just a few of the 26 vital initiatives supported by Byrne Grants. Byrne Grants aid state and local communities in targeting those areas that they are in greatest need, and developing effective programs to meet those needs. I have enclosed a chart from the Bureau of Justice Assistance which details the Formula Grants each state received in 1999. Byrne Grants are effective and efficient and I urge the Subcommittee to fund the Program at the same level as last year's funding.

DNA Bill

I urge the Subcommittee to fully fund legislation that I am sponsoring with Representative Ben Gilman and Representative Jim Ramstad, the Convicted Offender DNA Index System Support Act. Right now, state and local police departments cannot deal with the number of DNA samples from convicted offenders and unsolved crimes. These states simply do not have enough time, money, or resources to test and record these samples. In fact, as demonstrated by the attached chart, the majority of states have a DNA backlog in the thousands!

Our bill will help states and the FBI take a giant step in the fight against crime by eliminating the national backlog of DNA records. Federal, state and local law enforcement will be more connected, and better able to work together to solve crimes.

We will help law enforcement establish comprehensive plans to eliminate their backlogs and process new cases. To fund our legislation, I urge the Subcommittee to adopt the President's proposals for \$5.3 million for the FBI's DNA backlog, and \$15 million for the state and local DNA convicted offender backlogs. In addition, I ask the Subcommittee to direct \$25 million of unobligated funds to provide grants to states for unsolved cases. This total funding of \$45 million will enable us to bring states up to speed on their DNA databases, solve more crimes, and even free some innocent people who may be cleared by DNA evidence.

National Association of Town Watch

I ask the Subcommittee to provide \$280,000 to the National Association of Town Watch for FY2001. The National Association of Town Watch puts together the "National Night Out" crime, drug and violence prevention campaign. This year's effort will involve a record 32 million people in 9,500 communities from all 50 states and other areas worldwide. National Night Out develops comprehensive strategies and provides technical assistance to communities to reduce crime and violence in neighborhoods by coordinating law enforcement, citizens, and public and private agencies. Unfortunately, the Bureau of Justice Assistance only funded the National Association of Town Watch in the amount of \$150,000 in FY2000. I urge this Subcommittee to earmark funding to the National Association of Town Watch back to its FY1999 funding level of \$250,000, so that the program can remain alive and growing.

International Joint Commission

I would like to ask the subcommittee to provide \$6.172 million for the International Joint Commission, an increase of \$250,000 above the President's request and \$2.74 million above the fiscal 2000 appropriation. The International Joint Commission (IJC) provides a critical interface with Canada, allowing for cooperative management of our shared Lakes. By providing a U.S.-Canadian forum on international issues, the IJC is uniquely qualified to respond to resource management policy needs for our shared resource.

The President's budget request provides \$2.15 million to initiate the Lake Ontario/St. Lawrence Seaway Study. This 5-year study provides the information needed to evaluate the Lake Ontario/St. Lawrence River Orders of Control, which have not been formally reviewed for 50 years. I am requesting that the subcommittee provide an additional \$250,000 for the International Joint Commission to develop a Plan of Study of the lake level controls in the other Great Lakes. Too often, fluctuations in one lake's water level disturbs lakeshore property owners and recreationists on other lakes as their property values plummet and boating is nearly impossible. I believe that integrating the upper lake control studies with the Lake Ontario/St. Lawrence River Study will be more cost effective and will provide a more useful model of water level regulation.

State Maritime Academies

Mr. Chairman, my next request to the subcommittee is for \$11 million in Fiscal Year 2001 for the State Maritime Academies. These institutions perform a valuable function in educating our nation's maritime professionals. The graduates of these academies advance to perform port management, coastal piloting, tug and barge operations, and oil and gas transportation.

One of these distinguished academies, the Great Lakes Maritime Academy, is located in my district in Traverse City, Michigan. It is one of only six state maritime academies authorized by the Federal government to train future officers for the U.S. Merchant Marine. Notably, the Great Lakes Maritime Academy is the only freshwater academy, with the particular mission of training people for U.S. Coast Guard positions aboard Great Lakes commercial bulk carriers --

the "ore boats" which ply the Lakes in support of the regional and national economy.

Great Lakes Fishery Commission

I would like to ask the subcommittee to fund the Great Lakes Fishery Commission at the President's requested level of \$12 million for Fiscal Year 2001. Work by the Great Lakes Fishery Commission is critical to the continued revitalization of the Great Lakes. One of its most important projects is sea lamprey control. This invasive species attaches to fish with a suction cup mouth and literally extracts the fluids from its host, rendering it scarred or dead.

The proposed FY 2001 increase would primarily fund the development of non-chemical, alternative controls for sea lampreys, such as barriers, traps, and the release of sterilized males. Non-chemical control techniques are especially important as a cost-effective long-term investment.

National Sea Grant Program

I would like to ask the subcommittee to fund the National Sea Grant College Program at the fully authorized level of \$66.8 million in Fiscal Year 2001. The Sea Grant Program is a highly successful partnership between the Federal government, states, universities and the private sector. In my state, both the University of Michigan and Michigan State University are partners in the program and they are dedicated to the protection and sustainable use of the Great Lakes.

In 1999, the Michigan Sea Grant used its funds, among other items, to research the treatment and management of ballast water to prevent the spread of invasive species, and to understand the effect of zebra mussels on water quality. Thanks in part to Sea Grant's work establishing voluntary ballast water exchange protocols, the Eurasian ruffe has spread from Lake Superior to only one harbor in Lake Huron. In addition, Sea Grant's public education campaign is responsible for restricting zebra mussel infestations to only 119 of Michigan's 11,000 inland lakes. This figure is quite an accomplishment given that 75 percent of Michigan's inland lakes provide suitable habitat for zebra mussel colonization. Mr. Chairman, these pursuits are important to the economic vitality of my district and their good work exemplify the need for full funding for the National Sea Grant Program.

Great Lakes Environmental Research Laboratory

I would also like to ask the subcommittee to fund the Great Lakes Environmental Research Laboratory at \$7.5 million, a \$1.5 million increase from the President's proposed level of \$6.025 million.

NOAA's Great Lakes Environmental Research Laboratory (GLERL) is a premier research institution that focuses on fresh water resources, namely the Great Lakes. Unfortunately, the President's proposed cut of \$800,000 would necessitate a 10-15 percent cut of GLERL staff and would compromise the breadth of research for which GLERL is known. Funding of \$7.5 million would allow them (1) to begin to rebuild a multi-disciplinary research program by hiring scientific staff; (2) to rebuild equipment infrastructure; (3) to expand partnerships with academic

institutions, the International Joint Commission, and the Great Lakes Commission; and (4) to strengthen research on invasive aquatic species.

Mr. Chairman, thank you for this opportunity to submit testimony regarding the Commerce, Justice, State FY 2001 appropriations. I appreciate any help that you and the Subcommittee can offer to fund these important programs and projects.

Formula Grant Program Allocation of Funds

State	FY 1999 Allocation	Percentage to be Passed Through to Local Jurisdictions	State	FY 1999 Allocation	Percentage to be Passed Through to Local Jurisdictions
Alabama	8,184,000	50.95	New Jersey	14,168,000	57.67
Alaska	2,239,000	21.97	New Mexico	4,035,000	42.23
Arizona	8,562,000	61.04	New York	30,329,000	63.29
Arkansas	5,306,000	54.87	North Carolina	13,162,000	41.36
California	52,975,000	63.15	North Dakota	2,290,000	56.16
Colorado	7,501,000	58.82	Ohio	19,189,000	64.42
Connecticut	6,503,000	36.96	Oklahoma	6,578,000	45.41
Delaware	2,435,000	26.87	Oregon	6,460,000	46.98
District of Columbia	2,110,000	100.00	Pennsylvania	20,525,000	64.83
Florida	24,747,000	61.56	Rhode Island	2,845,000	41.76
Georgia	13,260,000	53.39	South Carolina	7,288,000	42.53
Hawaii	3,164,000	46.45	South Dakota	2,445,000	47.16
Idaho	3,202,000	52.41	Tennessee	9,865,000	48.78
Illinois	20,327,000	64.51	Texas	32,416,000	65.60
Indiana	10,660,000	56.78	Utah	4,562,000	49.76
Iowa	5,834,000	40.79	Vermont	2,206,000	25.11
Kansas	5,421,000	47.49	Virginia	12,054,000	30.04
Kentucky	7,526,000	32.30	Washington	10,254,000	60.25
Louisiana	8,237,000	51.92	West Virginia	4,172,000	47.93
Maine	3,253,000	41.59	Wisconsin	9,547,000	61.98
Maryland	9,426,000	44.47	Wyoming	2,031,000	54.95
Massachusetts	11,066,000	36.64	Puerto Rico	7,396,000	0
Michigan	16,926,000	53.10	Virgin Islands	1,426,000	0
Minnesota	8,771,000	70.29	Guam	1,476,000	0
Mississippi	5,638,000	52.52	American Samoa/ N. Mariana Islands	1,407,000*	0
Missouri	9,920,000	58.22			
Montana	2,671,000	58.56			
Nebraska	3,918,000	60.36			
Nevada	3,950,000	62.01			
New Hampshire	3,142,000	51.46			

* American Samoa (67 percent)—\$942,690; N. Mariana Islands (33 percent)—\$464,310.

Note: Figures for populations of states and for Puerto Rico are based on U.S. Census Bureau estimates as of July 1, 1997. Figures for other U.S. territories are based on the 1990 census.

HOW DOES THE BACKLOG AFFECT YOUR STATE?

	Collected	Backlog		Collected	Backlog
Alabama	63,000	63,000	Nebraska	1,218	702
Alaska	1,350	1,350	Nevada	1,220	690
Arizona	6,913	6,877	New Hampshire	NA	NA
Arkansas	10,198	10,198	New Jersey	3,876	3,876
California	132,000	132,000	New Mexico	541	541
Colorado	5,750	4,267	New York	9,600	5,400
Connecticut	3,500	1,500	North Carolina	29,123	29,123
Delaware	703	100	North Dakota	na	na
Florida	58,247	54,922	Ohio	22,000	22,000
Georgia	2,970	50	Oklahoma	10,550	10,550
Hawaii	894	894	Oregon	11,300	7,200
Idaho	NA	NA	Pennsylvania	11,992	11,992
Illinois	15,466	15,466	Puerto Rico	na	na
Indiana	19,500	17,400	Rhode Island	na	na
Iowa	NA	NA	S. Carolina	1,580	1,580
Kansas	6,387	6,387	Tennessee	2,500	1,399
Kentucky	3,102	327	Texas	21,660	18,412
Louisiana	NA	NA	Utah	3,215	3,215
Maine	2,516	2,365	Vermont	464	464
Maryland	3,813	3,813	Virginia	191,762	191,762
Massachusetts	2,016	2,016	Washington	29,322	28,322
Michigan	5,268	5,268	West Virginia	2,000	2,000
Minnesota	9,427	9,327	Wisconsin	11,107	11,107
Mississippi	639	639	Wyoming	3,814	1,814
Missouri	12,428	11,991			
Montana	384				

**TOTAL NATIONWIDE CONVICTED OFFENDER
DNA SAMPLE BACKLOG
704,004**

Mr. ROGERS. I thank the gentleman for his testimony. We did provide in the current year \$9.3 million for the Great Lakes Fishery Commission—I'm sorry. I was mistaken. The request from the administration was for \$9.3 million for the commission. We did provide 595 million for the COPS program and 552 for Byrne grants not to mention the State and local grants and other juvenile justice grants and the like.

So we have been, I think, generous in those respects. We will certainly take your testimony under consideration. We appreciate you being here.

Mr. STUPAK. I can't disagree with the committee. They have always done a good job on the science projects and helped COPS and all of the other programs I have argued for. The DNA may be one that may be of some significance that we haven't done in the past that needs some attention. Thank you, Mr. Chairman.

Mr. ROGERS. Mr. Serrano.

Mr. SERRANO. Just to once again congratulate you on your support of COPS program and the work that you do. We will in that area definitely continue to push and hope that we continue to bring that program where it should be. It is a difficult year and we have to balance that with everything else.

Mr. ROGERS. Ms. Roybal-Allard? Thank you. Mr. Weygand. George Gekas, you are recognized. Chairman of the Subcommittee on Commercial and Administrative Law of the Judiciary, you are welcome here.

THURSDAY, MARCH 23, 2000.

TESTIMONY OF MEMBERS OF CONGRESS

WITNESS

HON. GEORGE GEKAS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Mr. GEKAS. Yes, Mr. Chairman, and members. I wear two hats, one thrust upon me by Mr. Gilchrest inadvertently so I can second his testimony not as to the oysters but the cloisters in Pennsylvania which are safeguarded somewhat by—a great deal by the flood watch programs of the Susquehanna River Basin Commission. Part of our request to your committee is the full funding of the various gauges, gauging equipment and implementation thereof. That is the one-half. So I will be bringing you testimony on that a little bit later.

Here today I want to concentrate for a few minutes on the Legal Services Corporation and to congratulate you, Mr. Chairman, and the others for their attention to that very serious portion of our budgetary requirements.

Last year during the debate I supported the amendment that would have—and did result in lifting the original recommendation of the committee to its current levels. I did so and stated very emphatically that I did so with a lump in my throat because I had in front of me rampant misuses and abuses of the way that the reporting system was being handled by the grantees of our legal services system and overcount that was at least *prima facie* to me warning enough that more had to be done to make sure that we

were funding it properly and according to its needs. But I said on the floor then and it bears part of premise of what I wish to discuss with you that I was willing to support the additional moneys despite the evidence that I had giving the benefit of the doubt to the legal services community, but that I would then conduct hearings as chairman of the relevant committee to determine the extent of this overcount of cases that was running through the system.

I report to you, and as I have already reported to you, that that hearing revealed a great number of abuses in that special regard. And so when the time comes again for you to appear on the floor I will want to give the benefit of the doubt this time to the appropriators in the amount that you wish to pen to the Legal Services Corporation, keeping in mind that we still have not reached the end of the line in our examination of the overcount and other abuses by the grantees.

For instance, we still have evidence in front of us even after all that has been said and done—by the way, I have to commend the legal services staff and administration for making human efforts to correct those situations. That goes without saying, but I am saying it anyway to their credit. But still we get bits and pieces of evidence that the grantees are flaunting the requests for information even from their own departments, from their own superiors in many cases. We still then do not have a full picture of how they count cases and how they determine the needs that they present to our committee and to our Congress.

So I say that I will be taking the floor at that time to say sternly that we ought to give the benefit of the doubt this round until we complete all of these to the appropriators and not as we did before to the Legal Services Corporation which I was willing to do and did.

Furthermore, there is one aspect of this that I don't fully understand but for the benefit of the discussion the GAO delivered a report managing for results, just yesterday I suppose, in which it stays using GPRA to help congressional decision-making and oversight. We have not been able to determine whether this segment of what we tried to accomplish back in 1997 applies to the Legal Services Corporation. They themselves believe that it does not. I think the GAO thinks yes and the Congressional Budget Office thinks no. But I hope that the committee will at least in its report and its debate on this issue mandate to the Legal Services Corporation that they use the guidelines even if the law is unclear as to whether they apply. This is of course the—it is the Government Performance and Results Act, GPRA, but it is the Results Act let's call it. And this is supposed to give programmatic ways in which each agency can check on how its dollars are working pursuant to its program, et cetera.

Again, although we are not sure at this stage whether it applies to Legal Services, at least there are guidelines and the way to do business ought to be fastened onto Legal Services in their work in trying to bring out a real picture of their needs to our Congress.

With that, I will yield to any questions that the members may have.

[The information follows:]

**Statement of the Honorable George W. Gekas, Chairman,
Subcommittee on Commercial and Administrative Law
Committee on the Judiciary**

Before the

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

March 23, 2000

Thank you Mr. Chairman for allowing me to address you and your esteemed colleagues today.

First, I want to preface my remarks by acknowledging the herculean efforts that your chair, Mr. Rogers, has expended in overseeing the operations of the Legal Services Corporation in what is a difficult job of ensuring that the poor of this country have the most effective legal assistance possible within the constraints of available resources. As everyone knows, I have always supported the right of the poor to have access to our country's legal system. Although in previous Congresses I have suggested a somewhat different approach, the Legal Services Corporation is with us and we must make it the best it can be.

To that end, the Subcommittee on Commercial and Administrative Law -- which controls the Corporation's authorization and which I chair -- held a comprehensive hearing last September that examined into certain widely reported abuses within the Legal Services Corporation and its grantees that cried out for examination and reform. Specifically, we looked into the matter of case over-reporting by the Corporation and related data reports.

The hearing -- at the very least -- uncovered rampant, systemic case over-reporting problems throughout the program that were documented by the GAO and, ultimately, acknowledged by the Corporation's management and inspector general. Our hearing also disclosed a potential credibility issue with respect to the Corporation's obligation to inform Congress of these problems. The failure to account for the number of cases reported to Congress calls into question the very credibility of the Corporation. If we cannot rely on its case statistics, what can we believe?

While we recognize that the Corporation's appropriations are not *per se* dependent on the number of cases its grantees handle, this information is very relevant to any analysis of the Corporation's effectiveness, cost-efficiency,

administrative controls, and compliance with Congressional restrictions. If nothing else, our hearing revealed that the Corporation and its grantees have extensive accountability problems regarding their ability to supply accurate case reporting statistics.

We understand that the Corporation is undertaking some ameliorative measures to address these concerns. Unfortunately, we continue to hear of other problems, such as grantees refusing to allow the Corporation's Inspector General to have access to their files. In fact, we've recently been made aware that at least two grantees have denied access to their own independent public accountants, professionals who are retained by the grantees themselves to conduct independent audits of their operations. Without the ability to review grantees' operations, absolutely no one can assess the accuracy of the information the grantees provide to the Corporation and, ultimately, to Congress.

We also note that the Corporation is apparently not subject to the Government Performance Results Act ("GPRA"). Nevertheless, a clear statutory mandate requiring the Corporation to comply with GPRA would ensure that it had a strategic plan with performance criteria that could objectively be used to

analyze and measure the Corporation's actual performance.

We urge you -- given the extent and gravity of these problems -- to require the Corporation, as part of its fiscal year 2001 appropriation, to provide Congress with accurate case reporting statistics -- perhaps on a quarterly basis -- and that it include a mandate that the Corporation better account for its compliance with Congressional restrictions. Further, we would suggest that grantees be strongly encouraged to comply with audits conducted by the Corporation's Inspector General and independent public accountants retained by these grantees.

Again, I want to stress how deeply I am committed to providing legal services to the poor. But I must also stress that I am just as dedicated to the principle of accountability by all Federally-funded programs.

Mr. ROGERS. Chairman Gekas, thank you for your testimony. As chairman of the subcommittee that authorizes Legal Services, it is one of the chief things that we have in common with you because we are called upon to fund the Legal Services that you authorize, and several years now we have had to do the authorizing tier as well. With your strong input all of the way through that, you have been one of the champions over the years of reforming Legal Services and bringing it under control and making it work the way it should be working. You are one of the responsible voices here. There are some irresponsible voices in respect to Legal Services on both sides of the question.

Mr. GEKAS. I might add, Mr. Chairman, that you made it clear to me from the very first moment that the Republicans became the majority back in prehistoric days and I made clear to you that we were both interested in maintaining a program for legal assistance to the poor, and that we were going to do everything in our power to strengthen it, to make sure that every dollar went for legal assistance to the poor for representations in the gamut of issues that arose. And notwithstanding our joint efforts to try to revamp it, to try to reauthorize it in different ways, this theme of it was to help maintain a system of legal assistance to the poor. We do no less here, but we still must do our job in making sure that the dollars match the needs.

Mr. ROGERS. We are in agreement and have been all of the way through. I really appreciate your strong support for a proper Legal Services Corporation and your fight to make that happen. And we appreciate further your testimony today that you would be willing to support our position on the floor when it comes in regard to the funding level. We don't know what that is going to be yet because it looks like we are going to be squeezed even worse than last year, and the current year for funding levels overall in our full committee and subcommittee and it is going to be a harder pinch this year than last. We will look forward to working with you this year as we go through the process.

Thank you so much for your expertise.

Mr. Serrano, or Ms. Roybal-Allard?

Mr. SERRANO. Thank you, Mr. Chairman. I just wanted to thank the gentleman for his comments. As a cosponsor of the Serrano-Ramstad amendment on the floor, I do recall your words and I take them seriously. I hope that we can work out our differences before we get to the floor not only in dollars and what needs to be done because, as you know, this is an important program that is very popular. President Nixon created it back in those days. It was one of the greatest things that he has done so far.

As far as your comment about how long it seems the Republicans have been in power, it just seems that way. It hasn't been that long.

Mr. GEKAS. We are going to make it a little longer.

Mr. ROGERS. Thank you.

Mr. SERRANO. Thank you very much.

THURSDAY, MARCH 23, 2000.

**CENTER FOR ENVIRONMENTAL STUDIES AT THE
UNIVERSITY OF RHODE ISLAND**

WITNESS

**HON. ROBERT WEYGAND, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF RHODE ISLAND**

Mr. ROGERS. Now, Mr. Weygand, we thank you for yielding your time. You are recognized. We will make all of your written statement part of the record and we invite you to summarize your written statement in 5 minutes or less and we do give points for less.

Mr. WEYGAND. Your suggestion is well noted. I want to thank you for allowing me to speak here this morning. I will submit my full statement for the record as well as the documentation that supports this statement.

Mr. Chairman, throughout this country whether it is California, West Coast, the East Coast, or the southern part of our country we have seen the stresses and strains on economic development as populations move from many of our urban areas to more coastal and waterfront areas. We particularly see that in the Northeast and all along the Eastern Seaboard where transportation systems have been strained, economic development has been impeded, housing and other costs have sky-rocketed and a host of economic problems besiege the coastal areas of our States, New York, Rhode Island, Florida, and the entire coastal areas.

The Center for Environmental Studies at the University of Rhode Island is an attempt to bring all of the various state-of-the-art techniques, improvements for economic development as well as transportation planning, land and water conservation as well as all of the applicable communities agenda. The basis for all of this, though, is the impact of economic development. We have seen throughout the years that as people begin to sprawl out of communities they also cost taxpayers, city, state, and even Federal Government money. Utilities have also seen the same thing. The Center for Environmental Studies would bring together a host of different state-of-the-art curriculums but also parts of the Livable Communities (community) in a way that has not been seen before.

There are many universities that have graduate studies of planning, oceanography, marine studies, planning and development and a host of others. None of them combines it in a way the University of Rhode Island is proposing under this particular center. The purpose for this is really to combine and look at problems and solutions and give guidance to States, communities and the Federal Government in an effort to not only enhance land development, improve it in an economic sense, but also provide the most effective and efficient means of providing for improvements in land use. By doing so we save the taxpayers in those communities, the States and the Federal Government money.

This investment is something that needs to be done now. As we talk about urban sprawl we talk about the problems of going into the rural and suburban areas. We have seen time and time again the negative impact on the tax base, on the expenditure of additional taxes on systems. You in Appropriation Committee are asked

time and time again to provide more money for community assistance.

This center would be a total of \$10 million. Some of it has already been appropriated through the University of Rhode Island, through the State of Rhode Island as well as through last year's appropriation. The total appropriation that is left is about 7.5 million. We are asking for half of that to be funded through CJS. We think it is properly before you in terms of either an EPA grant or a similar type of grant. We would like to work with the staff to determine the right placement for it.

But it wouldn't be just for the State of Rhode Island. It would be used actually throughout the entire country because its techniques and transportation planning and economic development and environmental protection could be utilized by all states and localities.

Mr. Chairman, I thank for your indulgence and the opportunity to address you and, as I said, I will submit my full statement for the record as well as documentation for the support of this request.

[The information follows:]

**Center for
Environmental Studies**

**University of Rhode Island
Kingston, Rhode Island**

Rep. Bob Weygand
of Rhode Island

THE CENTER FOR ENVIRONMENTAL STUDIES

University of Rhode Island

The Center for Environmental Studies will be a state of the art facility for the University of Rhode Island's nationally recognized natural resources program. It will provide a central location for the integration of programs (listed below) which formulate public policy, design and studies for a sustainable environment.

The problems of "livable communities" presently being debated in Congress are the very issues this center would undertake in a more cohesive and coordinated fashion. The study of wetlands and coastal management, urban sprawl, land planning and design, resources protection, economic development, and more would be centrally located in this facility.

The Center will house a variety of classrooms, studios, display halls, video conferencing labs and exhibition spaces for instructional, research and outreach activities. The spatial analysis teaching labs will provide cutting edge computer instruction facilities for classes using Computer Assisted Drafting and Design (CADD), Geographic Information Systems (GIS), and remote sensing software. Spatial analysis classes currently taught by the Departments of Geology and Natural Resources Sciences would be offered at the Center.

Plans call for a 50,000 square foot building. The University estimates that the final cost for the project will be \$10 million. The University is asking for \$7.5 million from the federal government.

Currently, three separate departments - the departments of Landscape Architecture, Community Planning and Area Development and Marine Affairs - within the University system handle various portions of the program that would take place under the direction of the Center.

The main focus of the work done by the **Department of Marine Affairs** is on the management, policy and legal aspects of coastal/ocean space and its uses. In addition, the Department studies alternative and evolving management approaches, institutional structures, and governance systems for the marine environment at the local, national, regional and global levels.

The **Landscape Architecture Department** at the University prepares students in the public and private sectors of landscape architecture. This involves the planning, design, preservation and restoration of the landscape by applying both art and science to achieve the best use of our land, water, and air resources. Studies in urban design to coastal management are expanded as part of the Livable Communities program.

The **Community Planning and Area Development Department** at the University considers both the planning of the built environment as well as the concern for the impact of development on the natural resource conservation planning. Town planning and the management of growth surrounding urban centers have become major concerns of local government. Willingness to hire planners in small towns and the need for environmental protection coincident with development has created a strong need for environmental planners.

**CENTER FOR ENVIRONMENTAL STUDIES
FACT SHEET
University of Rhode Island**

Purpose: To support environmental planning, design, and policy instruction
research and outreach

Users: 30 faculty members
100 graduate students
600 undergraduate students

Size: 50,000 square feet

Facility: Classrooms and studios
Computer labs
Faculty offices
Presentation halls
Conference rooms
Analysis centers

Cost: \$10 million

A selected list of present Federal funding for Programs/Projects at the University of Rhode Island

National Park Service - Numerous projects including "Establishment of a Field Technical Support Center for GIS"

NOAA - "Visualization of Marine Ecological Data"

USDA - Numerous projects related to research, teaching and outreach

NOAA - "Integrating Socioeconomic Patterns with Coastal Fisheries Using GIS"

EPA - "GIS Support for the EMAP Estuaries Programs"

U.S. Office of Coastal Zone Management - "Geological Survey Potential sites for Dredged Material Disposal and Aquaculture"

HUD - "Community Development Work Study Program"

USGS - "Quantifying the Relationships Among Migrating Birds, Mammals, and Ticks in the Ecology of Lyme Disease"

EPA - "EPA Northeast Environmental Research Training Program"

NSF/EPA - "Public Values for Rural, Forest Ecosystems: Toward Valid Economic Measures of Amenity Values"

NSF/EPA - "Developing Conjoint Stated Preference Methods for Valuation of Environmental Resources with their Ecological Context"

NOAA/CMER - "A Cooperative Proposal for Surveying and Monitoring the Economic Status of Northeast Fishing Vessels"

NSF - "Legal and Insurance Support for UNOLS, the University National Oceanographic Laboratory System"

Dept. of Commerce - "Anthropological Research on Coastal Hazard Perception and the Realignment of Coastal Fisheries Communities in New England"

Dept. of Transportation - "The Use of the Old Jamestown Bridge as an Artificial Reef Site"

National Sea Grant - Numerous projects including "large Marine Ecosystems"

Mr. ROGERS. That will be fine. We thank you for your testimony and your diligence on this issue and we will give it all due consideration. You are a member of the Budget Committee and you know——

Mr. WEYGAND. I was waiting for that, Mr. Chairman.

Mr. ROGERS [continuing]. You know if this budget passes that is on the floor now we are going to be so severely restricted we won't be able to fund what we fund now much less anything new.

Mr. WEYGAND. I look for your support for the Democratic alternative, which is to increase the amount of funding in these areas. Certainly we would be able to fund this and many others that we talked about from oysters to planning.

Mr. SERRANO. And all without any cost to the American taxpayer.

Mr. ROGERS. Any questions? Thank you very much.

Mr. WEYGAND. Thank you, Mr. Chairman.

THURSDAY, MARCH 23, 2000.

JUVENILE ACCOUNTABILITY INCENTIVE GRANT PROGRAMS, THE COPS TECHNOLOGY PROGRAM, AND THE PACIFIC COASTAL SECTION RESTORATION FUND

WITNESS

HON. DARLENE HOOLEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON

Mr. ROGERS. Ms. Hooley.

Ms. HOOLEY. You got the last name right.

Mr. ROGERS. Your statement will be made a part of the record and we invite you to summarize it for us.

Ms. HOOLEY. I can do it very quickly. Mr. Chairman, Ranking Member Serrano, thank you for the opportunity to be in front of your committee along with a whole tent of other people.

I have really three requests, one request—two requests: Fully fund the Office of Justice programs and particularly the Juvenile Accountability Incentive Grant and the COPS program. When I am around my district in talking to law enforcement officials and police chiefs, they say this program has worked better than any program they have ever had. They think it is the best thing the Federal Government has ever done. It has helped reduce the crime rate in our States. Juvenile crime, however, is still a problem, particularly methamphetamines. And so it is why I would like to see the juvenile program funded fully, if possible.

There is a huge need for Federal assistance. I would just talk about one county, Clackamas County. We have 12 beds for the 650 young people held in detention last year. Police officers have to drive an hour to get to this detention facility. So there is a lot of wasted hours both in their time as well as the juvenile. When there are only 12 beds some of them are turned away and put back in the community when they really need to be held.

The county is looking for \$3 million for a new juvenile detention facility. They have secured about \$1.7 million along with a site for the facility and they need your help. We also have a tremendous need to update enforcement equipment and technology. Thank you

very much for your help last year. There was a million dollars earmarked in the budget for this. It made a difference. This is about a \$6 million project. This got us off to a great start. We are looking for another \$2 million and the county is putting in their share of almost \$3 million.

One of the reasons it is—I will just quickly mention this. In Clackamas County we have 50 percent of the land is owned by the Federal Government. We are now trying to cover those more rural areas and we have been asked to help. There is no way that you can communicate with the ambulance service and police service and fire service. So we are trying to make sure that we have a system that really deals with public safety and works for everyone. And again thank you for your help on that.

The last issue I am going to talk about is bipartisan and bi-state and that is in the Northwest we have 12 salmon species that are listed as endangered species. We have had a tremendous decline in our wild salmon. This is part of Oregon's heritage and economy. We are trying to figure out how to bring back the salmon runs. We have already treaties for salmon harvesting with tribal governments. What I am worried about is if we don't bring back the salmon the Federal Government is going to be liable for some fairly significant costs to the tribal groups.

So what I am asking for, and again this is a delegation to fund the Pacific Coastal Salmon Restoration Fund at the administration's of \$160 million. \$90 million would be divided equally between Alaska, Washington, Oregon, and California, \$10 million for the Pacific and Columbia River tribes and \$60 million for the implementation of the Pacific Salmon Treaty between the United States and Canada. There is already authority within the Marine Fisheries Services so we just need the money.

Thank you very much and if you have any questions, I would be happy to answer them.

[The information follows:]

**Testimony of Rep. Darlene Hooley
March 23, 2000
CJS Appropriations Committee**

Thank you Mr. Chairman for giving me this opportunity to discuss items that are of the utmost importance to my district.

First, I want to urge you to fully fund the Office of Justice Programs, and more specifically the Juvenile Accountability Incentive Block Grant Program and the COPS program.

These two programs have been identified by my police chiefs back home as vital to combating juvenile and other street crimes. These programs work so well because they allow our law enforcement agencies to employ locally based solutions to crime fighting.

Juvenile crime in my fast growing district continues to rise. With methanphetines becoming a major problem in our rural areas, more and more juveniles are getting caught up in the criminal justice system. This is putting a tremendous strain on the counties in my district.

There is a huge need for assistance from the federal government. For example, in Clackamas County there are currently 12 beds for the 650 young people that were held in detention last year.

When these beds are full, and they frequently are, Police Officers have to drive an arrested youth over an hour away to the nearest detention facility or worse, certain offenders are released on their own recognizance. The costs of these almost daily trips are estimated at a total of \$120,000 per year.

The county is looking to secure \$3 million dollars for a new juvenile detention facility. They have currently raised \$1.7 million and secured a site to build the facility. However, Federal and State requirements make this a costly project. Funds from Juvenile Accountability Incentive Block Grant Program and other programs within the Office of Justice Programs can help fund such vital facilities development.

My district continues to have tremendous needs for updated law enforcement equipment and technology. With your help, Clackamas County was able to secure a \$1 million COPS grant for an enhanced law enforcement radio system in the CJS bill last year. Your support for this grant was critical. Not only is Clackamas County one of the fastest growing counties in Oregon, but fifty percent of all land is owned by the federal government.

An unfortunate result of the County's growth is that our emergency services radio system has become overcrowded. Our County emergency services are increasingly being called in to National Forest lands and state parks -- places where the current system can't even reach. This means that in many emergency situations, fire and ambulance services are unable to communicate with dispatchers and other emergency services.

Clackamas County will again be looking to work with the COPS office to secure another \$2 million to continue this project and expand it to Federal lands, and I ask for your support.

Before closing, I would like to talk with you about an extremely important issue in the Pacific Northwest-- the plight of our salmon.

We currently have 12 salmon species listed on the Endangered Species list. The drastic decline of our wild salmon population is of great concern to Oregon, as this wild resource is a fundamental part of Oregon's heritage and economy.

We must find an effective solution to bring salmon runs back to sustainable levels because if these salmon runs go extinct -- the effects are going to be felt from Oregon all the way to Washington, DC. For instance, we have treaties for salmon harvesting with tribal governments in the Northwest. If the federal government violates these treaties, it's the taxpayer that's going to pick up the tab to the tune of over 10 billion dollars, and that's a low estimate.

With this in mind, I ask that you fund the Pacific Coastal Salmon Restoration Fund at the Administration's requested level of \$160 million. \$90 million to be divided equally between the states of Alaska, Washington, Oregon, and California, \$10 million for the Pacific and Columbia River Tribes, and \$60 million for the implementation of the Pacific Salmon Treaty between the United States and Canada.

There currently exists adequate authority within the National Marine Fisheries Service to grant these funds to the states. No specific authorization is needed.

Thank you for allowing me the opportunity to appear before you today and I hope you will consider this request while marking up the Fiscal Year 2001 Commerce, State, and Justice Appropriations bill.

Mr. ROGERS. Thank for your testimony.

Ms. HOOLEY. Did I make it under 5 minutes?

Mr. ROGERS. Yes. You have some points coming. Any questions? Thank you very much for your testimony. Mr. Strickland.

THURSDAY, MARCH 23, 2000.

TESTIMONY OF MEMBERS OF CONGRESS

WITNESS

HON. TED STRICKLAND, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO

Mr. STRICKLAND. Thank you, Mr. Chairman, and I promise you that I will be under 5 minutes. I have timed it and I would like my entire testimony to be included in the record if possible.

Mr. ROGERS. It shall be.

Mr. STRICKLAND. I want to thank you for allowing me to be here to talk about a critical issue in regard to our Federal Bureau of Prisons. I would like to begin by expressing my respect for the Bureau. I think it is one of the departments of our Federal Government that does a good job.

I worked in a maximum state run facility for 8 years and I know how difficult it is to deal with felons and dangerous felons at that. I am a founder and cochair of the Congressional Officers Caucus here in the Congress. I come today for two reasons.

First, I want to echo Director Hawk Sawyer's request that language be added to the Department of Justice general provisions to provide that the Bureau have greater discretion in the placing of D.C. sentenced felons so that the decision regarding whether D.C. felons are placed in private facilities are made in accordance with the Bureau's needs just as is the case with other Federal inmates.

And the second reason I am here is to implore you that you require the Bureau provide to you and to the Congress an annual report on the performance of for profit prisons with which the Bureau contracts. For profit prisons are responsible for some of the most heinous public safety catastrophes in recent corrections history. If the Federal Bureau of Prisons must contract out its responsibilities of incarceration to for profit prisons because the Bureau needs more bed space, then the Bureau's liability for public safety I think demands that the Bureau at least exercise careful oversight of these entrepreneurial enterprises to make sure that they are conforming to the same laws, same rules, regulations, and standards as the Bureau itself.

To be fair, this for profit industry has come a long way since it began in the mid-'80s when the Correctional Corporation of America, which is the Nation's largest private prison company, accepted its first inmates before it actually had a facility open. Those inmates were housed in rented motel rooms until a number of them pushed the air conditioning units out of the wall and they escaped. Since then, however, for profit prisons have created a multi-billion dollar industry and are as likely to be traded on Wall Streets as be listed as defendants in litigation.

In fact, in my home State of Ohio we have already seen how the profit motive in private prisons can lead to disaster. In July of 1998

at a private facility in Youngstown, Ohio, that is run by CCA, 6 prisoners, 5 of them murderers, cut a hole in the fence during a recreation break and walked out of the prison in broad daylight.

This incident in Youngstown is not an isolated event. Headlines appear almost daily across the country detailing the latest debacle of for profit prison companies. Although there have been too many to list to you today I will just highlight a couple.

In New Mexico for profit prisons run by Wackenhut, the second largest for profit prison company in the country, have experienced a series of murders, about one a month. The victims have included at least one correctional officer. In Texas a staff of CCA was murdered in December. In 1999, during Thanksgiving week, CCA had three different escapees on the run, including two murderers. One of the escapees was convicted murderer Kyle Bell, who was convicted in North Carolina of killing an 11-year-old girl that he also molested. Bell escaped in New Mexico while being transported. The CCA guards had fallen asleep.

And just last week in Louisiana the story written in the New York Times, a state judge removed six teenage boys from a juvenile prison run by Wackenhut after finding they had been brutalized by guards, kept in solitary confinement for months, deprived of food, underwear, shoes, blankets, education and medical care. One of the boys freed by the judge was a 17-year-old who had been found guilty of robbery. He had been forced to lie on the floor on his stomach with the knee of a Wackenhut guard in his back which caused excruciating pain since the boy had recently had an operation for a gunshot wound to his abdomen and was wearing a colostomy bag.

I understand the Bureau needs more space. They tell me they cannot maintain the prisoners we are sending them with the space they have. But I would sincerely ask that the Bureau be held accountable for providing to the Congress a report regarding how these private facilities are operated.

Thank you. Thank you, Mr. Chairman, for this time.

[The information follows:]

Testimony
Congressman Ted Strickland
March 23, 2000

Chairman Rogers, Ranking Member Serrano, and other members of the Subcommittee, thank you for allowing me this opportunity to speak to the very critical issue of the needs of our Federal Bureau of Prisons, which is facing an overcrowding crisis that is a direct result of the largest prisoner population explosion ever witnessed in history.

Let me begin by expressing my utmost respect for and support of the Federal Bureau of Prisons, which to my mind is one of the finest departments in our federal government. The superb leadership of Director Kathleen Hawk Sawyer, and the exceptional professionalism of everyone working under her, make the Bureau of Prisons something for which we should all be proud-- a federal correctional system that is distinguished by efficiency and humanity.

Before I came to Congress, I worked in a prison and I know how hard the job can be. I think that after working at Southern Ohio Correctional Facility at Lucasville, a maximum security prison, for eight years as a clinical psychologist, I understand, probably better than most other Members, the unique issues that make running a prison so difficult. That is why I am especially proud to be the founder and Co-Chairman of the Congressional Correctional Officers Caucus.

I testify here today for two reasons:

First, I am testifying to echo Director Hawk Sawyer's request that language be added to the DOJ General Provisions to provide the FBOP with greater discretion in the placement of D.C. sentenced felons so that the decision regarding whether D.C. felons are placed in private facilities are made in accordance with their needs, just as in the case of other Federal inmates. As you may know, I am the original sponsor of H.R. 979, The Public Safety Act, which is a bill with nearly 120 co-sponsors, that seeks to prohibit federal dollars from being spent on for-profit prisons. In my view, based both on my own professional experience working in prisons, and the horrendous record of for-profit prisons, Congress has made a serious mistake by trying to require, under the D.C. Revitalization Act, that the FBOP place at least 50% of its D.C. felons in for-profit facilities. However, I believe that today we are afforded an opportunity to correct that mistake by enabling the professionals at the Bureau to exercise their considerable judgement when deciding where to place D.C. felons.

Second, I am testifying to implore you to require that the FBOP provide an annual report to Congress on the performance of the for-profit prisons with which the FBOP Contracts. Director Hawk Sawyer has already testified that the extraordinary overcrowding in the Bureau's facilities makes it necessary for the BOP not only to build seventeen more prisons in 2001, at a cost of \$2.4 billion, but also to contract out part of the Bureau's prisoner population to for-profit prisons. As I will describe in greater detail below, the for-profit prison industry, which is dominated by two corporations that together have approximately 75% of the market, is responsible for some of the most heinous public safety catastrophes in recent corrections history.

If the Federal Bureau of Prisons must contract out its responsibility of incarceration to for-profit prisons, then the Bureau's liability for public safety demands that the Bureau at least exercise careful oversight of these entrepreneurial enterprises to make sure that they are conforming to the same laws, rules, regulations and standards as the Bureau itself. I respectfully recommend that any such report include the following objective criteria: number of assaults on correctional officers and inmates; number of disciplinary infractions committed by correctional officers and inmates; extent and duration of administrative segregation (solitary confinement); documentation of inmate health, education, vocational, and recreational services provided; and data regarding inmates access of services.

To be fair, the for-profit prison industry has come a long way since it began back in the mid-eighties, when Corrections Corporation of America (CCA), this nation's largest private-prison company, accepted its first inmates before it had actually had a facility completed. Those inmates were housed in rented motel rooms until a number of them pushed the air-conditioning units out of the wall and escaped. Since then, for-profit prisons have created a multi-billion dollar industry and are as likely to be traded on wall street as be listed as defendants in litigation.

In fact, in my own home state of Ohio, we have already seen how the profit motive in private prisons can lead to disaster and protracted court wrangling. In July 1998, at a private prison in Youngstown Ohio that is run by CCA, six prisoners, five of them murderers, cut a hole in the fence during a recreation break and walked out of the prison in broad daylight. All six were D.C. prisoners who had been transferred from Lorton to Youngstown. Even before the escape, Youngstown had been fraught with controversy. It had accepted maximum-security prisoners, including those from D.C. in violation of its contract, and mixed hard-core violent offenders with less violent, petty criminals. This created a witches brew that culminated in multiple stabbings and murders of inmates by other inmates.

The disaster at Youngstown prompted the U.S. Justice Department to launch an investigation which produced a scathing report in 1998. It concluded that the Youngstown prison suffered serious breaches in security and that it "has experienced pivotal failures in its security and operational management as a result of seriously flawed decisions by its leaders." The report went on to say that "expediency and the pressure of short-term objectives often prevailed over good judgment and sound correctional management procedures... It is reasonable to conclude that certain of the most serious problems which endangered the safety of the public, the staff or the inmates were preventable..." Ultimately, the prisoners sued CCA and won \$1.65 million in money damages. That was the first class action settlement against a for-profit prison company and the second largest monetary settlement in the history of corrections.

This incident at Youngstown is certainly not an isolated event. Far from it. Headlines appear almost daily reporting the latest debacle of a for-profit prison company. Although there have been too many incidents to list, the following are a few of the highlights:

- In New Mexico, for-profit prisons run by the second largest for-profit prison company in the country have experienced a series of murders, about one a month. The victims have included at least one correctional officer.

- In Texas, a staff member of CCA was murdered in December.
- In Georgia, a private facility was charged for violations of environmental laws caused by its waste water.
- In 1999, during Thanksgiving week, CCA had three different escapees on the run, including two murderers. One of the escapees was convicted murderer Kyle Bell, who was convicted in North Dakota of killing an eleven year old girl that he also molested. Bell escaped in New Mexico, while being transported. The CCA guards had fallen asleep. Although I am unaware of his apprehension, I do know that he was spotted as far away as Wisconsin.
- Just last week, in Jena, Louisiana, a state judge removed six teenage boys from a juvenile prison run by Wackenhut Corp. after finding they had been brutalized by guards, kept in solitary confinement for months and deprived of food, under ware, shoes, blankets, education and medical care. One of the boys freed by the judge was a seventeen year-old who had been found guilty of robbery. He was forced to lie on the floor on his stomach with the knee of Wackenhut guard in his back, which caused excruciating pain since the boy had recently had an operation for gunshot wounds in his abdomen and was wearing a colostomy bag.

In the last year, at least six states— Utah, Montana, Arkansas, Oklahoma, New Jersey, and Alabama— have taken steps in their legislatures to protect their citizens from private prisons. Other jurisdictions have terminated their contracts with for-private prisons. The following are some notable contract terminations:

- On November 8, 1999, Texas state officials in Austin took back control of a facility after the state of Texas canceled the contract with the country's second largest for-profit prison company, Wackenhut, amid an ongoing criminal investigation into allegations of neglect, falsification of records, sexual abuse, and chronic staff shortages.
- In 1998, Colorado cancelled its contract with CivGenics Inc. to run the Teller County Jail after the jail suffered a series of problems over a thirteen month period, including two suicides and an escape by a suspected killer.
- In 1998, citing evidence of sexual and physical abuse and a spate of management problems, Colorado officials closed the High Plains Youth Center for violent, troubled boys. The center was run by the Rebound Corporation. The state launched an investigation of High Plains after a Utah boy hanged himself. The inquiry determined the facility was unsafe and rife with abuse and inadequate care.
- In 1997, Florida terminated a contract with Rebound Inc. to run a juvenile facility after a string of assaults on guards and an inmate riot.

- In 1993, Maryland terminated a contract with Rebound Inc. to run the Charles H. Hickey Jr. Juvenile Facility in Baltimore County after more than eighty inmates escaped in one year.
- In 1997, South Carolina terminated its contract with the CCA -run Columbia Training Center because of reports that prison guards were beating thirteen year old inmates, hogtying them, and barring them from bathrooms. There were also two escapes.

Director Hawk Sawyer has testified truthfully that she needs more bed space. But I ask you, beds at what cost? Not only are inmates suffering at the hands of poorly trained private guards, but also, employees of these private corporations are dying. Furthermore, communities endure very real threats to their own safety. In my own opinion, the present cost of for-profit prisons is too high.

Mr. ROGERS. Thank you for your testimony.
Any questions? Thank you very much.
Chairman Gilman. Mr. Gilman.

THURSDAY, MARCH 23, 2000.

TESTIMONY OF MEMBERS OF CONGRESS

WITNESS

HON. BENJAMIN A. GILMAN, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF NEW YORK

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. ROGERS. We will make your statement a part of the record and if you can summarize it very briefly we would appreciate it.

Mr. GILMAN. I will try to be brief. Mr. Chairman, I have two matters before you: One on the United States Commission for the Preservation of America's Heritage Abroad and for their funding and also for funding the DNA index system. With regard to the United States Commission for the Preservation of Heritage abroad, the commission presently requests a budget of \$550,000 to continue to meet its legislative mandate.

The list of the commission's achievements are extensive. They are presently involved in vital preservation restoration projects throughout the Eastern and Central European area and currently mediating major disputes between a number of religious factions about the protection of historic cemeteries, particularly in the—there is a very ancient cemetery in the Czech Republic. An insurance company is trying to build over this cemetery and they have had extensive hearings and visitations and meetings with the government to try to resolve it. But that is typical of what they have been engaged in.

As you know, the commission received \$490,000 appropriation from the Congress for fiscal year 2000 that was due in great measure to your subcommittee's strong support for the commission, for which we are grateful. Dedicating a \$500,000 appropriation, fiscal year 2001 would provide them with the kind of adequate resources they need to continue their efforts throughout the world. I deeply believe in the commission's work and they really maintain the integrity of these historic places throughout the world.

So I would welcome, Mr. Chairman, whatever you think you can do in this year's appropriation.

Mr. Chairman, let me take an opportunity to discuss the funding for a measure, H.R. 3375, which I am involved in, the Convicted Offender DNA Indexing Support Act. That is a cooperative solution that I propose along with Congressmen Ramstad and Stupak to eliminate our DNA background. I understand that Mr. Stupak did testify previously.

The DNA index system is an excellent system for resolving crimes that have been unresolved based on this index system. The problem has been that we have a dramatic increase in the backlog of DNA work. And in order to offset that I worked with the FBI and with our state police department to try to come up with a better solution.

The solution that I have suggested will provide expansion efforts for the State to take care of this backlog of some 700,000 unanalyzed convicted offender DNA samples. I began work last year on this and this will assist our local, State, and Federal law enforcement personnel by ensuring that crucial resources will be provided to the data banks and to crime labs.

The FBI's budget includes a request for \$5.3 million to implement the Federal convicted offender database. The Department of Justice is proposing 15 million under the COPS program to reduce the backlog that needs to be processed in order to get into the CODIS system, where all of these DNA samples are coded. I support these requests and hope the subcommittee will offer their assistance in providing our DNA labs with the necessary support.

Although the administration's request fails to provide any funding specifically for helping our State and local agencies to eliminate this backlog, my measure authorizes \$25 million to be appropriated for assistance in the States and FBI and we would welcome your assistance.

This is a very important tool for our criminal agencies. They have solved a lot of cases. There are now thousands and thousands of cases backlogged because they don't have the resources or the facilities. Your work will help them accomplish that. I just came from a hearing of the Crime Subcommittee and they are working on several measures to try to resolve this backlog.

Thank you, Mr. Chairman.

[The information follows:]

TESTIMONY BY REP. BENJAMIN A. GILMAN

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

MARCH 23, 2000

Thank you, Mr. Chairman, for affording me the opportunity to speak on behalf of the United States Commission for the Preservation of America's Heritage Abroad and for funding for H.R. 3375, the Convicted Offender DNA Index System Support Act, my legislation to combat our Nation's DNA backlogs.

In FY 2001, the Commission on the Preservation of America's Heritage Abroad requests a budget of \$550,000 to continue to meet its legislative mandate.

As anticipated, the Commission continues its strong and steady progress toward achieving its mandate of signing cultural preservation agreements with Eastern and Central European governments. To date, the Commission, working in close collaboration with the U.S. Department of State, has requested and received authority to negotiate and conclude an *Agreement for the Protection and Preservation of Certain Cultural Properties* with 24 countries. This compares to three countries originally authorized in FY 1990, the Commission's first year of operation. The greatly expanded responsibility is due, in large measure, to the dissolution of the former Soviet Union and the subsequent emergence of new republics that seek to celebrate and preserve their cultural identity.

In addition, the Department of State has asked the Commission to work with it and to obtain protective legislation and includes the Commission with its contacts between it and foreign countries where preservation, protection and restitution of holy and cultural sites important to Americans are at issue. The countries with which the commission is actively engaged are: Armenia, Austria, Azerbaijan, Belarus, Bosnia, Bulgaria, Croatia, the Czech Republic, Estonia, Georgia, Germany, Hungary, Latvia, Lithuania, Macedonia, Moldova, Poland, Romania, Russia, the Slovak Republic, Slovenia, Ukraine, Uzbekistan, and Yugoslavia. Furthermore, the Commission continues to compile information on churches and synagogues, monuments, and cemeteries in Eastern and Central Europe that are associated with the cultural heritage of U.S. citizens. This information is critical to

meeting the goal of restoration and preservation of cultural sites. Most importantly, this work puts the Commission at the forefront of U.S. efforts to obtain fair restitution for Holocaust-era communal assets.

The list of the Commission's achievements seems endless. They are actively involved in vital preservation and restoration projects throughout Eastern and Central Europe, establishing *Joint Cultural Heritage Commissions* with the governments of Latvia, Estonia, Lithuania, Belarus, Bulgaria, and Hungary during the next two years and are currently mediating major disputes between religious factions, foreign governments, and local officials on the protection of historic cemeteries.

With adequate funding for FY 2001, the Commission will continue to serve Congress, the White House, the Departments of State and Defense, and Americans who trace their cultural roots to Eastern and Central Europe.

As you know, the Commission received a \$490,000 appropriation from the Congress for FY 2000. This was due, in great measure, to this Subcommittee's strong support of the Commission and recognition of their accomplishments. The Office of Management and Budget reduces this request by \$100,000 in the President's FY 2001 budget request.

In FY 2000, Congress mandated that \$100,000 of the Commission's appropriation be used as seed money for the restoration of the historic Jewish cemetery in Bosnia and Herzegovina, which was at the center of fighting during the siege of Sarajevo. Dedicating a \$550,000 appropriation in FY 2001 would provide the Commission with adequate resources to begin historic cultural site surveys in Russia. There are several hundred potential sites to visit, scattered across this very large country. Moreover, I have been working with the Commission on a very sensitive issue in the Czech Republic. Recently, an ancient Jewish cemetery, possibly containing the remains of significant, historical Rabbis, has been located in downtown Prague in an area of increased construction. The issue has become a challenge to the future of Prague's development and will set a precedent for the future of historical religious sites throughout the new republics of the former Soviet Union.

I believe deeply in the mission of the U.S. Commission for America's Heritage Abroad. In my judgement, they are an excellent example of how citizen volunteer commissions can work with small amounts of government funds to serve our nation's best interests. The Commission has proven itself to be cost effective and efficient. Their staff remains small, administrative expenses modest, travel and

other costs are monitored and well kept. They have kept their commitment too the members who review their annual appropriation and have proven to be a vital asset to thousands of American citizens.

Accordingly, I hope you will support my request for \$550,000 for the United States Commission on America's Heritage Abroad in the FY 2001 Commerce, Justice, State and the Judiciary appropriations bill.

Mr. Chairman, I would also like to take this opportunity to discuss with you funding for H.R. 3375, the Convicted Offender DNA Index System Support Act, the cooperative solution I have proposed with Congressmen Jim Ramstad and Bart Stupak, to eliminate DNA backlogs and close the legislative loophole, which presently exempts federal, District of Columbia, and military convicted offenders from participation in the national DNA database.

Earlier today, I testified before the Subcommittee on Crime about the DNA backlog crisis presently facing our nation's DNA forensic laboratories. As you are aware, DNA is the unique genetic building block found in every cell of the human body. In 1994, the Congress passed the DNA Identification Act, which authorized the construction of the Combined DNA Index System (CODIS), to assist our federal, state and local law enforcement agencies in fighting violent crime throughout the Nation. CODIS is a master database which allows our law enforcement agencies to submit, retrieve and compare DNA samples of convicted offenders and DNA evidence from crime scenes for which there are no suspects.

Since beginning its operation in 1998, every state in our nation has a passed DNA database legislation and the system has worked extremely well in assisting law enforcement. By matching DNA evidence with possible suspects, the national DNA database has assisted in over 1,000 cases and accounted for the capture of over 200 suspects in unsolved violent crimes.

However, the high volume of convicted offender samples awaiting to be analyzed, expansion efforts by the states and a lack of support for our nation's DNA laboratories, have resulted in a growing nationwide backlog of approximately 700,000 unanalyzed convicted offender DNA samples and a backlog of evidence for cases for which there are no suspects.

Through the efforts of New York Governor Pataki and Katherine Lapp, New York State's Director of Criminal Justice, who is attending this hearing today, New York State has recognized the importance of DNA technology as both a tool to assist law enforcement in detecting and identifying multiple offenders in an

expeditious manner, and as a means to exonerating wrongfully accused suspects. Although our state has a backlog of approximately 2,000 samples, in December of 1999, Governor Pataki announced that New York would be expanding collection efforts to include all violent felons and a number of non-violent felony offenders. As anticipated, the expansion of the collection effort has already led to the recent identification of a suspect in a brutal 20 year old Westchester County homicide, a case for which there previously was no suspect.

The increase in collection efforts and the success of DNA technology in New York is a good example of the amazing opportunity CODIS provides nationwide and the challenges we must overcome to make the most of this anti-crime opportunity. The issue of the DNA backlogs is twofold: first, the hundreds of thousands of convicted offender DNA samples, which continue to grow on the shelves of our forensic laboratories, must be analyzed and entered into the CODIS system; second, assistance must be provided to the states to combat the backlog of cases for which there are no suspects.

Accordingly, in June of 1999, I began to work with the Federal Bureau of Investigation and the New York State Police Department to develop a cooperative and comprehensive solution to both DNA backlogs. This measure, H.R. 3375, the Convicted Offender DNA Index System Support Act, will assist our local, state and federal law enforcement personnel by ensuring that crucial resources are provided to our DNA data-banks and crime laboratories.

For our nation's law enforcement community to successfully solve crimes for which there are no suspects, they must first eliminate the convicted offender sample backlog. The effort to analyze and enter convicted offender DNA samples must be coordinated on a national scale to ensure expediency and to provide individual states with access to a full database of convicted offenders. Accordingly, H.R. 3375 will utilize private forensic laboratories, presently available, to provide the states, and the nation, with the most efficient means of eliminating the convicted offender sample backlog. The FBI will develop a plan, in conjunction with the states and the necessary federal agencies, to decide which private laboratories meet established quality control standards and safety requirements and can be used for the analyzation of convicted offender samples. This approach will allow the states to begin the analyzation of these samples immediately and on a nationwide scale.

The FBI's FY 2001 budget includes a request for \$5,335,000 to implement the federal convicted offender database. Section 6 of H.R. 3375, provides necessary clarifying authorization the FBI requires to proceed with implementing a federal-level DNA database for convicted offenders. Furthermore, the

Department of Justice is proposing \$15,000,000 under the Community Oriented Policing Services (COPS) appropriations for grants to reduce the backlog of DNA samples that need to be processed and entered into CODIS. Accordingly, I support these requests and hope that the Subcommittee will offer their assistance in providing our DNA labs with this necessary support.

As the convicted offender backlog is eliminated, our states will be offered the opportunity to apply to a new grant program created by the Convicted Offender DNA Index System Support Act. This grant program, funded by a 75 percent federal, 25 percent state split, will allow the states individually to address their unsolved casework backlogs. One of the most important aspects to understand, as we debate the solution to these problems, is that the national DNA database was created to enable the law enforcement community to collect DNA samples and analyze crime scene evidence for which there are no suspects. CODIS provides law enforcement with the ability to track criminals who cross state lines in an effort to evade detection. For the victims of these unsolved crimes, it is essential that we address and eliminate the unsolved casework backlog.

However, the Administration's budget request fails to propose any funding specifically for assisting state and local agencies in eliminating the backlog crime scene evidence awaiting DNA analysis. Section 3 of H.R. 3375 would authorize \$24.5 million to be appropriated for assistance to the states, while section 4, would authorize \$500,000 to be appropriated to the FBI for upgrades to CODIS and related expenses to support the states. I understand the challenge the Subcommittee faces to fund new programs within our current budget restraints. However, although it may be disturbing to comprehend, we must realize that the unsolved casework backlog represents the hundreds of thousands of victims of unsolved violent crimes throughout our nation, who continue to live in fear that the perpetrators are still at large. Accordingly, I strongly urge the Subcommittee to either direct \$25 million from present funds or unobligated funds to overcome this challenge.

In conclusion, Mr. Chairman, as we are all aware, our Nation's fight against crime is never over. Everyday, the use of DNA evidence is becoming a more important tool to our nation's law enforcement in solving crimes, convicting the guilty and exonerating the innocent. The Justice Department estimates that erasing the convicted offender backlog nationwide could resolve at least 600 cases. The accurate number of unsolved state and federal cases which may be concluded through the elimination of both backlogs is unknown. However, if one more case is solved and one more violent offender is detained because of our efforts, we have succeeded.

The Convicted Offender DNA Index System Support Act, developed through a cooperative effort by our federal and state law enforcement community, represents a bipartisan and comprehensive solution to our nation's DNA backlogs. The total funding of \$45 million will provide our nation's law enforcement with the state-of-the-art crime fighting technology they deserve and will offer the innocent the opportunity to be exonerated.

Mr. Chairman, along with my testimony I would like to submit for the record letters from Governor Pataki in support of my measure, and a letter from FBI Assistant Director, Donald Kerr, of the FBI Laboratory Division, in support of this issue. Thank you for your time and consideration.

Mr. ROGERS. Thank you, Chairman Gilman. Your testimony is appreciated. I know you are on a tight schedule.

Any questions? Thank you very much.

Mr. GILMAN. Thank you very much. I appreciate the opportunity.

Mr. ROGERS. Thank you. Ms. Ros-Lehtinen.

THURSDAY, MARCH 23, 2000.

**CUBA TRANSITION PROJECT, THE DANTE FASCELL
NORTH-SOUTH CENTER AND THE MIAMI BEACH
PROJECT TECHNOLOGY CENTER**

WITNESS

**HON. ILEANA ROS-LEHTINEN, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF FLORIDA**

Ms. ROS-LEHTINEN. Thank you, Mr. Chairman, Mr. Serrano, and Congresswoman Roybal-Allard. Thank you for the opportunity to allow me to testify on behalf of three important projects in my south Florida district. Two of them are housed at the University of Miami: The Cuba Transition Project for Cuban and Cuban American Studies and the Dante Fascell North-South Center. The third project is the Miami Beach Police Technology Project.

On the Cuban Transition Project, Mr. Chairman and members, political change in Cuba from a tyrannical oppression is inevitable and the United States should be prepared to deal with these changes in an effective way to assist Cuba in becoming a free democratic society. Eastern Europe served as an example to us as to how difficult the transition phase may be. To paraphrase, if we don't learn the lessons of history we are condemned to repeat the mistakes.

This Cuba Transition Project is designed to provide policy makers, analysts and other professionals with accurate information, with incisive analysis and practical policy recommendations. It focuses on three major phases: The pretransition and transition itself and the post transition. The results of this project will help the U.S. to play an important role in Cuba's smooth transition and movement from a centrally planned economy and a communist party state to what we hope will soon be a free market democracy.

Because of its programs, its location, materials and language capability and historical associations with Cuba, the University of Miami is believe be perfectly poised to have a positive impact in the transformation of a democratic Cuba. Its unique status and contribution is evident in many of the programs that the University of Miami has already established. Its Cuba On Line database, for example, is a database of historical and contemporary information on the island and also its position as Secretariat of the prestigious Association for the Study of the Cuban Economy. It brings together the most highly qualified economists worldwide for a study of the island.

We should not have Cuba's transition process mimic Eastern Europe's and we should learn from our mistakes. These senior scholars, researchers, and analysts at the University of Miami are the right people to guide us in that direction. We ask that you appropriate 10 million for this vital Cuba Transition Project.

The second project is the Dante Fascell North-South Center also housed at the University of Miami. It seeks to promote better relations with United States, Canada, and nations of the Latin American and Caribbean area. The Fascell North-South Center is rooted in the democratic values of a market driven economy and social justice. Through research, public outreach, education, and training and cooperative study, this information on the Americas will be published and available for the United States to have a better opportunity at improving our economy and expanding jobs and learning the risks associated with partnering countries in the Western Hemisphere to prevent economic catastrophes. The scholars and professionals at the Dante Fascell North-South Center at the university have successfully been able to study the market and publish first quality information and to avoid market failures. We have been very helpful to our neighbors in urging them to take these correct steps. We would like the subcommittee to grant \$1.75 million for this unique center.

And the third project, Mr. Chairman and members, is the Miami Beach Police Department Technology Program. We ask \$1 million for this new technology initiative. The funds will be utilized to enhance communication and response among law enforcement officers with respect to disasters and emergencies. Funds will also be used to acquire the necessary infrastructure to provide real time online public access to crime reports, statistics about crime and crime maps. With an appropriation of \$1 million, the Miami Beach Police Department will develop closer partnerships with the community it serves to better equip their officers in the community and to make Miami Beach and, indeed, south Florida a safer place for all of us to live.

I thank the subcommittee for the time to testify.

[The information follows:]

COMMITTEES:

INTERNATIONAL RELATIONS
GOVERNMENT REFORM

CHAIR:

SUBCOMMITTEE ON
INTERNATIONAL ECONOMIC
POLICY AND TRADE

VICE CHAIR:

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Congress of the United States
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The Honorable Ileana Ros-Lehtinen
Subcommittee on Commerce Justice State and The Judiciary
Committee on Appropriations
March 23, 2000

Mr. Chairman, thank you for allowing me to testify on behalf of three very important projects for my constituents in Miami, Florida. The Cuba Transition Project at the Institute for Cuban and Cuban-American Studies at the University of Miami, the Dante-Fascell North South Center at the University of Miami and, lastly, the Miami Beach Police Technology Project.

The Cuba Transition Project

Mr. Chairman, political change in Cuba from a tyrannical oppressor is inevitable and the United States must be prepared to deal with these changes to effectively assist Cuba in becoming a free, democratic society.

Eastern Europe served as an example for us as to how difficult transition phases may be, and in the words of Santayana "If we do not learn the lessons of history, we are condemned to repeat it."

Mr. Chairman, the Cuba Transition Project is designed to provide policy makers, analysts, and other professionals with accurate information, incisive analysis, and practical policy recommendations.

Focusing on three major phases: pre-transition, the transition itself, and post-transition, the results from the Cuba Transition Project will ensure that the US plays an integral part in a smooth movement from a centrally-planned economy and communist party-state to a free market democracy.

Because of its programs, location, materials, language capability and historical association with Cuba, the University of Miami is perfectly poised to have an integral impact in the transformation of Cuba. Its unique status and contributions is evident in its Cuba On Line database - the only database of historical and contemporary information on Cuba - and its position as secretariat of the prestigious Association for the Study of the Cuban Economy which brings together the most highly qualified economists worldwide studying the island.

Mr. Chairman, we must not allow Cuba's transition process to mimic Eastern Europe's. We must learn from our mistakes. The senior scholars, researchers and analysts at the University of Miami are the right people to guide us in the right direction. I ask that you please appropriate \$10 million for the vital Cuba Transition Project.

The Dante B. Fascell North-South Center

The Dante B. Fascell North-South Center also housed at the University of Miami is another important project that seeks to promote better relations among the United States, Canada, and nations of Latin America and the Caribbean.

The North-South Center is rooted in the democratic values of a market-driven economy and social justice. Through research, public outreach, education, training and cooperative study, imperative information on the Americas will be published and available for the United States to have a better opportunity at improving our economy, expanding jobs, and learn risks associated with partnering countries in the Western Hemisphere to prevent economic catastrophe.

The scholars and professionals at the Dante B. Fascell North-South Center have successfully been able to study the market, publish first quality information and avoid market failures. I urge you to allow them to grow in these endeavors and give them serious consideration by granting \$1.75 million for this unique center.

Miami Beach Police Department Technology Program

Lastly, Mr. Chairman, I ask that you appropriate \$1 million dollars for the Miami Beach Police Department's new technology initiative. Funds will be utilized to enhance communication and response among law enforcement officers with respect to disasters and emergencies. Funds will also be used to acquire necessary infrastructure to provide real-time, on-line public access to crime reports, crime statistics and crime maps. With an appropriation of \$1 million dollars, the Miami Beach Police Department will be enabled to develop closer partnerships with the community they serve and be better equipped to make Miami Beach a safer place.

Mr. ROGERS. The gentlelady has given us a workload and if this budget resolution, if it passes on the floor and allows us any leeway, we will be anxious to help what we can. Any questions?

Ms. ROS-LEHTINEN. I should try to take an earlier flight then. Thank you, Mr. Chairman.

THURSDAY, MARCH 23, 2000.

JOINT COMMUNICATIONS TECHNOLOGY PROJECT AND A NEIGHBORHOOD REVITALIZATION PROGRAM

WITNESS

HON. KAREN THURMAN, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF FLORIDA

Mr. ROGERS. Mrs. Thurman, you are recognized. Your written statement will be made a part of the record and you may summarize.

Mrs. THURMAN. Thank you, Mr. Chairman. I know you have been sitting through a lot of testimony today and every time I come to testify before this subcommittee. We have a very needy country out there, and I understand and appreciate that. And I—I can't imagine the tasks that are before you in trying to make decisions. But, I would be remiss if I did not come with projects for the district that I represent in the communities that I have the opportunity to serve.

There are a couple of projects here that are very important to the community. I have to say I think the one thing that we bring strength in is a lot of our communities are starting to work together, our cities and counties, in trying to bring joint projects that they are both investing in to try to make their communities safe. One of the areas that we have talked about in here before, and in fact our sheriff was up here a couple of years ago, is the City of Gainesville's Communications Technology Project. We are seeking funding to put a Joint Communications Technology Project together to enhance public safety. Again this is the City and Alachua County. They have initiated a joint communication system for the future. The interesting part about this is also it takes care of our regional rural area. It also covers a very large portion of north Florida.

We also have a project that is dealing with Partners for a Productive Community, and we are seeking Federal funding to expand our neighborhood revitalization program. It has actually worked already within the county, but they are trying to expand it out into some of the more rural areas. Again it is a joint project to take what is already successful and move it out so it is successful for the entire community.

There is an area though that we have come up with a shortfall of about \$770,000, which is a business incubator, the Technology Center, that actually broke ground a couple months ago. When it was launched about 3 years ago the construction costs were going to be about \$60 per square foot. They have now gone to \$87 per square foot. We are about \$770,000 short. It would be a shame for us to lose what has already been invested, about \$1.4 million, because of the shortfall.

We have some other projects here but I look like the last one here, at least when I came up. So if I get out of here maybe you can take a break. I hope you would consider mine and thank you. I will answer any questions.

[The information follows:]

**STATEMENT OF REP. KAREN L. THURMAN (D-FL)
COMMERCE-JUSTICE-STATE-JUDICIARY APPROPRIATIONS
MARCH 23, 2000**

Mr. Chairman and Members of the Subcommittee, I am appearing today on behalf of Alachua County and the City of Gainesville, Florida. Each of these jurisdictions are submitting their own written request to you. I first want to thank you for all your past support for the needs of the State of Florida, Alachua County and the City of Gainesville. With that in mind, I respectfully bring to your attention an important initiative being undertaken by Gainesville and Alachua County, which needs Federal assistance.

Department of Commerce

The Gainesville (Florida) Technology Enterprise Center (GTEC) will serve the region as a technology business incubator. GTEC is located in the City's Enterprise Zone and will provide space for new, emerging technology and light assembly business with the potential for high growth and high wage job creation. When the project was launched three years ago, construction costs were estimated at \$60 per square foot. By the time bids were opened this past January, costs increased to \$87 per square foot. The City has secured a \$1.44 million EDA Public Works Impact Grant, and the City and Alachua County have contributed \$180,000 toward the project. The community simply cannot cover the \$776,000 shortfall.

Without the remaining funds, GTEC will be a building without interior facilities needed to conduct business operations. An incomplete GTEC would hurt the community, including the Enterprise Zone, and the City's neediest citizens. GTEC is very important to redevelopment efforts in East Gainesville and the Enterprise Zone. The City continues to seek funds to eliminate the shortfall but requests that funds be allocated—from the Secretary's discretionary funds or from another source—to assist this important regional venture. I, therefore, hope that the Subcommittee will *find the \$700,000 or will suggest that the Department of Commerce provide these funds* from existing resources.

Economic Development Administration

Partners for a Productive Community:

The Alachua County Commission seeks federal funding to expand its successful neighborhood revitalization program to other neighborhoods throughout the County and to serve as a national model for distressed communities.

The Partners for Peace Community was launched as a strategic planning effort to establish neighborhood-based services; to develop public/private partnerships and to focus on prevention. The Office of Code Enforcement and the Alachua County School Board depend upon the coordinated efforts of the following: 1) Alachua County Sheriff's Office which seeks to reduce the number of 911 calls from the area and to develop trusting relationships with the residents interested in improving their community; 2) The Court system that helps with the swift

prosecution of cases brought forth and to increase personnel in key areas to handle the caseload;
 3) Community Services Department through its Program Manager to develop and implement a needs assessment, to assess social services needs in accordance with the results of the assessment, and to develop a community council comprised of owners, tenants, and property managers.

Alachua County has submitted a request of \$2.3 million through the Economic Development Administration.

Depot Avenue Project:

The City of Gainesville intends to create the Depot Avenue Stormwater Park, which will consist of a number of components serving to enable economic redevelopment in a downtown setting, to extend existing recreational facilities, to support alternative transportation, to improve stormwater treatment, and to restore a small urban wetland in Gainesville.

The City has submitted a request for \$4 million through the Economic Development Administration for this important initiative. Negotiations are also ongoing with the US Environmental Protection Agency, the Department of Housing and Urban Development, and the State of Florida to inject additional monies.

I hope that you will be able to secure funds for the initiation of this project.

Department of Justice

COPS Technology Account

Joint Communications Technology Project

The City of Gainesville is seeking a funding strategy for a joint communications technology project to enhance public safety. The goal of this effort is to facilitate communications between our urban area public safety agencies through the use of system-wide communications software and technology upgrades. The City and Alachua County have initiated a joint communications system for the future. The impact for the entire region is considerable, since the county serves as the regional center for much of rural north Florida's medical care, disaster management, and criminal justice services.

The City is requesting \$1 million for the Joint Communications Technology Project.

Byrne Grants, Local Law Enforcement Block Grants, and Drug Courts

Comprehensive Management of Drug-involved Offenders

Alachua County is currently seeking funds for its Court Services Department for a coordinated continuum of services targeting substance abusing offenders across the criminal justice spectrum to further reduce the incidence of drug-related crime throughout the County. The Court Services Department includes a comprehensive array of alternatives including: pretrial

services, county probation, community service, drug court, work release facility, and a residential treatment program for drug addicts.

Alachua County is requesting \$2.3 million through the Byrne Grants, Local Law Enforcement Block Grants, and Drug Courts.

Finally, I will be submitting a letter to the Subcommittee within the week. That letter will outline my other interests in programs under your jurisdiction.

I would appreciate your giving these matters your careful consideration.

Mr. ROGERS. Thank you very much. You just made a lot of points. Any questions?

Mr. SERRANO. Thank you.

Mr. ROGERS. Thank you very much.

Mr. McGovern and Mr. Frank.

THURSDAY, MARCH 23, 2000.

NATIONAL TEXTILE CENTER

WITNESSES

HON. JIM MCGOVERN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

HON. BARNEY FRANK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

Mr. MCGOVERN. Thank you, Mr. Chairman, for allowing us to appear before you today. We are here to ask the subcommittee to appropriate 15 million for the National Textile Centers in the fiscal year 2001 Commerce, Justice, and State appropriations bill. I represent Dartmouth, Massachusetts, which is located, which also borders Congressman Frank's district, which is in New Bedford. This program has already generated a great deal of help for the textile industry, which is still alive and well in our region of the country. The best way for textile companies to remain in business in the face of international competition is by developing innovative processes, identifying niche markets, and in providing other innovative ways to help them compete. We have been told that already 250 million in economic activity could be traced to the \$54 million in Federal investment in the National Textile Center since fiscal year 1992.

This is an important program. I think all of the universities that benefit from this will attest to the fact that it has been of great value and, even more importantly for us, it has been an incredible help to the industry in our area in keeping people employed.

I will submit my total testimony for the record.

[The information follows:]

**Testimony of U.S. Representative James P. McGovern
Before the Subcommittee on Commerce-Justice-State
Appropriations Regarding National Textile Centers
Thursday March 23, 2000**

Thank you Chairman Rogers and Mr. Serrano for allowing me to testify before the subcommittee about the National Textile Centers and for your continuing support of this worthwhile program. As a Congressman whose district is served by several National Textile Center (NTC) projects at the University of Massachusetts Dartmouth, I would like the subcommittee to provide \$15 million in the FY 2001 Commerce-Justice-State appropriations bill for the National Textile Centers.

As many of you know, the American textile industry has been hard hit by international competition in recent years causing significant job loss as once profitable firms have been forced to close. This is especially true in Southeastern Massachusetts. It is becoming increasingly difficult for manufacturing firms to survive

in an increasingly internationalized economy despite the fact that they have thrived for years.

The best way for textile companies to remain in business in the face of international competition is by developing innovative processes, identifying niche markets and in other ways providing products or services that may not be available from overseas sources. For most of the last decade, the National Textile Center has been responsible for important advancements in specific technologies and approaches to research that have yielded significant economic benefits to the industry and the economy as a whole. Recent successes in these areas include:

- Development of improved fabric inspection systems,
- Creation of computer models that promote “quick response” domestic sourcing as opposed to offshore sourcing,
- Refinement of web site technology to better match retailers with domestic apparel manufacturing capacity,
- Improvements in production methods for synthetic fibers,

- Advances in biotechnological production of polyesters,
- And breakthroughs in innovative uses for recycled materials.

Altogether, \$250 million in economic activity can be traced to the \$54 million in federal investment in the National Textile Center since FY 1992.

Over the past eight years, the NTC has received between \$7 and \$9 million annually. Last year this subcommittee provided \$9 million for the program. This amount has supported research programs at the six consortium universities: Auburn, Clemson, Georgia Institute of Technology, North Carolina State, Philadelphia University and UMass Dartmouth. From this core the research has extended to over 20 universities. However, even this augmented university participation does not provide the additional expertise needed, particularly to conduct needed research in the areas of technology transfer, consumer-driven manufacturing and next generation manufacturing systems. \$15 million is needed to

reach out to these experts, who will enhance the expanded programs that the industry deems absolutely necessary.

For these reasons I urge the subcommittee to provide \$15 million in the FY2001 Commerce-Justice-State Appropriations bill for the National Textile Center.

Mr. ROGERS. Thank you.

Mr. FRANK. This is genuinely a national program. The center itself is in Delaware, and the University of Alabama, Georgia, Massachusetts, and mostly in the South, both Carolinas participate. I think the justification is that it is American trade policy which has caused obviously some of the problems here. We pay lip service to the principle that what we should do is go forward with open trade and then compensate those who have been hurt and try to deal with it.

This is a genuine effort to do this. This is an effort developed within the United States, a technology based textile industry, so that whereas we can't compete simply in the area of wages we would have some sector of industry, a high tech sector here. And understand that much of the textile industry goes overseas because of wage deficits, but we can develop some technology based activity here and that has happened. It has saved some jobs and it is a relatively small investment. And a national center willing to distribute technology is the model for, people tell us, what we are supposed to do with regard to facilitating globalization while trying to minimize the impact on working America. It has been very important for us.

University of Massachusetts at Dartmouth is a very good example of a university that works very well with the private sector in the surrounding communities. So we think this is a project that at least as far as we know complies with what people tell them they are supposed to do.

[The information follows:]

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MARCH 23, 2000

TESTIMONY OF CONGRESSMAN BARNEY FRANK

SUBCOMMITTEE ON COMMERCE, JUSTICE, STATE AND JUDICIARY

Mr. Chairman, I appreciate very much having the opportunity to appear before the subcommittee today to express my strong support for providing \$15 million in Fiscal Year 2001 funding for the National Textile Center (NTC) program, and to urge you to include this level of funding in the Commerce Subcommittee bill.

As a representative from an area where one of the NTC member institutions (the University of Massachusetts' Dartmouth campus) is based, I believe it is essential to provide a level of funding for the program that will ensure that all the schools in the program are able to continue at the maximum capacity the vital research they have performed under NTC's leadership. As a result of the research conducted by the six member schools to date, significant progress has been made in developing new technologies and research models that have produced substantial scientific and economic benefits to the textile industry and the U.S. economy generally.

Obviously, in any discussion of the textile industry, some mention must be made of the impact that foreign competition has had on the U.S. industry. In the Southeastern part of Massachusetts, portions of which I represent, thousands of jobs have been lost in recent years because of foreign imports, and with the ever-increasing trend of globalization in economic affairs, it is clear that foreign pressure on our domestic textile industry -- both in Southeastern Massachusetts and in other parts of the country -- will continue. Among the best ways for textile companies to remain competitive when confronted by this international pressure are developing innovative processes and more efficient means of production, and identifying niche markets or new products not available from overseas sources. With NTC assistance, significant advances in all of these areas have been made in recent years, and I believe it is essential to continue this trend.

A broad listing of the program's achievements include the following: over \$250 million in new economic development; 22 patents and applications; over 1000 publications and presentations; 64 projects completed; nearly 700 students involved in research; and over 2700 industrial collaborations. To be more specific, the NTC program has sponsored successful research to improve fabric inspection systems, create computer models that promote "quick response" domestic sourcing, refine web site technology to better match retail needs with manufacturing capacity, develop breakthroughs in manufacturing methods for synthetic fibers, improve biotechnological production of polyesters, and make gains in new uses for recycled materials.

At UMass Dartmouth itself, some of the key current research projects include Fundamentals of Flocking, in which university researchers are working closely with the 50 member American Flock Association to develop fundamental understanding of the properties of flocking (a method for attaching short fibers to lower layers of material, a rapidly growing sector of the industry); Domestic Apparel Manufacturing: When Is It Competitive?, in which researchers are working successfully with local companies to develop models aimed at ascertaining new methods for profitably manufacturing apparel in this country; and Moisture Transport, the objective of which is to understand and quantify the moisture transport in textile structures in order to facilitate development of new materials for fluid management (i.e. wetting, transport and drying).

Mr. Chairman, these are the kinds of serious research projects that are helping the U.S. textile industry to remain competitive, but they would be much more difficult to undertake without NTC support. Indeed, I believe the NTC program is one of the best examples of how collaboration between business, institutions of higher learning and government can produce benefits that go substantially beyond what each can accomplish on its own, and, again, I urge you to support a Fiscal Year 2001 funding level of \$15 million for the NTC.

Thank you for the opportunity to testify on this important matter.

Mr. ROGERS. We thank both of you for your testimony. We provided \$9 million this current year——

Mr. FRANK. They are looking for an increase.

Mr. ROGERS. I don't know what the budget request was. I think it is zero last year. I think it is again zero. We have \$9 million. It is an interesting topic. I formally had lots of textile workers in my district. I have hardly any now after NAFTA. They went south. Fruit of the Loom has flown the coop and many others. I wish you well on trying to develop a high tech textile end. I am a little bit pessimistic about that. I don't know how we can do that but——

Mr. FRANK. First of all, I know that the loss of Fruit of the Loom was painful, of course. Now Fruit of the Loom is going down the tubes. Even if you had it you wouldn't have. There are mixed emotions to the reaction of the departure of Fruit of the Loom.

Mr. ROGERS. If they had stayed here we would have taken care of them.

Mr. FRANK. He thinks he can take care of himself. I appreciate that. It does stress that we do think there is some national responsibility to try to help people who are the victims of trade policy. They have had some success. It is obviously a much smaller industry but the flocking process appears to be one where it works well. We have Malden Mills up in Massachusetts where they had the fire. But at least so far it has at least helped it to keep, albeit a much smaller one, to keep going.

In any case, we have a university that does work on an ongoing basis with firms in both the cities on either side.

Mr. MCGOVERN. In the testimony I submitted to the committee it kind of lists the number of successes that the money you have already invested achieved for the industry, which have helped strengthen the industry and keep it alive.

Mr. FRANK. I voted against that because I wanted to protect the owners.

Mr. MCGOVERN. I would have voted against that if I was here.

Mr. ROGERS. So did I. Thank you both for your testimony. We are in recess for the moment.

[Recess.]

THURSDAY, MARCH 23, 2000.

NEWARK ARENA, OPERATION NITRO, AND THE CENTER FOR BIODEFENSE

WITNESS

**HON. DONALD PAYNE, A REPRESENTATIVE IN CONGRESS FROM THE
STATE OF NEW JERSEY**

Mr. ROGERS. Mr. Payne, you are recognized. We will make your written statement a part of the record and if you would, summarize it for us.

Mr. PAYNE. Thank you, Mr. Chairman. It is a pleasure for me to be here to come before the subcommittee to give me an opportunity to testify here today about requests of critical importance for my congressional district, the 10th Congressional District of New Jersey, right across the river from Congressman Serrano. It includes my hometown.

Mr. SERRANO. It is well noted.

Mr. PAYNE. Thank you. I very much appreciate all of the help in the past you have given in the past and I look forward to your continued support.

Let me just quickly touch on three specific requests. First is the Newark Arena. This is a very new economic development initiative which is evolving from a concept to concrete plans. There is a unique opportunity for a major downtown facility linked to key transit hubs. The synergy of a major tenant that is committed to invest for the community for its development and opportunities for upgrading the center city retail and economic environment makes this a very attractive proposal. It is anticipated that the arena would be open for business in the year 2002. For site acquisition and construction, a total of 20 million is requested through the Economic Development Administration of the Department of Commerce.

Secondly, the next request is for a Criminal Justice Operations Narcotics Interdiction to reduce open air drug markets, NITRO. This program is designed to improve the quality of life in the city's neighborhoods by reducing the incidents of drug trafficking.

The Newark Police Department's statistics show that an estimated 80 percent of crime in Newark is drug related. The single most significant impact law enforcement could have is through dismantling criminal enterprises by targeting the infrastructure and profits associated with the drug trade. Operation NITRO is a comprehensive effort designed to address long-term operations through collaboration strategies as, one, proactive street level enforcement to search warrants for mid and upper level drug trafficking networks, asset seizures through civil enforcement, neighborhood problem solving, and high visibility fear reduction. The Police Department has identified requirements for specialized facilities and equipment needs such as cellular phones, wireless transmitters, recording devices, night vision infrared equipment will be needed. In addition, vehicle based computers, cameras and videotape recorders are needed to facilitate this operation.

Finally, and my last request is for the Center for Biodefense. Changing international conditions, post-Cold War deployment of U.S. troops in new geographic areas and an increasingly global economy has contributed to a resurgence of infectious diseases and the threat of domestic and international chemical and biological attacks. We saw that in New York City with the West Nile virus. And so UMDNJ has created an International Center for Public Health, a world class infectious disease research and treatment complex in the University Heights Science Park in Newark as a direct response to this emerging public health and safety crisis. The center consists of the Public Health Research Institute, an internationally prestigious biomedical research institute that conducts a broad range of infectious disease and public health research; the UMDNJ National Tuberculosis Center, one of the three federally funded TB centers; and the UMDNJ New Jersey Medical School Department of Microbiology and Molecular Genetics.

The center has received State and Federal support in its mission to become one of the premier centers focusing on infectious disease research and treatment. UMDNJ University Hospital will coordi-

nate training programs for emergency department physicians and nurses. University EMS will also coordinate EMS technical classes. Participants from these programs will be from Newark area hospitals, Level I and Level II trauma centers, and specialty healthcare centers. This is the critical logistical challenge confronting New Jersey, and it warrants your particular consideration.

With that, Mr. Chairman since our time is running out, I would urge your strong consideration for these three very worthwhile projects, one of many that are needed. And I know of the dozens and dozens that come before you, but I do feel that these three unique projects will have a tremendous impact on the State of New Jersey and in the 10th Congressional District which still lags behind other areas. With the great resurgence in this Nation, we are still lagging behind. So I would appreciate any consideration you can give us.

[The information follows:]

**Testimony of
Congressman Donald M. Payne**

10th District, New Jersey

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

March 23, 2000

Thank you Chairman Rogers, Ranking member Serrano, and all of the members of the Subcommittee for giving me the opportunity to testify here today about requests of critical importance to my Congressional District, the 10th Congressional District of New Jersey which includes my hometown of Newark. I very much appreciate all of your past help and look forward to working with you as this year's appropriations process moves forward.

Let me just touch briefly on three requests for which I am respectfully requesting the Subcommittee's consideration:

The first is the Newark Arena:

As this new economic development initiative is evolving from concept to concrete plans, there is a unique opportunity for a major downtown facility linked to the key transit hub. The synergy of a major tenant that is committed to investment in community development, and opportunities for upgrading the center city retail and economic environment, makes this an attractive and singular proposal. It is anticipated that the arena will be open for business in 2002. For site acquisition and construction, a total of \$20 million is requested through the Economic Development Administration of the Department of Commerce.

The next request is for a Criminal Justice Initiative: Operation NITRO (Narcotics Interdiction To Reduce Open-air Drug Markets):

This program is designed to improve the quality of life in the City's neighborhoods by reducing the incidence of drug trafficking.

The Newark Police Department's statistics show that an estimated 80% of crime in Newark is drug related. The single most significant impact law enforcement can have is through dismantling criminal enterprises by targeting the infrastructure and profits associated with the drug trade. Operation NITRO is a comprehensive effort designed to address long-term operations through collaborative strategies: proactive street-level enforcement, search warrants for mid and upper-level drug trafficking networks, asset seizure through civil enforcement, neighborhood problem solving, and high visibility fear reduction. The Police Department has identified requirements for specialized facilities and equipment needs, such as cellular service, wireless transmitters, recording devices and night vision/infrared equipment are required. In addition, vehicle based computers, cameras and videotape recorders are needed to facilitate this operation.

My final request is for funding for the Center for Biodefense:

Changing international conditions, post-Cold War deployment of U.S. troops in new geographic areas, and an increasingly global economy have contributed to a resurgence of infectious diseases and the threat of domestic and international chemical and biological attacks. UMDNJ has created the International Center for Public Health, a world class infectious disease research and treatment complex in University Heights Science Park, Newark, as a direct response to this emerging

public health and safety crisis. The Center consists of the Public Health Research Institute, an internationally prestigious biomedical research institute that conducts a broad range of infectious disease and public health research; the UMDNJ National Tuberculosis Center, one of three federally-funded TB centers; and the UMDNJ-New Jersey Medical School Department of Microbiology and Molecular Genetics. The Center has received state and federal support in its mission to become one of the premier centers in the country focusing on infectious disease research and treatment. UMDNJ-University Hospital will coordinate training programs for emergency department physicians and nurses. University EMS will also coordinate EMS technical classes. Participants in these programs will be from Newark area hospitals, Level I and Level II trauma centers and specialty health care centers.

This, and the critical logistical challenges confronting New Jersey, warrant a designated center for the State, to ensure a coordinated research effort -- one that will draw together the resources of our investment in Science Park and the International Center for Public Health, our newly designated School of Public Health, and which will reinforce the national and international recognition that UMDNJ has earned for its work on infectious diseases.

Again, Mr. Chairman, I appreciate your Subcommittee's willingness to consider these requests and I look forward to working with you.

Mr. ROGERS. Thank you very much for your very eloquent statement. Did you say 80 percent of the crimes are drug related?

Mr. PAYNE. That is right.

Mr. ROGERS. What is the chief drug they have been using?

Mr. PAYNE. It is cocaine. What happens is out of towners come into the city. Drug dealing is something that is done very rarely in the suburbs, and suburban use is as high as in the city. Matter of fact, it is much higher because inner city people can't afford it. So the out of towners come in late at night or early in the morning; there is a pattern. That is why we need the infrared things. They will come in at 3:00 or 4:00 in the morning, 5:00 o'clock in the morning, 1:00 or 2:00 in the morning, any time after dark. It is cocaine.

Now, we have a new drug that is being used in the suburbs that is used by teenagers, and New Jersey has sort of the highest growing number of users that are addicted to it. It is very hallucinatory and dangerous and could actually cause death.

Mr. ROGERS. Is that methamphetamine?

Mr. PAYNE. That is correct, coming from the Netherlands. Newark International Airport, now being a new international airport, direct flights from Amsterdam, we see that this drug, like I said, is usually white teenage and young adults from suburban communities, is another problem that we have.

So the bad part about it is that many of these youngsters are really not bad kids. It is just that they figure this is the only thing they could do for a living. It is sad. You would be surprised. You could have a roomful of drug dealers and you could have a roomful of kids going to high school and college and you wouldn't know the difference because they are basically not bad. When I was a kid if a guy was a criminal he was tough, rough, you have got to keep out of his way. These kids are just kind of brought in because they have nothing else to do.

So anything we could do in this area would not only help the city but perhaps these kids in the future if we could cut it off and try to redirect them.

Mr. ROGERS. We made available now for several years running and including the current year hundreds of millions of dollars for the local law enforcement block grants. Moneys can be used for anything that the local law enforcement people feel is suited to their needs. So I would encourage you and them to attempt to get grants through that program, and the Juvenile Justice Grant Program as well, and the Violence Against Women Grants. There are lots of grants that Justice has. And the record shows they don't give all of that money out every year. So there is money there. And I would encourage you and your local police departments to seek that out.

One final question. You mentioned tuberculosis. Is there a resurgence?

Mr. PAYNE. Yes. As a matter of fact, the strain is very—it is a tough strain. One of the problems that happened when tuberculosis reemerged was that no one made the drug to deal with it, the streptomycin. No one made it and it was of no profit to the drug makers. So when it reoccurred there was a lack of adequate drugs to handle it. Currently this new tuberculosis though is resistant to

the old treatment. There has to be a cocktail of three or four different drugs that have to be brought together. As a matter of fact, we have outreach with people that go in and find—it has to be taken daily if you are going to eradicate the disease. So it is a tough strain. We have this new center that is dealing with it to see about—you know, cocktails or something. You have to take four or five pills. If they can take the ingredients of four or five and then come up with a single pill, then you are going to have more success. One of the reasons people don't want to come to take it is all day long you are simply taking pills.

But it is a new resistant strain. It is tough to—you see the bad part about tuberculosis is you don't have to—to get certain diseases you have to maybe do something you shouldn't have done. Tuberculosis, all you have to do is be on the subway and someone coughs in your face or on the metro or in a bus or plane. It is just contagious. Therefore, I think that we really have a responsibility because you can get it just by being and standing somewhere.

So I would hope that we could really have the focus on this new resurgence because if we are going to have resistant strains we are in bad shape. Once again a resurgence in tuberculosis is just unbelievable.

Mr. ROGERS. Thank you for your testimony.

Mr. Serrano.

Mr. SERRANO. Just very briefly on that point. I am very much familiar with this issue of tuberculosis. When I was a child it was major problem in Puerto Rico and then it became a problem of the Puerto Rican communities in the United States. Then, thank God, with drugs and proper nutrition and rest and whatever it disappeared. Now it has come back, not related to any particular community like it was before but related in general to a condition, where he is correct. It could be someone who is suffering from the HIV infection or who has got a drug problem and then it is spreading throughout areas like ours and throughout cities like ours with no relationship to anything that doctors can point a finger to. So it is really a major problem.

One last point, Mr. Chairman. We don't seem to be paying attention to it. We don't seem to know that it came back.

Mr. PAYNE. That is right. It is definitely back.

Mr. ROGERS. Thank you so much for your testimony.

THURSDAY, MARCH 23, 2000.

TESTIMONY OF MEMBERS OF CONGRESS

WITNESS

HON. JIM SAXTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

[The information follows:]

STATEMENT BY THE HONORABLE JIM SAXTON, CHAIRMAN,
SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND
OCEANS, BEFORE THE SUBCOMMITTEE ON COMMERCE, JUSTICE,
STATE AND THE JUDICIARY: MARCH 23, 2000.

I appreciate the opportunity to testify this afternoon concerning the Fiscal Year 2001 budget for the National Oceanic and Atmospheric Administration (NOAA).

I chair the Subcommittee on Fisheries Conservation, Wildlife and Oceans which has jurisdiction over NOAA's coastal, ocean and fishery programs. These programs are of great importance to my constituents in New Jersey and to the millions of Americans who live near our Nation's coasts.

The Fiscal Year 2001 Administration budget request does better by NOAA's wet-side programs than any budget we have seen in several years. However, there are some problems that I would like to bring to your attention.

Navigation Services:

Safe navigation is one of the fundamental underpinnings of our national economy. Shipping cannot safely take place without accurate charts and tide and current data. In 1998, Congress enacted the Hydrographic Services Improvement Act (P.L. 105-384). This Act established a framework for the National Oceanic and Atmospheric Administration (NOAA) to implement new state-of-the-art technologies to modernize the United States hydrographic services program. Although some progress is being made updating these programs, additional resources are still needed for this program. The lack of sufficient funds crippled the ability of the United States to provide the accurate and up-to-date information about U.S. waters which is essential to safe navigation and efficient commerce and, until recently, prevented NOAA from taking advantage of the revolutionary technological advances in data acquisition, compilation and display.

Specifically, additional resources are needed in four areas of navigation services: PORTS, compilation of data, acquisition of data, and multibeam sonar technology. I will briefly address the needs in each of these areas.

PORTS:

The first priority this year for improving the U.S. hydrographic services program is to provide NOAA with the funds it needs to quality assure data from real-time tide and current data measurement systems, also known as Physical Oceanographic Real-Time Systems (PORTS). Advances in measurement and communications technologies in the last few years has made it possible to provide ship operators with real-time tide and current data. Such data is critical to

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pilots to increase both the efficiency of commerce and provide additional margins of safety for the protection of the environment and human life.

In Fiscal Year 2001, the Hydrographic Services Improvement Act authorizes \$4.5 million for the quality assurance program, and \$7 million for the design and installation of PORTS around the country. We believe that the fully authorized amount is justified and should be provided to meet the needs of the maritime industry and to allow the PORTS program to grow toward national coverage. At a bare minimum, however, it is absolutely essential that no less than the Administration's budget request of \$15 million be provided for the Tide and Current Data line item, which includes \$2.8 million for the PORTS quality assurance program.

Compilation of Data:

With the support of your Committee, both the amount and quality of up-to-date survey data being produced has increased over the last two years. Additional resources are now needed to assure that this data is incorporated in NOAA charts and distributed to users in a timely fashion. The Hydrographic Services Improvement Act authorizes \$35 million for mapping and charting activities in Fiscal Year 2001, and I urge you to provide the full authorized level. In addition, I request that you support the Administration's request for \$1.3 million to develop electronic charts.

Acquisition of Data:

At present, some 34,000 square nautical miles of U.S. waters are considered critical to commercial navigation and need to be resurveyed. NOAA estimates that it would require 22 years at \$18 million, the level requested by the Administration for Fiscal Year 2001, to chart these areas. This pace is much too slow, however. The Hydrographic Services Improvement Act authorizes \$27 million for contracts for hydrographic surveys in Fiscal Year 2001, and I urge you to support this amount. It is crucial that at least \$21 million, the amount that was available in Fiscal Year 1999, be provided for hydrographic survey contracts. Any less would result in a retreat from the current level of effort.

Multibeam Sonar Technology:

In addition to gathering hydrographic survey data from contractors, NOAA also operates three government-owned and staffed hydrographic survey vessels. These vessels do not currently have a complete suite of up-to-date hydrographic surveying equipment on each vessel. This deficiency makes these vessels less efficient than the contractors, and makes it more difficult for NOAA's hydrographers to certify the data prepared by the contractors which do have access to the latest technology. The addition of up-to-date equipment on these ships would also make NOAA vessels more effective when it assists the Navy and Coast Guard in search, rescue and recovery operations. Therefore, I urge you to provide \$1.6 million to complete the hydrographic equipment upgrades of their vessels.

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In short, to build upon the slow progress that has been made in the last five years, I urge you to support the purpose of the Hydrographic Services Improvement Act and give meaning to Congress' intent to increase navigation safety and the efficiency of U.S. trade. Specifically, I ask you to provide: 1) the authorized level of funding for the Tide and Current Data line item; 2) \$27 million for hydrographic survey contracts; 3) \$35 million in Fiscal Year 2001 for the base mapping and charting program, and the \$1.3 million requested by the Administration to develop electronic charts; and 4) \$1.6 million to complete the hydrographic equipment upgrades of NOAA vessels. The funding levels requested here are the absolute minimum needed to provide the tools necessary for safe navigation. I urge you to provide funding for Navigation Services at the level requested by the Administration plus the minor increases detailed here.

Ocean Exploration:

The Office of Oceanic and Atmospheric Research (OAR) is responsible for the basic research that leads to improved environmental and weather predictions and, in turn, leads to improved resource management decisions. Unfortunately, without adequate financial support, the new technology that is available cannot be used by our scientists to further our understanding of the ocean. Therefore, I am requesting the creation of a new Ocean Exploration line item under Ocean and Great Lakes Programs that would include VENTS, LEO-15, Aquarius, Alvin and other Sea Floor Observatories. Of particular concern is supporting the work of LEO-15, the Long Term Environmental Observatory at 15 meters, which is in my Congressional District. LEO-15 collects data that enables scientists to make biological and physical forecasts. These forecasts will improve our ability to manage our resources as well as protect human health. I urge you to support the research done at LEO-15, and I request \$3.5 million for its operation. To support this new line item, I request a total of \$13.3 million and another \$10 million for the remaining National Undersea Research Program (NURP) centers. With this support, NOAA will be able to use data collected from sea floor observatories to help build sustainable fisheries, maintain healthy coasts, and learn about ocean biodiversity and ecosystems, as well as understand and predict environmental change.

I also request that you support the Administration's request of \$9 million for Ocean Observations under the Climate Observations & Services line item. With this \$9 million, NOAA will be able to continue to implement an integrated global oceanographic observation network necessary for climate forecasting and research. It is in the Nation's long-term best interest to provide adequate funding to conduct ocean research, and I urge you to support OAR's ocean research and the creation of the new Ocean Exploration line item.

Sea Grant:

The importance of coastal, marine and Great Lakes ecosystems in sustaining a healthy economy and environment make the National Sea Grant College Program a top priority in Fiscal Year 2001. As a highly successful partnership between the Federal Government, States, universities and the private sector with wide Congressional support, the Sea Grant Program has

- 4 -

become a national leader in many of its program areas. Furthermore, evaluations of Sea Grant's performance have consistently shown that this program provides a return to the taxpayers which is many times its annual budget. However, for the last two decades, Sea Grant's funding has lagged behind its parent agency, NOAA, as well as the overall appropriations bill in which it is funded. Moreover, NOAA's science funding has not kept pace with other Federal research-oriented agencies. Therefore, in order to continue its high quality work by attracting top-quality scientists and state-of-the art projects, real funding needs to increase significantly to offset years of stagnant and reduced funding. I recommend the National Sea Grant College Program to you as a truly outstanding program, and I urge you to provide an appropriation for Sea Grant at the fully authorized level of \$66.8 million in Fiscal Year 2001.

Striped Bass and Bluefish:

Striped bass and bluefish are two important species that support valuable commercial and recreational fisheries all along the Atlantic coast, including my home State of New Jersey. Unfortunately, these species have a history of population swings, the causes of which are poorly understood. The successful recovery of striped bass from a population crash twenty years ago is due in part to your continued support for ongoing striped bass and bluefish population dynamics and predator/prey relationships. However, the population of bluefish is at an all-time low, and declining. The need for continuing study of these fisheries is clear. Thanks to your efforts, \$1 million was appropriated in Fiscal Year 2000 to NOAA's National Marine Fisheries Service (NMFS) for this research. Unfortunately, the Administration budget proposal does not request any funds for FY 2001 to continue this critical research. Therefore, I respectfully request that your Committee include \$1 million for the "Bluefish/Striped Bass" line item in the NMFS budget in Fiscal Year 2001 to continue this important program.

In addition, I also urge you to support the "Anadromous Grants" account within the "State and Industry Assistance" portion of the NMFS budget at the President's requested level of \$2.1 million. This account is used, in part, for tagging and population studies of anadromous species, including striped bass. These funds are used in cooperation with the States, and generate the continuing striped bass stock assessment and population data necessary for management decisions each year.

I understand that your Subcommittee faces many demands on its limited allocation. However, these small increases above the President's budget are vitally important to increase our understanding of living marine resources and assure safe and efficient international maritime trade. I look forward to working with you again this year to enact adequate funding for fishery, coastal and ocean programs.

Again, thank you for providing me with the opportunity to testify this afternoon.

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JS:jmm

Mr. ROGERS. The hearing is adjourned.

[The following statements were submitted for the record:]

U.S. House of Representative Elton Gallegly (California)
Testimony Presented to
Subcommittee on Commerce, Justice, State and
Judiciary
Committee on Appropriations
March 23, 2000

Mr. Chairman, members of the Subcommittee, I want to thank you for the opportunity to discuss three projects which fall within the jurisdiction of your subcommittee. Two projects directly affect my congressional district while the third is a crime-fighting program important to the public safety of all our citizens.

First, I ask you to allocate \$2 million in the fiscal year 2001 Commerce, Justice, and State Appropriations bill to fund a program known as VCIJIS, the Ventura County Integrated Justice Information System, an information network used by law enforcement officers in my district. This information network will provide essential links to data utilized by law enforcement and public safety agencies throughout the county. For example, fingerprinting and the inputting of information will only need to be done at one time, either during the arraignment or arrest of the suspected criminal. This information can then be shared by all law enforcement entities in Ventura County. A second fingerprint scan will be used during the release process to verify that the inmate is the same person processed at the beginning. This is important to ensure that wanted criminals are not mistakenly released based upon improper information and identification.

Secondly, I also ask you to allocate \$1.7 million in the fiscal year 2001 Commerce, Justice, and State Appropriations bill for the planning, acquisition, and construction of a permanent, full-service INS facility in Ventura County. This facility would greatly improve the services to people living in my congressional district.

In December 1997, INS committed to the opening of a full-service sub-office in Ventura County, possibly by late 1998-1999. Despite numerous assurances by INS, site selection and construction has not yet begun. In fact, INS has informed me that without an appropriations earmark, INS will not move forward with the establishment of this much needed INS sub-office in Ventura County. The \$1.7 million is the amount INS has assured me is needed for the establishment of the full-service sub-office. Furthermore, given INS reluctance to make this sub-office a priority, I request that the subcommittee include specific language that will lock the money into the building of this facility.

Third, I ask you to allocate \$22.5 million to expand a very successful INS jail screening

program to 25 counties. The program identifies criminal aliens in local and county jails prior to arraignment, and holds them for deportation after their sentences are served.

This successful program began in the Ventura County Jail, which is in my district, and in Anaheim, California. The 105th Congress overwhelmingly passed legislation to expand the program, and it was signed into law by President Clinton on December 5, 1997. The law clearly lays out that by fiscal year 2001 there should be up to 75 counties covered by this program. To date, INS has implemented only six such jail programs. This program is extremely important because it has led to thousands of detentions of criminal aliens who otherwise would have been released onto our streets to commit more crimes. Given INS' slow implementation of this program, I request that the subcommittee include language as specific as possible that will lock that money into the local jail program.

Thank you, Mr. Chairman, for your time and the consideration of your subcommittee of these three important programs.

DUNCAN HUNTER
520 DISTRICT, CALIFORNIA

COMMITTEE ON NATIONAL DEFENSE

CHAIRMAN

SUBCOMMITTEE ON
MILITARY PROCUREMENT

SUBCOMMITTEE ON
MILITARY READINESS



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TESTIMONY OF CONGRESSMAN DUNCAN HUNTER BEFORE THE COMMERCE, JUSTICE, STATE & JUDICIARY APPROPRIATIONS SUBCOMMITTEE

Mr. Chairman, before I present my testimony today, I would like to express my sincere gratitude for the exceptional role this subcommittee has played in helping to secure our nation's borders. With your enthusiastic support and participation, Mr. Chairman, we have more than doubled our border patrol forces, while also providing an extensive system of barriers and fencing along our southwest border with Mexico. With this in mind, I would emphasize that we cannot afford to become complacent and must continue our vigilant work to end the lawlessness that thrives along our international boundary.

While it is understood that some of the traditionally-favored access corridors have realized a marginal decrease in illegal traffic, it should also be acknowledged that new areas along our southwest border have emerged as popular routes among undocumented aliens and narcotics smugglers.

A prime illustration of this scenario can be found in the El Centro Border Patrol Sector, located primarily in Imperial County, California. In fact, it can be argued that almost every issue associated with illegal immigration is impacting this area at critically high levels, with no end in sight.

Mr. Chairman, this sector is currently experiencing manpower shortages which directly impact Imperial County's economic well-being. For example, the County's private ambulance service is routinely forced to absorb the costs for treating and transporting undocumented aliens. This situation must be remedied by allowing the County's ambulance service to receive reimbursement for these costs. This practice is authorized by Congress and already underway through a pilot project in Nogales, AZ.

Additionally, the County's two health care facilities are increasingly forced to provide emergency care to these same undocumented aliens, while receiving no financial reimbursement for their services. Once the costs associated with coroner expenses and other administrative fees are factored into the calculation, the total amount of unreimbursed charges to Imperial County exceeds one million dollars! Mr. Chairman, this situation is unacceptable and must not continue. Imperial County does not have the financial means of other counties in California to sustain these expenses and we must act to prevent this economic strain by providing the manpower and resources to stem the almost unimpeded flow of illegal immigrants to this region.

As you are aware, this sector presently only deploys 397 Border Patrol agents at various

stations within its jurisdiction. This figure not only represents an irresponsible decrease in manpower from FY99, it also fails to correspond with the fact that the EL CENTRO SECTOR RANKS SECOND IN ALIEN APPREHENSIONS. Clearly, we must take measures to ensure that this situation does not continue by providing a level of Border Patrol staffing that is commensurate with the apprehension rate in this sector. For your reference, I am including statistical information which illustrates the unique dilemma this sector faces in personnel shortages.

After consulting with this sector's headquarters, I believe it is necessary for this subcommittee to mandate a deployment increase of 400 agents for fiscal year 2000. While I recognize the concerns associated with legislating agent deployments, I believe it is more than warranted in this instance.

The El Centro Sector is also drastically short of basic equipment necessary to perform day to day operations. Recently, I was again made aware of a critical shortage of vehicles allocated to this sector. On a daily basis, at the beginning of their shifts, Border Patrol agents must wait at the El Centro Headquarters for as long as three hours for a vehicle to become available. This lag too often results in a 30% shortfall in coverage of this sector, leaving gaping holes in our border and leaving deployed agents without support and dangerously vulnerable. Due to the inattention of the INS on this issue, I unfortunately must request that this subcommittee mandate the necessary number of vehicles to this sector to allow our agents to do their jobs in an effective and safe manner.

Moreover, I would urgently request that this subcommittee provide the funding needed to ensure that the INS Detention Facility in El Centro receives the upgrades and increase in bed space currently required. Further, it is imperative that funds are devoted to contract facilities currently used for similar purposes in San Diego County.

I am also requesting that \$3.3 million for the multi-barrier construction project in San Diego, CA be provided. This amount, requested by the INS, will ensure this pivotal project continues to progress toward its projected completion in FY02. This fencing system will effectively eliminate undocumented traffic and smuggling within the first fourteen miles of border extending east of the Pacific Ocean and is expected to serve as a model for the rest of the southwest border.

Finally, we must continue to build up the manpower levels of our Border Patrol. Although Congress funded 1,000 additional Border Patrol agents for FY00, the Immigration and Naturalization Service (INS) has again failed to recruit and hire the personnel necessary to meet this goal. This understaffing, coupled with the INS request of only 430 additional agents for the coming fiscal year, again exposes the Clinton Administration's lack of resolve in addressing the issues of illegal immigration and drug smuggling. Despite the negligent approach, I firmly believe Congress must continue to demonstrate its diligence by providing the funding and initiative necessary to field 1,000 new Border Patrol agents in FY01.

Mr. Chairman, I would again commend your efforts in securing our borders. Without

your interest and attention to the issues associated with illegal immigration and drug smuggling, our nation would undoubtedly face problems with these issues at enormously higher costs. We must, however, continue our efforts in this regard and fund our Border Patrol and INS detention and enforcement operations at the appropriate levels.

Thank you.

TIM ROEMER
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 COMMITTEE ON EDUCATION AND
 THE WORKFORCE

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Statement of the Honorable Tim Roemer
 Subcommittee on Commerce, Justice, State and Judiciary
 Committee on Appropriations
 March 23, 2000

Mr. Chairman and distinguished members of this subcommittee, thank you for the opportunity to request your support for the development of a model community corrections program to be located in LaPorte County, Indiana in my district. I am seeking federal funding to cover the costs for the design, purchase, construction, and initial operation of this pilot project. For your reference, I have attached to my statement a detailed proposal submitted by Mr. Phil Herman, Executive Director of LaPorte County Community Corrections.

As you know, community corrections are designed to handle non-violent, non-habitual offenders categorized at the low- to mid-jeopardy level. This accounts for a significant number of individuals incarcerated in federal, state and local correctional facilities, which cost U.S. taxpayers more than \$34 billion in 1999. An additional 95,000 offenders are expected to be incarcerated this year. In light of these statistics, community corrections programs are specifically designed to operate at substantial savings over traditional correctional facilities. Some of operating costs are reduced as a result of collaboration between the courts, probation, parole, and mental health agencies. This collaboration also involves the county jails, federal and state prisons, law enforcement agencies, and the general public.

Under the LaPorte County proposal, offenders enter a process of constructive rehabilitation while serving a modified punitive sentence from the courts following a detailed evaluation of the offender's case. This involves various levels of punishment with education and counseling, rehabilitation, and intensive monitoring. Once received by the program, inmates are required to maintain gainful employment and contribute to the cost of their incarceration, including medical costs and health benefits. At the same time, inmates are allowed to pursue educational opportunities such as high school coursework and vocational training. They are assigned responsibilities to contribute to the well-being of each other and the facility. Furthermore, inmates are instructed to be aware of all program rules and are required to strictly adhere to them. They are also required to conduct themselves properly and are held accountable for their conduct.

Over the past 12 years, the LaPorte County facility in my district has developed a model program with a proven track record of cost savings while providing inmates with the opportunity to build constructive and meaningful lives. It has been a free standing entity for 7 years, but it is substantially undersized to meet the needs of the community. There are over 4,000 new criminal filings each year in LaPorte County alone. This requirement was confirmed by a recent needs assessment study coordinated by the Community Corrections Division of the National Institute of Corrections. My request, therefore, is to increase available resources in order to meet the growing need for expanded community corrections services.

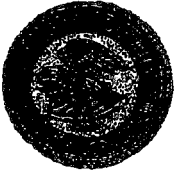
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Tim Roemer
Page 2

The LaPorte County facility achieved a 98.3% drug-free record in 1999, only a 9.83% recidivism rate over the past 7 years, and enjoys a rapidly improving overall success rate approaching 80%. Building on this success, LaPorte County has developed a comprehensive proposal to allow the facility to handle up to 750 convicted offenders at a time. Once completed, LaPorte County could be used as a model for other jurisdictions to adopt. Taking into consideration that nearly two thirds of the prison population could be managed under the community corrections system, the potential for cost savings could go a long way towards relieving American taxpayers of some of their tax burden.

Mr. Chairman, community corrections is a creative and innovative approach to corrections requiring incarceration. It is among the least costly methods and it is proving to be the one of the most productive and successful systems currently available. Community corrections needs to be supported, expanded and modeled for duplication. It is not a substitute for prison or jail, but it is a better way to rehabilitate the prison population with the hope of bringing them back into the fold as productive individuals making positive contributions to society. I strongly encourage you to support any request to fund the LaPorte County Community Corrections pilot program. I would be happy to answer any questions you may have about this important proposal, and I look forward to working with you to strengthen our nation's justice programs.

Attachment



**LAPORTE COUNTY
COMMUNITY CORRECTIONS
PROPOSED FEDERAL PILOT PROGRAM
REGIONAL COMMUNITY CORRECTIONS FACILITY**

REQUESTED:

Federal Funding of \$14,000,000.00 to cover the costs outlined on the following pages. Funds would be used for the design, purchase, construction and initial operation of the project. State of Indiana, Department of Corrections, LaPorte County general funds and Community Corrections project income funds would also be applied to fund this project.

TARGETED RESULTS:

Target population will be Non-violent felony and serious misdemeanor offenders, from the Northern Indiana regional area not served by community corrections programs, as well as, federal prisoners to be transitioned out of prison and into the northern Indiana area.

Facility capacity will be:

- 350 - Work Release beds (male, female, hold and violators inclusive)
- 200 - Electronic Monitoring Units for Home Detention assignments
- 100 - Intensive Day Reporting (modified electronic monitoring program)
- 100 - Community Service Restitution (non-custody monitored assignments)

750 maximum total capacity

COLLABORATION:

The collaboration between Courts, County Jail, Indiana Department of Corrections, Probation, Federal Bureau of Prisons, and LaPorte County Government will be the driving force behind this project. The Community Corrections Advisory Board would continue to function in the capacity of overseer of correctional / criminal justice functions. This process has proven successful and is in existence at this time.

JUSTIFICATION:

Corrections, in general, is obligated to respond to the public desire for punishment of criminal behavior. This has typically been accomplished by balancing incarceration with fiscal responsibility. The Community Corrections approach, however, addresses more than punishment. It incorporates comprehensive rehabilitative programs, education and counseling, and a high level of community collaboration, in an atmosphere where the offender develops an awareness and skills, of responsibility, as well as, recognition of the consequences of his actions.

Empirical data, collected over the past 20 years, shows that the Community Corrections approach has exceeded expectations and excels above everything else currently available. Why does the community corrections approach work so well when other approaches have not? The answer may be that we are looking at permutations, combinations and mutations that make up criminal behavior. Instead of addressing all criminal behavior in the same manner, we break it down, classify it and apply different approaches with the anticipation of more effective outcomes. A scientific approach to a field that has not witnessed seriously focused scientific evaluation. Basically, we approach corrections as a process of constructive rehabilitation while serving a modified punitive sentence from the courts.

THE PROCESS AND BENEFITS:

The process that is utilized involves modification of a criminal conviction away from simple incarceration. Through various evaluative methods, sentenced individuals are identified as qualified to serve their sentences in a Community Corrections program. Once received by the program, the inmate begins an atypical journey towards rehabilitation. This journey involves a number of processes that do not exist in a traditional prison or jail.

- o Inmates are required to maintain gainful employment
- o Inmates must contribute to the cost of their incarceration
- o Inmates are made aware of, and must comply with, all program rules and regulations
- o Inmates are responsible for their medical costs

The obvious benefits are a reduced financial burden to the community and, at the same time, increased responsibility being placed on the inmate regarding support of their family and other financial responsibilities. This is not possible in a jail or prison setting.

The inmate benefits from various Community Corrections programs, such as:

- o Educational Advancement - GED, traditional high school, trade school and college programs are offered on site or made available, as appropriate to the individual. The benefits are an inmate becomes more employable and at higher level positions.
- o Focused Counseling - Counseling that is focused on the individual's needs is more effective and more cost efficient. Counseling is an integral part of a truly rehabilitative program.
- o Rehabilitative Environment - Various levels of monitoring are incorporated in the community corrections approach. Inmates are awarded various privileges as they advance through the program. Monitoring is designed to enhance public protection while, at the same time, guide the inmate towards a more productive position within the community.
- o Community Collaboration - Community Corrections is an integral part of the criminal justice system. Collaboration with the Courts, Probation, Parole, Mental Health Agencies, County Jails, Federal and State Prisons, Law Enforcement Agencies, as well as the general public maintains a high level of awareness and cooperation.
- o Structured Environment - While in the facility, inmates are assigned various responsibilities for the well-being of each other and the program, in general. They are required to conduct themselves in a proper manner and are held accountable for their conduct. They are afforded accommodations with limited freedom to move about regulated areas within the facility.

RECOMMENDATIONS:

The Federal Bureau of Prisons, State of Indiana and the general LaPorte County area has the immediate need. LaPorte County Community Corrections has demonstrated, historically, an ability to answer this need, as well as to stand in a leadership role to other programs. What we lack is the financial support to expand and continue to develop.

It is recommended that a new facility is planned, designed and constructed to meet these needs. It is further recommended that this facility be identified as a model for other programs to research, monitor and pattern after.



MISSION STATEMENT

LAPORTE COUNTY COMMUNITY CORRECTIONS

January 1, 2000

The **MISSION** of LaPorte County Community Corrections is to operate an intermediate, alternative sanction program that enhances coordination of the local corrections / criminal justice systems for diversion of target offenders from incarceration at the State level. To work with the community, courts and law enforcement in the development and delivery of programs that address crime, correctional alternatives and public perceptions. To search for treatment, education and counseling possibilities and then research, develop, and implement dynamic approaches to correctional issues. To monitor, guide, and prepare offenders to be viable elements of society.

GOALS

Our **GOALS** are to measurably:

Enhance public safety,

Reduce taxpayer liability,

Increase public awareness by providing a structured environment that:

1) Monitors the inmates

2) Supports individual improvement and change,

through

Education,

Counseling,

Drug and Alcohol Responsibility Training,

Family Unit Awareness and Support,

Awareness of Financial Responsibility, and

the application Psycho-Social Rehabilitation.

OBJECTIVES FOR A FEDERALLY FUNDED PILOT COMMUNITY CORRECTIONS PROGRAM

- * To serve 350 offenders on the Work Release Program
- * To serve 200 offenders on the Home Detention / Electronic Monitoring Program
- * To serve all offenders assigned to the (CSR) Community Service Restitution Program
- * To serve all (CTP) Community Transition Program offenders appropriately sent from the Department of Corrections
- * To serve 40 offenders on the Step Home Program
- * To develop and serve 100 offenders on an Intensive Day Reporting Program
- * To utilize the LSI-R assessment process in determining the amount of supervision to be assigned to each offender on our programs
- * To require, as a minimum, inmate participation in:
 1. Alcohol / Drug Abuse Education,
 2. Counseling Program (Psychosocial Rehabilitation),
 3. The Structured Environment where Incarcerated
- * To facilitate educational opportunities both in-house and through liaison with local educational organizations
- * To review, on an annual basis, all Conduct Adjustment Board hearings and their outcomes
- * To research, investigate and develop methods of:
 1. improving savings to tax payers,
 2. reducing medical expense liabilities,
 3. reducing AFDC / Welfare expenses,
 4. reducing Public Aid expenses,
 5. assist the community through the correctional process.
- * To remain alert for new, different, and dynamic methods of accomplishing our mission statement.
- * To hold ourselves accountable to the public we serve, by openly reporting on, and sharing, our failings and successes.

STATEMENT
of
Congressman ROBERT C. "BOBBY" SCOTT
before the Appropriations Subcommittee on Commerce/Justice/State
March 23, 2000

Mr. Chairman, Congressman Serrano and Members of the Subcommittee, thank you for providing me the opportunity to come before you today to testify.

As you know Mr. Chairman, for the past three? years I have offered an amendment to the CJS appropriations bill that would move just ½ of the funds appropriated for Truth in Sentencing prison grants to various prevention programs such as drug courts and boys and girls clubs. My amendment has enjoyed increasing support in the House each year as more and more information comes to the fore to reaffirm that prevention and early intervention programs save more than they cost and reduce crime more than programs to build more prisons.

I come to you today to again make the case for increasing the federal investment in prevention programs.

Mr. Chairman, there is good reason to move funds from the truth-in-sentencing incentive grant program to prevention initiatives such as drug treatments and family resource programs. First, not all states qualify for truth-in-sentencing grants whereas all states qualify for these programs. Second, the truth-in-sentencing funds can *only* be spent for prison construction. At this point, some states have overbuilt prison space. My own state of Virginia is trying to lease out to other states and the federal government some 4000 excess prison beds. There is no reason for us to give money to build prison beds to states that don't need them. Third, encouraging states to adopt truth-in-sentencing systems is of dubious value. The so-called "truth"-in-sentencing scheme is actually a "half-truth"-in-sentencing scheme. Proponents of truth-in-sentencing will tell you that no one gets out early. That is the half truth. The whole truth is that no one is held longer, either.

When States adopt truth-in-sentencing schemes, the first thing they do is reduce the length of sentences judges have been giving under the parole system and then direct that the defendant serve all of the reduced sentence. For example, under the prison parole system in Virginia, if a judge says "10 years", the average defendant would serve about $2\frac{1}{2}$ years with the lowest risk prisoners getting out as early as $1\frac{1}{2}$ years. But the worst criminals would not have been released on parole and would have served all 10 years. With truth-in-sentencing, everyone gets and serves the same time. If the new sentence is the average sentence from the old system, $2\frac{1}{2}$ years, "you get $2\frac{1}{2}$ years, you serve $2\frac{1}{2}$ years". **The problem with this is that lower risk offenders will serve *more* time while the most dangerous offenders will serve *less* time.**

If the State were to *double* the average time served so that everyone serves 5 years, the worst criminals would still get out earlier than they would under the parole system. Even if the state *quadrupled* the average time to serve, the worst criminals would serve no more than the 10 years they would have serve under the parole system. The primary difference is that the taxpayers will have been bilked of billions of

dollars by funding a politician's "tough on crime/build more prisons" campaign slogan.

Mr. Chairman, the States are already spending tens of billions of dollars on prison construction, and further increases in funding will only increase the number of empty prison beds states are currently looking to fill, which cannot possibly make any measurable difference on the crime rate. Supporters of Virginia's initiative to end parole and build more prisons could only promise a 2 percent reduction in crime. However, the more promising results come from prevention and early intervention programs such as home visits by nurses, where studies have shown that the children of mothers who received these visits were 80% less likely to have been convicted of a crime than their counterparts whose mothers have not received home visits. Similar results were achieved through an intervention program called Multisystemic Therapy, currently being funded by the Office of Juvenile Justice and Delinquency Prevention in South Carolina. This program which targets chronic, violent or substance abusing juvenile offenders age 12-17 has demonstrated

reductions of 25-70% in long term arrest rates by empowering parents with the skills and resources needed to raise teenagers and by empowering youth to cope with family, peer, school and neighborhood problems. Per person costs for both programs are far less than the \$25000 per person per year cost associated with housing prisoners.

Mr. Chairman, your subcommittee has shown its support for increased funding levels for prevention programs through your support of the Office of Juvenile Justice and Delinquency Prevention and by providing funds for a program in my district called An Achievable Dream. I appreciate your advocacy on behalf of this program. An Achievable Dream is a successful comprehensive prevention and early intervention program for at-risk children which deserves your continued support. I am also requesting your support for another program in my district, the Gang Prevention Targeted Outreach Leadership project housed in the Boys and Girls Clubs of the Greater Hampton Roads. This program recruits youth through direct outreach and a referral network that links local clubs with police, courts, juvenile justice agencies, schools and

other community organizations. Young people that are identified as at-risk are offered club program activities as a diversion from truancy and gang activity. To track their progress, case management services are provided for the youth for their first year of participation.

Programs such as An Achievable Dream, The Gang Prevention Targeted Outreach Leadership Program, Multi-Systemic Therapy and home visits by nurses save more money than they cost and reduce crime. If we are to make a difference in the crime rate across the country, it is time to invest in programs that have been proven to have a significant impact on the crime rate, instead of spending more money on prison building in states that have to look elsewhere to fill up empty prison beds.

Thank you, Mr. Chairman.

Chairman Christopher H. Smith
Commission on Security and Cooperation in Europe
Fiscal Year 2001 Budget Request
Testimony before House Committee on Appropriations
Subcommittee on Commerce, Justice, State, the Judiciary, and Related Agencies
March 23, 2000

Mr. Chairman, I appreciate this opportunity to appear before you today to present the Commission on Security and Cooperation in Europe's fiscal year 2001 budget request. Our distinguished Co-Chairman, Senator Ben Nighthorse Campbell of Colorado, is chairing the Commission's hearing, "The Impact of Organized Crime and Corruption on Democratic and Economic Reform," and will not be able to join us, but has asked that his testimony be submitted for the record following this hearing.

The request before this committee is for an appropriation of \$1,370,000, which represents an increase of \$19,874.76 over the funds available to the Commission in FY00. The President's Budget for Fiscal Year 2001 includes a request for \$1,370,000. Funding for the Commission at this level would allow us to maintain the current staff level. As you know, the appropriations level for FY00 was \$1,182,000, with the understanding that the remainder of the Commission's budget would be covered by the unobligated balance from previous years for a total budget authority of \$1,350,125.24. Mr. Chairman, the estimated total expenditures for FY00 total \$1,345,992.00, and the estimated total expenditures for FY01 total \$1,373,692.00, leaving an estimated \$441.24 in unobligated funds at the end of FY01.

As I testified last year, the Commission has begun to address the fact that Commission staff deserved enhanced compensation. We took steps to help address those deserved changes, and the budget reflects the funding level necessary to maintain our current staff level. The personnel compensation and personnel benefits portions of the Commission's lean budget represent 94.8% of our overall budget.

Mr. Chairman, the Commission has had a full and significantly productive year since I last testified before this subcommittee. We conducted twelve hearings last year on issues ranging from the crisis in Chechnya, to the atrocities in Kosovo, to the trafficking of women and children in Europe and the U.S., to property restitution issues in post-communist Europe, and the deteriorating human rights problems in Central Asia and Belarus. Our seven hearings to date in 2000 have pursued further some of the issues, as well as the protection of human rights advocates in Northern Ireland, religious liberty in Russia, and today's hearing on organized crime and corruption in the OSCE region.

Throughout last year and as follow-up in this year, the Commission focused significant attention on the preparations for and the objectives of the OSCE Summit of Heads of State and Government which was held in Istanbul in November. The Commission provided substantial and rather effective input in preparation for and participation in the 1999 Review OSCE Implementation Review Conference and the Summit, and let me note for the record that key Commission concerns including religious liberty, anti-corruption, criminal defamation, trafficking in human beings, and torture topped the U.S. delegation's agenda in these fora, in large part due to the Commission careful attention to these matters.

In addition, the Commission provided the bulk of the staff support for the U.S. delegation to the OSCE Parliamentary Assembly which was held in St. Petersburg. Along with Senator Ben Nighthorse Campbell, I led the U.S. delegation to that meeting and will again lead the delegation this July to Bucharest.

Mr. Chairman, the number and importance of the issues which are on the Commission's plate are great. With the assistance of our able and professional staff, Members of the Commission are effective in advancing U.S. interests in the OSCE region. We will continue our diligent and persistent efforts to fulfill our mandate to monitor and encourage compliance with the OSCE commitments. I strongly encourage this committee to ensure that the Commission's appropriations request is fully provided.

**Testimony by Representative Mike Thompson before the Subcommittee on
Commerce, Justice and State Appropriations
Regarding the Pacific Salmon Recovery Fund
March 29, 2000**

Mr. Chairman, I come before you today to urge your support for the \$100 million in salmon restoration included in the President's FY 2001 budget.

My northern California district comprises several hundred miles of coastline and a large proportion of our state's salmon fisheries.

Much as the Gold Rush led to the settlement and expansion of cities throughout Central California, the seemingly limitless salmon resources of the coast served as the foundation for the port towns of Point Arena, Fort Bragg, Eureka, and Crescent City. Communities grew dependent on the annual return of the salmon but at a time when, it was said, a grown man could cross the river walking on the backs of the salmon, there were always enough fish to support the local economy.

Unfortunately, this is no longer the case. While salmon are still an integral part of the culture of my district, the fish stocks themselves are in a state of collapse. Decades of water diversions, dam building, overfishing, and urban development have had a terrible impact on the rivers and streams of the Pacific Northwest. By the late 1990s, West Coast salmon abundance had declined to only 10% of what it had been in the 1800s. The Trinity River system alone has lost more than 80% of its King Salmon and more than 60% of its Steelhead Trout over the past 50 years. In the Central Valley, 70-90 percent of historical spawning and rearing habitat have been lost.

The American Fisheries Society considers at least 214 Pacific Coast anadromous fish populations to be "at risk," while at least 106 other historically abundant populations have already become extinct. Twenty-six distinct population segments of Pacific salmon and sea-run trout are listed as either endangered or threatened under the Endangered Species Act. California alone accounts for twelve of those listings. In January, yet another California steelhead population was proposed for a federal ESA listing.

With commercial harvest of coho salmon completely illegal and other species not far behind, hundreds of our fishing men and women have been forced out of business and our local economies have suffered. As recently as 1988, sport and commercial salmon fishing in the Pacific region generated more than \$1.25 billion for the regional economy. Since then, salmon fishing closures have contributed to the loss of nearly 80% of this region's job base, with a total salmon industry loss over the past 30 years of approximately 72,000 family wage jobs.

The President responded to this crisis in his FY 2000 budget with a request for \$100 million. Under the initial house budget, the salmon recovery program was zeroed out. Funding was restored in conference with the Senate but, when the final package went to the President in October, only \$9 million was included for California.

Once again, the President has requested \$100 million for the salmon recovery program in this year's budget, this time under the Lands Legacy Initiative. I urge your fullest support for this funding and ask for your assistance in ensuring that California receives an equal share of this year's appropriation. With a dozen endangered species listings to contend with, California is in as much need as the other Pacific coastal states.

Early efforts at the state level have begun the process of reversing the decline of our salmon economy. Private landowners, conservation groups, and industry have committed to the lengthy process of repairing the damage done.

We will never return to what was once "business as usual," but by stabilizing and restoring our salmon numbers through habitat recovery, we can lessen the regulatory pressure on industry and reduce the number of new surprises. We must demonstrate our support for state, local, and private efforts to halt the decline of Pacific Salmon by fully funding the Pacific Coastal Salmon Recovery Fund.

This budget item is critical to the commercial and recreational industries of my district and I urge your continued support. Thank you.

A handwritten signature in black ink, reading "Mike Thompson". The signature is fluid and cursive, with a long horizontal stroke at the end.

PUBLIC WITNESSES

**The following statements were
submitted for the record.**

**Testimony submitted to the
House Commerce, Justice, State and Judiciary
Appropriations Committee
on behalf of Alachua County, Florida
by the Alachua County Board of Commissioners**

March 31, 2000

Mr. Chairman:

Thank you for allowing the Alachua County Board of Commissioners to submit written testimony before your Subcommittee regarding two critical projects: (1) the County's Comprehensive Management of Drug-Involved Offenders Initiative; and (2) Partners for a Productive Community Enhancement Initiative.

Comprehensive Management of Drug-Involved Offenders Initiative

Alachua County is seeking \$2.5 million to develop a comprehensive, coordinated approach to the management of substance-abusing and addicted offenders in the community. The County's Public Safety Coordinating Council which convenes regularly to address ways to manage the local jail population, anticipates that in the next few years, Alachua County, like many other communities, will be faced with the need for additional jail space. Prior to building costly jail beds, Alachua County would like to fully realize all possible alternatives.

A comprehensive plan to manage substance-involved offenders is an innovated approach that could prove to be an effective keystone to alleviating jail overcrowding by reducing recidivism rates and the incidence of drug-related crime. Current treatment sources are inadequate to meet the needs of this population. This pilot project includes a cost-benefit analysis to compare the long-term benefit of a comprehensive treatment model versus an incarceration/incapacitation model. The impact for the entire region is considerable since the County serves as the regional center for much of north Florida's medical care and criminal justice services.

Alachua County has many advantages which make it an ideal site for this pilot program. The County has long served as a model and a resource for criminal justice alternative programs in the State of Florida. Many Florida pretrial release and alternative sentencing program officials consulted with Alachua County's Court Services Department as they developed similar services for their counties. The Alachua County Drug Court was one of the first 25 Drug Courts in the nation and has also served as a model for Florida Drug Courts. Court Services Department staff is active in state-wide organizations that provide a network to exchange information and share innovations. Alachua County was also recognized as a leader by the Florida State Legislature's Advisory Council on Intergovernmental Affairs in its 1993 report, Intergovernmental Relations in Local Jail Finance and

Management in Florida - A Comprehensive Report. Further, the community linkages in Alachua County and the array of programs provided under one umbrella in the Alachua Court Services Department provide a unique opportunity to demonstrate the impact of a comprehensive effort.

Alachua County has supported innovative alternative methods of managing offenders for almost 25 years. Alachua County funds the Court Services Department and services include a comprehensive array of alternatives including: pretrial services, county probation, community service, drug court, work release facility and a residential treatment program for drug addicts

In fiscal year 1999, these programs completed more than 7,700 pre-trial release investigations, monitored more than 1,000 defendants on pre-trial release, supervised 1,100 probationers and coordinated more than 3,500 cases where community service work has been required by the Court. The Drug Court Program will treat and monitor 100 addicted offenders per day and the Work Release Program will house 50 sentenced offenders and/or pretrial defendants per day. Metamorphosis, the County's residential treatment program, will serve 17 volunteer and court ordered addicts each day in a therapeutic community.

In addition to the Court Services programs, Alachua County had 280 individuals being supervised by the Florida Department of Corrections on drug offender probation during fiscal year 1998. A "snap shot" of individuals arrested in a one-month period between July 1998 and August 1998, shows that 36% of the 231 felony defendants who were not released at first appearance were in custody in Alachua County on drug related charges.

A coordinated continuum of services targeting substance abusing offenders across the criminal justice spectrum would further reduce the incidence of drug-related crime throughout the County. The program will include continuing judicial supervision of nonviolent offenders with substance abuse problems and administration of sanctions and services including: (1) mandatory drug testing during any period of supervised release or probation; (2) substance abuse treatment; (3) probation or supervised release which could include prosecution, confinement, or incarceration for noncompliance with the program's requirements; and (4) offender management and aftercare services to prevent relapses, such as vocational job training, job placement and housing placement.

The County has an existing array of programs which could serve as the framework of a comprehensive system. There is strong support for alternative programs within the judiciary and from other local criminal justice officials. The County also has a long-standing history of cooperation among agencies. In addition, the University of Florida is located in the community and could serve as a partner in evaluating the success of this program. The expected benefits are national, and could hopefully be replicated at reasonable cost.

Partners for a Productive Community Enhancement Initiative

Alachua County is seeking federal funds to assist with expanding its collaborative neighborhood revitalization program into the rural community of Archer. This collaborative program includes the Alachua County Community Services Department, Office of Code Enforcement, Alachua County Sheriff and Alachua County School Board. The Alachua County Commission requests \$2.3 million in federal funding to expand this successful revitalization model to other neighborhoods. The process would include additional community needs assessments, increased educational, training and job readiness opportunities, mobilization of community resources and community empowerment for sustainability of neighborhoods throughout Alachua County. The funding will also support additional Sheriff's deputies at a level needed to provide adequate and intensive law enforcement, and community policing activities to the expanded Partners' areas. Following is a background on this initiative.

In 1993, the Sheriff's Office made a request to the Board of County Commissioners for assistance due to the spiraling crime rate in southwest Alachua County. The Sheriff's Office reported that 57% of its 911 calls came from an area that had only 3.2% of the population. This area was identified as consisting of the five following neighborhoods: Clayton Estates, Majestic Oaks, Tower Oaks, Cedar Ridge and Sugarfoot. In addition to the disproportionately high crime rate, it was determined that there were inadequate community services, a high percentage of absentee landlords, a lack of concern by most residents, in concert with the physical appearance of the neighborhoods steadily deteriorating.

In fiscal year 1994, the Alachua County Commission provided funding for a Program Manager to staff the Partner's for a Productive Community (PPC) Program. The PPC was launched as a strategic planning effort based on three goals: to establish neighborhood-based services, to develop public/private partnerships and to focus on prevention. The success of this project depended upon the coordinated efforts of the Sheriff's Office, the Courts and the Department of Community Services. The objectives of the Sheriff's Office were to reduce the number of calls from the area and to develop trusting relationships with the residents interested in improving their community. The objectives of the Courts were to help with the swift prosecution of cases brought forth and to increase personnel in key areas. The objectives of the Department of Community Services through a Program Manager were to develop and implement a needs' assessment, to assess social services needs in accordance with the results of the assessment, to develop a community council comprising owners, tenants and property managers. This project would be a multi-agency strategy to stabilize, revitalize and sustain these five (5) neighborhoods.

1. Community Improvements

Since fiscal year 1995 accomplishments include: free community day care for 75 children, 30 community day care slots, eight (8) in-home day care slots, establishment of a medical clinic provided by the Alachua County Health Department, the creation of 30 new jobs by the Early Progress Center, reduction in 911 calls from 57% to 14% of total calls, the overall increases in property values for four (4) of the five (5) neighborhoods. The provision of seasonal recreation programs for children in the targeted communities by the Y.M.C.A. In

1996 the PPC received the National Association of Counties' Achievement Award in recognition for distinguished and innovative contributions to improving and promoting county government. Additionally, an award was received from the League of Women Voters for outstanding community service.

New activities include community forums on landlord and tenant issues, welfare reform and subjects determined to be germane in the effort to educate and revitalize this community. Steps have been taken to establish 4-H Clubs in the communities to provide positive learning and character building experiences for youth. It is also being proposed to implement adult literacy classes, computer training, General Education Diploma preparatory training and a One Stop Program to provide employment opportunities. A community health fair was conducted with numerous agencies involved in providing immunizations for area children as well as the dissemination of information on health and safety issues. Three major and three mini neighborhood cleanups were completed. Through diligent efforts of the Office of Codes Enforcement, Alachua County government has reduced the number of abandoned and vandalized buildings from five to two.

The sustaining factor within this community is the formally organized Partner's for a Productive Community Council. The Council is the guiding force that deals with issues and determines unmet needs. It has become incorporated and has received a donation of space (estimated to be worth \$5,000.00 per year) which will house the organization as well as the Center for Community Services.

Finally, in December 1999, Alachua County received Official Recognition (OR) from the Executive Office of Weed and Seed for two of the neighborhoods being served by the Partners for Productive Communities Program. There is no funding associated with this recognition. This OR will further strengthen the long-term efforts to improve the quality of life in these neighborhoods.

2. Rural Component

The County seeks federal funds to expand the partners initiative into the rural community of Archer, located approximately 17 miles south of downtown Gainesville. Archer has a population of 6,348 of which 16% fall below the poverty level and 2,452 of its citizens live within the city limits, the remainder live in the rural surrounding area of Archer.

The city has a mayor and city council, one elementary school, fire, emergency rescue and police are contracted from Gainesville/Alachua County. There are two public housing communities. They have a small dated community center used as a senior citizen meal site. An unmanned sheriff's substation, several businesses employing between 30 and 50 persons each. Farming is still a major business in this area. Many of the citizens travel into Gainesville for employment.

There is no doctor or medical facility, no public transportation, recreation for teens is very limited and no social service outreach.

Crime is high for a community it's size. In 1999 the Alachua County Sheriff's Office (ACSO) answered 2,665 calls for service, 352 general incidents' reports were written, 99 citations issued and 26 arrest warrants executed. In the drug eradication effort, one search warrant and a two undercover operation were conducted, resulting in 16 arrests and three sworn complaints. The net effect of ACSO's narcotic enforcement in the Archer area resulted in the seizure of 276 cannabis plants, 18,8564 gr. of commercial cannabis, 16.3 gr of crack cocaine and 25.5 gr. and of powder cocaine with a total street value of \$428,744.

Of the dispatched calls, 30 were assault and battery and five were sexual batteries of which half involved minor children, one-armed robbery and one robbery. The largest number of dispatched calls was for theft, totaling 558.

This community has very few resources and an extremely high crime rate resulting in this community being considered as a community at risk. With federal funding, this community could provide community health care, minimum public transportation to and from Gainesville, social service outreach, after school tutoring and recreation for its youth, along with education employment opportunities, using the partnership concept as a model developing existing resources from the Gainesville/Alachua County into the Archer Community.

We hope that the Subcommittee will find these two critically important projects worthy of your support.

Thank you for your consideration.



AMERICAN BAR ASSOCIATION

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STATEMENT OF

DOREEN D. DODSON

on behalf of

THE AMERICAN BAR ASSOCIATION

before the

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

of the

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

on the subject of

**FY 2001 APPROPRIATIONS FOR THE
LEGAL SERVICES CORPORATION AND DEFENDER SERVICES**

March 31, 2000

Mr. Chairman and Members of the Subcommittee:

My name is Doreen Dodson. I am a lawyer with the Stolar Partnership, a St. Louis, Missouri law firm, and the Chair of the American Bar Association's Standing Committee on Legal Aid and Indigent Defendants. I submit this written testimony at the request of our President, William G. Paul of Oklahoma City, Oklahoma, to voice the Association's views with respect to the FY 2001 appropriations for the Legal Services Corporation and the Judiciary's Defender Services Program.

The American Bar Association, the world's largest voluntary professional organization with more than 400,000 members, is the national representative of the legal profession, serving the public and the profession by promoting justice, professional excellence and respect for the law.

The Standing Committee on Legal Aid and Indigent Defendants (SCLAID) serves the American Bar Association by examining issues relating to the delivery of civil legal assistance and criminal defender services to the poor. SCLAID maintains a close liaison with state and local bar and legal aid/defender leaders, providing information and developing policy on civil legal aid and indigent defense. We also advocate for and work to ensure the availability of legal aid and defender services for indigent persons through a variety of activities and projects.

I. Legal Services Corporation

The ABA recommends that the Legal Services Corporation (LSC) FY 2001 appropriation be restored to the FY 95 funding level of \$400 million.

For FY 96, Congress cut the LSC's budget by 30 percent and enacted restrictions on the clients LSC-funded lawyers could serve and the type of cases they could file. Since 1996, the

LSC's leadership has worked closely with Congressional leadership in both the House and the Senate to ensure that the Corporation and its local grantees are focused on meeting the basic legal needs of the poor. The Corporation has demonstrated its commitment and ability to carry out the program changes. LSC management is aggressively enforcing the restrictions, working diligently to improve the case service reporting system, and engaging in comprehensive state planning to improve the delivery of legal services. We believe, under these circumstances, that it would be appropriate and desirable to restore funding to the \$400 million level. At the very minimum, the ABA urges the Subcommittee to provide the \$340 million in funding requested by the Administration and the Corporation for FY 2001.

The Legal Services Corporation Plays A Vital Role in the Justice System

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

- For Maude, an 89-year old widow and resident of Pulaski County, Kentucky, the local legal aid program stopped a debt collector from harassing her over a debt that was not hers. When Maude denied she owed the alleged debt, the irate debt collector threatened that "she would pay or go to jail." Maude, still visibly upset from the call, sought help from the Somerset Legal Services office. The legal aid lawyer sent a strongly worded letter to the debt collector advising them not to contact Maude again, that she disputed the debt, that they had committed numerous violations of the Fair Debt Collections Practice Act, and asking for verification of the debt. Shortly thereafter, the collector informed the legal aid lawyer that the debt had been removed from Maude's name and her credit report would be corrected accordingly.
- For Joseph, a disabled Vietnam veteran, Legal Services of the Lower Cape Fear (LSLCF) proved that his discharge under less than honorable circumstances many years before was not due to misconduct, but undiagnosed severe post-traumatic stress disorder (PTSD). Joseph was exposed to extreme combat conditions during his tour of duty in Vietnam and, after returning to the U.S., got into serious trouble. After his discharge, he was unable to hold any job, and the Social Security Administration

found him disabled due to PTSD. After more than eight years of appeals through the Veterans Administration, the Board of Veterans' Appeals finally found that Joseph's misconduct was caused by his service-connected PTSD, and the character of his discharge was not a bar to benefits. The Board determined Joseph suffered from a 100% service-connected disability and awarded back benefits and monthly VA benefits. As a result of the efforts of LSLCF, Joseph and his family have moved out of poverty, and he is no longer eligible for legal services.

- For a 20-year-old battered wife and mother of three small children, Alabama Legal Services obtained a protective order against her abusive husband and represented her in court when the husband filed for divorce in another county. Legal Services represented the wife in both counties and provided her with the support she needed to obtain a driver's license, employment and custody of her children. The husband was also ordered by the court to pay \$542 per month in child support.
- For an ill, elderly North Florida woman confined to a wheelchair, the local legal aid program prevented foreclosure on her house after she contracted with an unscrupulous home improvement company. The contractor promised to make her bathroom wheelchair-accessible and take care of her home repair needs. The contractor never finished the job and left her with a \$27,000 house improvement mortgage on a house that was close to fully paid.
- For a 47-year-old woman in Wheeling, West Virginia, funding from the Legal Services Corporation potentially saved her life. Without help from the LSC-supported Wheeling legal aid office, her Medicaid eligibility would have been withdrawn - and that could have been fatal for this impoverished dialysis patient.
- For Lucy Johnson, 55, of Syracuse, New York, the local LSC-funded program helped at a time when the power company planned to cut off electricity to the apartment building in which she lived because the building management company failed to pay *its own bills* and filed for bankruptcy. "The building is home to many elderly and asthmatic patients who depend on respirators and other medical equipment, and they wanted to know how they would survive without electricity," she said. Legal Services of Central New York worked out a plan to keep the electricity on and ensure the utility was paid.

The Corporation, formed in 1974 with bipartisan Congressional support and the endorsement of the Nixon Administration, was created to ensure that all Americans have access to a lawyer and the justice system for civil legal issues regardless of their ability to pay. Today, this is more important than ever. Despite the booming economy, the need for legal services by

low-income Americans has never been greater. More than 35 million Americans continue to live in poverty, and another 10 million live on the brink of poverty, making more than one in six Americans eligible for LSC-funded representation.¹ Scientific studies conducted at both national and state levels show that despite the combined efforts of the organized bar, individual lawyers, law firms and legal aid attorneys, only 20 percent of the legal needs of the poor are being met.²

The LSC currently funds 237 local programs serving every county and Congressional District in the country. These programs provide direct services to more than one million constituents who struggle to get by on incomes below or near the poverty line as established by the Department of Health and Human Services. LSC clients include the working poor, veterans, family farmers and people with disabilities. Many beneficiaries of LSC funding were formerly middle-class, who became poor because of age, natural disaster, unemployment, illness or the breakup of a family. Historically, more than two-thirds of LSC clients have been women, most of them mothers with young children. Local legal services programs make a real difference in the lives of millions of poor Americans by helping them resolve such family law cases as domestic violence and child custody issues, and such benefit cases as wrongfully denied social security and veterans' benefits.

Importantly, as the examples above show, most matters do not end up in court, thanks to legal services intervention. Legal services programs encourage the swift resolution of disputes with minimum conflict; only about 10 percent of matters handled by legal aid programs are

¹ U.S. Census Bureau, *Poverty in the United States: 1998*, <http://www.census.gov/prod/99pubs/p60-207.pdf>.

² *Report on the Legal Needs of the Low-Income Public: Findings of the Comprehensive Legal Needs Study*; Study conducted by the Institute for Survey Research at Temple University for the American Bar Association's Consortium on Legal Services and the Public, (January 14, 1994). Many individual states, working with universities and other independent research groups, have conducted their own legal needs studies with similar results.

resolved through litigation.

LSC remains a model public/private partnership, one of community-based and directed service. The Corporation, through its local programs, efficiently delivers legal services to the poor, at a cost of about \$7 per poor person in this country. The Corporation has an admirable record of getting resources to those who need help, given its limited funding. Ninety-seven percent of LSC's annual appropriation is distributed directly to local, non-profit legal aid programs based on the poverty population living in each service area. Boards consisting of leaders of the local business and legal communities set the priorities for and oversee the work of these local grantees. Local legal aid programs work with state and local bar associations to recruit and train *pro bono* lawyers.

Yet despite the efforts of the organized bar, law firms and individual lawyers throughout the country, the legal problems of the poor cannot be addressed without a strong, well-funded Legal Services Corporation.

Key Constituencies Support Federal Funding for Legal Services

Like every federally funded program, the LSC has had its critics. Particularly, since 1995, a few in Congress have opposed LSC's existence. But today, even LSC's harshest critics, including some members of this Subcommittee, are praising the efforts of the Corporation to focus its work on the delivery of basic legal services to the poor and improve its management and accountability.

The Corporation, as it should, continues to have strong bipartisan support in Congress and across the nation. A strong bipartisan majority has voted on the House floor each of the last four years to restore funding cuts for LSC. The business community also supports the LSC.

When the LSC was threatened with termination in the 1980s, the CEOs of many Fortune 500 companies banded together and informed Congress just how important the LSC was to ensuring access to the justice system for all Americans. Again in 1999, a group of Fortune 500 general counsels lobbied Congress on behalf of adequate funding for LSC. These general counsels represent leading American corporations, including Shell Oil, Eastman Kodak, Georgia-Pacific, Colgate-Palmolive, General Motors, Ford Motor Company, and DuPont.

Americans strongly support spending their federal tax dollars to provide legal assistance to low-income individuals and families. An August 1997 Louis Harris poll reported that 70 percent of the public believe federal dollars should be used to pay for civil legal aid to the poor in such cases as child custody, adoption and divorce. A June 1999 Harris poll reported that 80 percent believe federal funds should pay for legal assistance to low-income victims of domestic violence.

LSC is Committed to Carrying out its Congressional Mandate

We believe that the Corporation is committed to carrying out its mission, as mandated by Congress, and has instituted several initiatives that have significantly improved its performance and accountability. Beginning in 1996, Congress imposed several restrictions on the type of cases legal services programs could accept and on the clients they could serve. The Corporation has fully implemented the restrictions established by Congress, and has even terminated funding to programs found not to be in compliance. LSC also successfully defended the constitutionality of the restrictions when challenged.

For the past several years, the LSC has devoted itself to enforcing the 1996 restrictions, as well as fostering statewide planning processes designed to increase efficiencies in the delivery

of legal services to the poor in each state. The ABA supports LSC efforts to encourage state planning for improving the delivery of legal services to the poor and has encouraged each state and local bar association to participate in the examination of systems and structures for providing legal services to the poor, and in ensuring that the state is making the most effective use of available resources.

Last year, LSC officials discovered that the case service reporting (CSR) statistics reported by the local legal aid programs to the Corporation were not as accurate as they could be. LSC management moved swiftly to amend its information gathering and reporting procedures. As Chairman Rogers stated during the hearing, neither the Subcommittee nor the LSC disburses funds on the basis of the number of cases reported. We agree, however, that it is important for Congress and the LSC to be accurately informed about the numbers of persons served and cases handled.

While the ABA supports the LSC's ongoing efforts to update its CSR procedures, we caution Congress and the Corporation not to create an overly burdensome reporting process. Having accurate data is very important. However, the local legal aid programs are already severely underfunded and the lawyers overwhelmed with clients. The lawyers in the field must continue to concentrate on serving the poor; it is a disservice to the clients to require legal aid lawyers to spend substantially more time filling out forms and less time actually practicing law. We must continue to focus our attention on meeting the unmet legal needs of the poor.

LSC's Funding Should Be Increased to at least \$340 Million

We understand that federal funding is limited and the Subcommittee must again make tough choices with scarce resources. So how can we argue that the LSC deserves an increase

when other programs may be level-funded or cut? While the LSC has received modest increases since its funding was slashed by 30 percent in FY 96, LSC's current funding of \$305 million does not come close to meeting the national need for legal services.

At a time when one in five LSC-eligible clients, including countless victims of domestic violence, are not served, it is critical that the LSC receive *at least* the requested \$24 million in additional funding for field programs. The requested \$10 million in additional funds for technology will also help significantly to reach low-income citizens in both underserved rural and urban areas. Therefore, we strongly endorse the Corporation's request for \$340 million for FY 2001 as a modest step toward restoring the federal contribution to a more adequate level.

We must recognize the good work that local, LSC-funded legal aid lawyers nationwide do in providing legal services to those in our society who are the most vulnerable and who may not otherwise have the benefit of legal assistance. The focus of LSC's efforts and those of Congress must remain on reducing the unmet legal needs of the poor. It is critical that the LSC and the organized bar continue to improve the delivery of legal services for the poor and that Congress provides adequate funding for the LSC so victims of domestic violence can get the help they need, patients can receive the health care they are entitled to, and other poor people can obtain assistance with their basic legal problems.

II. Criminal Justice Act: Defender Services Program

We also strongly urge the Subcommittee to approve the Judiciary's request for funding to implement a \$75 hourly rate for Criminal Justice Act (CJA) "panel" attorneys in FY 2001.

Last year the Congress authorized a \$5 per hour increase in panel attorney rates, resulting in rates of \$50 out-of-court and \$70 in-court in most judicial districts. While this adjustment is

welcome, panel attorney pay, even with the \$5 per hour adjustment, has effectively declined by more than 40% since a \$60 in-court and \$40 out-of-court rate was enacted in 1984. An increase to the requested amount of \$75 per hour is critically needed now to help ensure that competent attorneys continue to take CJA cases and to avoid unnecessary delays and retrials based upon ineffective assistance of counsel challenges. We agree with the serious concerns expressed by Chief Justice Rehnquist in *The 1999 Year-End Report of the Federal Judiciary* that "inadequate compensation for panel attorneys is seriously hampering the ability of courts to recruit and retain qualified panel attorneys to provide effective representation." As the Chief Justice noted, the \$50/\$70 rates do not even meet many panel attorneys' overhead costs.

III. Conclusion

The American Bar Association urges the Subcommittee to provide adequate funding for the Legal Services Corporation and the Defender Services Program. These two programs are essential ingredients of ensuring "equal access to justice" for all.

DOREEN D. DODSON

Ms. Dodson is a partner with The Stolar Partnership, a St. Louis law firm practicing in the areas of health law and employment law. Prior to her employment with The Stolar Partnership, she was employed as a staff attorney with Legal Services, as an Assistant Professor at St. Louis University School of Law, and as an attorney in a small private law firm. She received her law degree from St. Louis University School of Law and her undergraduate degree from Duke University.

Ms. Dodson has been involved in a wide variety of bar association activities and she has been actively involved in efforts to provide equal access to justice for all citizens. She currently serves as the Chair of the Standing Committee on Legal Aid and Indigent Defendants of the American Bar Association. She previously served as the Chair of the ABA Commission in IOLTA. She was a member of the Board of Governors of the Missouri Bar from 1982 to 1992, and was the first woman President of the Missouri Bar.

She has received an Alumni Merit Award from St. Louis University Law School, the President's Award of The Missouri Bar (1996), the Missouri Bar Pro Bono Award (1987), and the Robert Walston Chubb Award, Legal Services of Eastern Missouri (1987).

S T A T E M E N T

of the
American Chemical Society

**House Subcommittee on Commerce, Justice,
State and Judiciary**

**Testimony on the National Institute of Standards & Technology's
fiscal year 2001 Appropriations**

March 27, 2000

**Submitted by
The American Chemical Society**

The American Chemical Society (ACS) would like to thank Chairman Harold Rogers and Ranking Member Jose Serrano for the opportunity to submit testimony for the record on the Commerce, Justice, State and Judiciary Appropriations bill for fiscal year 2001.

As you may know, ACS is a non-profit scientific and educational organization, chartered by Congress, with 161,000 chemical scientists and engineers as members. The world's largest scientific society, ACS advances the chemical enterprise, increases public understanding of chemistry, and brings its expertise to bear on state and national matters. ACS firmly believes that no investment the government makes generates a higher rate of return for the economy than research and development (R&D). In fact, economic experts maintain that today's unprecedented economic growth would not have been realized but for the substantial research investments by the public and private sectors over the past few decades. Looking ahead, the American Chemical Society is concerned that constant dollar declines in federal support for basic research over the past decade, particularly in the physical sciences, have weakened the roots of innovation in all fields and put future economic growth at risk. In order to sustain our technological leadership and living standards, increased funding for basic research should be a top priority for use of the non-Social Security budget surpluses. As a framework for increasing R&D funding, ACS supports doubling federal spending on research within a decade, as well as balanced funding among different areas of science.



American Chemical Society • 1155 Sixteenth St., N.W. • Washington, D.C. 20036 • (202) 872-4466

National Institute of Standards & Technology Budget Recommendations

ACS strongly supports the FY 2001 budget request for National Institute of Standards & Technology (NIST), which assists industry and researchers in the development of technology needed to improve product quality, modernize manufacturing processes, ensure product reliability, and facilitate commercialization of products. We particularly support the budget request for NIST's in-house R&D effort conducted by the 8 measurement and standards laboratories, which would receive \$332 million in FY 2001 – a 20 percent increase. An invigoration of this core program is long overdue. While there has been much focus on NIST's external programs in recent years, we believe that the internal laboratory program demands increased attention given the quality, uniqueness, and economic importance of its work. We also support the request of \$176 million for the Advanced Technology Program, which continues to provide cost-shared grants to small and large companies to facilitate a new generation of technologies and techniques for the commercial market.

Measurement and Standards Laboratories

The NIST laboratories' research, measurement infrastructure, and standards-related activities are critical to the operation and productivity of small and large companies across all industries, as well as universities, hospitals, and law enforcement agencies. The program provides impartial expertise, test methods, and best-in-the-world calibration services that maximize efficiencies, promote trade, and ensure confidence in the growing number of precision measurements needed for health, safety, defense, commerce, energy, and the environment. The Society supports NIST's role in the multi-agency National Nanotechnology Initiative, which demonstrates the breadth and fundamental value of the laboratories' expertise.

NIST laboratories develop universal measurement techniques and technologies that foster higher quality products, more reliable processes, fewer rejected parts, and faster product development across all American industries. NIST is responsive to and works with industry to identify future needs, enables the development of advanced technologies, and plays a vital role in promoting international acceptance of U.S. standards abroad.

Advanced Technology Program

NIST's Advanced Technology Program (ATP) is a cost-effective means of promoting research that strengthens U.S. industries in high-risk technologies, which hold promise for broad economic impact. As world competition grows, speed to market and maintenance of a competitive edge in emerging technologies are ever more critical for the United States. ATP contributes significantly to these goals.

ACS 2000-006



Statement of the
American Chemical Society

National Institute of Standards and Technology: FY 2001

Federal Research and the Budget Surplus

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Continued . . .

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STATEMENT BY
LOCAL 511, PROFESSIONAL EMPLOYEES
OF THE
IMMIGRATION AND NATURALIZATION SERVICE
OF THE
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

BEFORE THE SUBCOMMITTEE ON
COMMERCE, JUSTICE, STATE,
THE JUDICIARY AND RELATED AGENCIES
UNITED STATES HOUSE OF REPRESENTATIVES

FY 2001 APPROPRIATIONS

SUBMITTED BY:
LINDA CHURCH, NATIONAL PRESIDENT
JANICE MONTANA, CHAIR, SALARY COMMITTEE

MARCH 8, 2000

I PRELIMINARY STATEMENT

Local 511, professional employees of the Immigration and Naturalization Service (INS), American Federation of Government Employees (AFGE), respectfully requests that Congress provide an additional appropriation in the amount of \$10 million to upgrade the salaries of the INS attorneys and fund the INS attorney payroll budgetary shortfall occasioned by insufficient funding of established attorney positions.

II NECESSITY FOR AN ADDITIONAL SALARY APPROPRIATION

It is imperative that the INS attorneys secure long overdue and well-deserved salary increases because it has become very difficult for the INS to attract and retain attorneys qualified with the requisite specialized knowledge to effectuate Congressional mandates and to handle the ever-increasing complexity of the immigration laws and process. Each year, the INS loses out on qualified employee candidates to the private sector, other Federal agencies and other legal divisions within the Department of Justice, primarily because of the discrepancy between INS salaries and the salaries paid to attorneys by such sector, agency and/or division. On average, the INS is compelled to offer both entry level and experienced attorney positions to about three candidates before the position is filled. Clearly, this evidences the fact that the candidates deemed to be the most qualified by the INS are seeking positions elsewhere. Further, the INS continuously loses its most experienced, well-trained personnel, the attorneys most able and effective in handling

the sophisticated litigation envisioned by much of the recent legislation. The INS, Office of General Counsel, has approximately 500 attorneys. In the last nine years, approximately 316 out of the 500 attorneys resigned from the INS. Statistically, this represents almost 65 percent of the agency's legal team. The long-term effect of such a high attrition rate on the agency's effectiveness in fulfilling its mission is incalculable.

Over the last four years, there have been sweeping changes in Immigration Law. A salary increase for INS attorneys is a necessary corollary to the substantially increased knowledge requirements and responsibilities required of INS attorneys in the enforcement of such new legislation. The increase is essential as incentive to attract and retain qualified, competent attorneys specializing in Immigration Law, experienced in the more sophisticated Immigration Law enforcement, so as to enable the Service to implement the comprehensive immigration reforms set forth in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as well as the Congressional mandates enunciated in other related immigration laws.

III BACKGROUND

A. WHAT WE DO

INS attorneys provide a full range of legal support, including core responsibilities for representing INS before the Immigration Courts and the Board of Immigration Appeals (BIA). INS attorneys support expanded enforcement activities, increased arrests, criminal alien removal programs, Institutional Removal Programs,

anti-smuggling efforts, conveyance seizures, expedited removal proceedings and mandatory detention and removal of illegal aliens. The attorneys also administratively impose civil liabilities upon employers who employ unauthorized, illegal aliens in the United States.

In addition to these core responsibilities, INS attorneys handle sensitive "special interest" litigation. Special interest litigation involves cases that are brought to the attention of INS Headquarters through a request for the initiation of proceedings by the FBI or other law enforcement agencies. There are several different types of cases within the special interest immigration category including: 1) "terrorist" cases or other cases in which the law enforcement agency desires to have the alien removed from the United States such as when the alien is a fugitive from another country; 2) "national security" cases as defined under the Immigration and Nationality Act (INA); 3) "terrorist-related" cases, where the alien is not charged with being a terrorist but is believed to be involved in terrorist activity; and 4) "high profile" cases which are cases that are likely to generate national media or congressional attention such as the Elian Gonzalez case. INS attorneys handling these cases are specially trained and often, require upgraded (Top Secret) security clearance because of their use of classified information. Of significance, is the fact that they coordinate their litigation with other law enforcement agencies and branches of the Government so as to assist in the removal of aliens that are believed to be involved in terrorist activity, national security issues and/or crimes committed in other countries. This type of litigation benefits not only the individual law enforcement agencies but

the United States on a national level as well.

Another major category of cases now handled by INS attorneys, are Federal denaturalization cases. In appropriate instances, INS attorneys prepare and institute proceedings in the United States District Courts to seek the denaturalization of citizens who obtained their very precious naturalized citizenship and corresponding benefits through illegal procurement or procurement by willful concealment or misrepresentation of a material fact. The INS attorneys handling these cases work in conjunction with the United States Attorney's Offices and the Office of Immigration Litigation, from whom they receive very specialized training.

In recent years, Congress has changed the face of Immigration Law. In 1996 alone, the Immigration Laws were changed twice in the form of the Antiterrorist and Effective Death Penalty Act of 1996 and, again, as the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. By the adoption of this legislation, Congress sought to protect and secure our borders against the flow of illegal immigration and the accompanying problems such as crime, drug trafficking, alien smuggling and increased demand on social services and local law enforcement agencies.

In addition to increased Border Patrol personnel, the law also provided for stepped up enforcement by INS attorneys, more specifically, new provisions were enacted regarding the removal of illegal immigrants—especially the criminal aliens—already in the country as well as to speed the removal of illegal immigrants who arrive at our airports and streamline the process for deporting those who are

apprehended. Due to Congressional emphasis on lowering crime, lowering the cost of imprisoning illegal immigrants and providing greater public safety, INS attorneys involved in the prosecution and enforcement of immigration laws, are now required to have specialized knowledge in state and Federal criminal laws, as well.

Furthermore, Congress has recently enacted legislation such as the Nicaraguan Adjustment and Central American Relief Act of 1997, which together with the amended Federal Regulations to Article 3 of the United Nations Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment and stepped up assertion of the International Religious Freedom Act, have served to further expand the role of INS attorneys in the removal of illegal immigrants as well as the need for specialized, sophisticated knowledge of Immigration and other related areas of the law.

PAY DISCREPANCY

The U.S. Army Manpower Analysis Agency recently completed a comprehensive review and documented the inadequate staffing needs in part, of the INS attorneys, in a 600-page report. The resources provided by Congress provide funding and positions for only a portion of the total documented attorneys needed to accomplish the task.

In addition to the amounts contained in the INS budget to remedy the serious understaffing of the Legal Proceedings Program, an additional appropriation is sought to upgrade the salaries of the INS attorneys. This appropriation is essential to provide

competitive salaries in order to attract and retain qualified, competent attorneys specializing in Immigration Law, so as to enable the Service to implement the comprehensive immigration reforms set forth in the new and increasingly complex immigration laws.

In the Office of General Counsel, INS, there are only two SES positions. The remainder of the approximately 500 attorneys positions fall within the GS-905 category and are paid salaries within the GS-11 through GS-15 range. Shockingly, the average INS attorney salary is Grade 14, Step 3, or \$70,381. Even more shocking is the fact that the General Counsel Budget only provides funding for attorneys at an average of Grade 14, Step 1, or \$65,983. This causes a significant annual payroll budgetary shortfall in the amount of approximately \$4 million (for which part of the requested additional appropriation is sought).

The INS attorney salaries are not competitive with salaries in the private sector, other Federal agencies and/or divisions within the Justice Department, and/or with the United States Attorney's Offices. That the INS attorney salaries are not comparable to the private immigration bar, is evident from the Equal Access to Justice Act, 28 U.S.C. Section 2412. Private attorneys who handle immigration proceedings, in appropriate cases, are awarded fees in the amount of approximately \$134.31 per hour or \$279,000 per year based upon their "specialized knowledge". (\$125.00 per hour statutory cap adjusted by the current Consumer Price Index for urban consumers as of October 1999, to \$134.31 per hour.) This rate may be adjusted upward for those attorneys deemed to possess "even more specialized

knowledge". Thus, the INS attorney salaries that average about \$70,381 are well below the market rate of their counterparts in the private bar.

The salaries of INS attorneys, particularly, non-supervisory senior attorneys are also not comparable to that of other Federal agency attorneys such as experienced BIA Attorney-Advisors or the United States Trustees, who are funded for and average salaries in the GS-15 range. The salary range for GS-15 for 2000, is \$77,614 through \$100,897, this is well above the average INS attorney salary. Similarly, the INS salaries are below the other senior litigation positions within other divisions of the Justice Department as well. The salary range for attorney positions in the following Department of Justice Divisions are funded for and average within the GS-15 range: Anti-trust; Criminal; Civil; Civil Rights; Environment and Natural Resources and the Tax Division.

Finally, the United States Attorneys and Assistant United States Attorneys, who are not paid on the GS Scale, also make substantially more money than INS attorneys. The United States Attorneys are paid on their own pay scale that ranged for 2000 to a maximum of \$122,400. It should be noted that INS attorneys assist the United States Attorney's Offices by preparing litigation reports and, in some instances, by sitting second chair in the United States District Court immigration litigation cases. In addition, INS attorneys are now handling much of the work traditionally handled by the Assistant United States Attorneys in the area of judicial denaturalization. A few years ago, there was some consideration given to shifting INS attorneys to the United States Attorney's pay scale. However, to date, no

initiatives have been made in this regard.

IV CONCLUSION

On Monday, February 7, 2000, the Administration released the proposed budget of the United States Government for Fiscal Year 2001. The proposed budget included a request for pay reform to upgrade the salaries of Border Patrol and Inspections, in acknowledgment of increased knowledge requirements and enhanced responsibilities. This same rationale would easily support pay reform for the INS attorneys, who along with their other aforesaid duties, advise and assist the Border Patrol and Inspections units.

Accordingly, for all these reasons, we respectfully request that Congress provide an additional appropriation in the amount of at least \$10 million to upgrade the salary of INS attorneys and fund the INS Attorney payroll budgetary shortfall. The details of any enabling legislation could be addressed between us at a later, mutually convenient date.

Mr. Chairman, we look forward to working with you and the other members of the subcommittee on Fiscal Year 2001 CJS Appropriations Bill. If you have any questions, please feel free to contact the Local 511, c/o Janice Montana, Chair, Salary Committee, by telephone at 973.645.3091 or in writing at 76 B Troy Drive, Springfield, New Jersey 07081.



AMERICAN FOREIGN SERVICE ASSOCIATION



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**TESTIMONY OF MR. MARSHALL P. ADAIR, PRESIDENT,
AMERICAN FOREIGN SERVICE ASSOCIATION
FOR THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
COMMERCE, JUSTICE, STATE AND THE JUDICIARY**

March 31, 2000

Mr. Chairman and Members of the Subcommittee:

On behalf of the American Foreign Service Association (AFSA), I wish to thank you for the opportunity to provide testimony to the Subcommittee as it prepares to draft the Commerce, Justice, State and Judiciary Appropriations legislation for FY 2001.

The American Foreign Service Association is the collective bargaining agent and the professional association for 23,000 active and retired Officers and Specialists of this nation's Foreign Service. Our members work for the Departments of State, Commerce, and Agriculture, as well as the Agency for International Development. They are posted in Washington, D.C. and a few other cities around the country, but the vast majority of those on active duty are serving this nation abroad. American diplomats are your eyes and ears overseas. They represent our country to the governments and the people of the rest of the world. Their mission is to enhance the security and the prosperity of Americans at home by helping to shape events abroad.

We submit to the Subcommittee our concern about the insufficient level of

appropriations to the overall international account, as well as suggestions concerning three specific areas that require more attention: protecting the security of Americans overseas, sustaining an effective professional diplomatic service over time, and constructing essential new overseas facilities.

AMERICA'S NATIONAL SECURITY NEEDS MORE THAN 1 PERCENT

Today, funding for international affairs makes up about 1 percent of the budget. That percentage has been declining steadily for the last 4 decades. In the 1960s, the international affairs account made up about 4% of the federal budget. At the start of the 1980s, it was 2%, and in the early 1990s it was 1.5%. The budget resolution recently adopted by the House of Representatives, which increases discretionary spending and funding for such areas as defense and transportation, and decreases funding for the International Affairs account, continues a trend of neglect which bodes ill for our national interest.

While our international affairs budgets have declined, the need for diplomacy has not. To the contrary, the need for diplomacy is increasing. As a nation, we are all aware of the primacy of national security. However, our political system increasingly defines national security largely in military terms. National security depends on more than military preparedness. National security depends heavily on diplomacy. Diplomacy is, in fact, our first line of defense:

promoting a more peaceful and stable world guided by democratic principles; supporting our economy by seeking fair and level playing fields in world markets; protecting our citizens from illegal immigration, international crime, drugs, and terrorism; advancing environmental protection, good health, and improved quality of life in this increasingly interdependent world; and finally, protecting Americans who work and travel in foreign environments around the world.

The budgetary decline that we have seen over the years – some 41% in real terms since the mid-1980s – severely undermines our ability to promote this nation's interests abroad through non-military means, and those non-military means are more important today than in the last 50 years. The world has changed. It is no longer based upon a bi-polar confrontation between two superpowers, and the threat of military confrontation alone is substantially less effective in keeping the peace. We must build our diplomacy as we have so successfully built our military. Conventional wisdom in both the Administration and the Congress appears to accept 1% as an appropriate budgetary level for international affairs, but this cannot meet the requirements of today's world.

The 1% of the budget now devoted to non-military international affairs should be substantially larger, probably closer to 2%. While such a budgetary shift would have some impact on defense or other domestic programs in the short term, that impact would be far less than the potential impact of shortcomings in our diplomatic capability in future years. This is a matter of

national security, and the consideration of these needs must begin now.

EMBASSY SECURITY - A CONTINUING NEED

As you know, the American Foreign Service Association joined this Subcommittee and many members of Congress last year in criticizing the Administration for its initial request for embassy security funding. Considering the bombings and assassinations of our diplomats in previous years, including the 1998 bombings in east Africa, we felt that the low level of that request was unconscionable.

We thank the Subcommittee for its strong support in this area and believe that without your support, a revised request would not have been submitted in July. However, we continued to argue that even the revised request was still far too low.

The FY2001 request of a little over \$1 billion is a vast improvement over last year, and we appreciate the increase. Nevertheless, this request is still insufficient. AFSA fully supports the recommendation the Accountability Review Boards (ARB) chaired by Admiral William J. Crowe. They recommended that \$1.4 billion be spent each year for the next 10 years to improve the security of our posts and missions abroad. Combined with last year's shortfall, the Administration's FY2001 request will put it almost one year behind Admiral

Crowe's schedule.

The American Foreign Service Association strongly urges this Subcommittee to increase the Administration's request for embassy security by \$300 million, to bring it up to the level recommended by Admiral Crowe. There are three areas to which such an increase could effectively be directed in FY2001.

- Perimeter Security: About 80%, or 208, of the 260 posts abroad do not meet current security standards. The Administration's request includes \$200 million for perimeter security. The State Department's Budget in Brief states that 124 posts need significant upgrades in technical security hardware and infrastructure. The Administration will use \$39 million to upgrade 22 posts in 2001, and work on the other 102 posts over the next four years. An additional \$100 million could decrease the number of posts waiting to be up-graded by more than a 1/3. FBO could effectively use as much as \$200 million more. While these improvements would not necessarily bring all of these posts fully up to the Inman/Crowe standards, they would make many more of our personnel posted around the world safer.
- Enhanced Glass Protection: The Department currently plans to use the remainder of the FY99 Emergency Supplemental funding to place mylar on the windows of posts abroad that do not already have reinforced windows. An additional \$100 million would permit the installation of

laminated glass in about half of those posts. Laminated glass provides substantially more protection than mylar film, and unlike mylar does not require replacement every seven years. Several reports have pointed out that windows are the greatest structural weakness of most facilities, and that shattered glass is responsible for the majority of injuries in terrorist bomb attacks.

- **Security technicians:** More diplomatic security professionals are being hired with each appropriations bill, and this is good. However, most of those new hires are law enforcement experts. As we improve our facilities with forced entry/ballistic resistant doors and windows, improved gates, surveillance equipment and other sophisticated technology, we will need more Security Engineers and Technicians to maintain this new technology. The FY2001 plan includes hiring 50 new engineers and technicians. Doubling this number would make a substantial contribution to long-term security improvement.

Mr. Chairman, as we have testified before, the Foreign Service does not expect the impossible -- a 100% guarantee of our safety. Foreign Service personnel are committed to the policy of world-wide availability, and will go where they are needed, often in hardship and despite dangers, diseases, discomforts and sometimes even family separations. That is part of the job. But

those who make this commitment also have a right to expect that the government that asks them to go abroad will also seek to assure their safety to the degree reasonably possible. As you would not send our military into the field without ammunition and training, neither should you deprive the Foreign Service of the resources it needs.

SUSTAINING AN EFFECTIVE PROFESSIONAL DIPLOMATIC SERVICE

For the past several years, AFSA has sought your support in encouraging the Department of State to develop and execute a forward looking, needs-based Work Force Plan.

This is far from a novel idea. A decade ago, the Thomas Commission called for "long range planning [which] would allow personnel managers to assess the effects of demographic and societal change and... changes in the mission of the Foreign Service and the overseas environments in which it operates...." The latest report by the Overseas Presence Advisory Panel calls for "the Secretary of State to initiate the development of a comprehensive human resources strategy."

We are pleased the authorizing Committees put into Public Law 106-113 a requirement that the Department of State produce a forward looking, needs based workforce plan by March 1, 2001, and that "every four years thereafter, the

Secretary of State shall submit a report" describing the steps taken to meet the plans objectives, and a workforce plan for "the subsequent five years."

AFSA has been working with the Department as it prepares to meet this requirement. Based on our initial study, we believe there is a current shortfall of more than 700 personnel to existing positions. Under Secretary for Management Bonnie Cohen, in testimony before this Subcommittee, described our current situation as having "run-down embassies and a hollow diplomatic corps." Too few people are trying to do too many jobs, and our nation will eventually suffer for it.

We are concerned that the funding request for the non-security portion of Diplomatic and Consular Programs includes only a 4.73 percent increase and a staffing increase of only 10 people. This is barely hiring for attrition, and will not fill already vacant positions. It should be increased to address the existing shortfall now, by directing more resources to recruitment and hiring.

Three recent studies by OPAP, the Stimson Center, and the Center for Strategic and International Studies all emphasized the need for increased professional training. Last year's State Department authorization legislation, now Public Law 95-277, also required the Secretary of State to consider establishing a program where Foreign Service personnel will receive management training at each major step in their career. AFSA fully supports these recommendations.

However, current and projected personnel levels are an obstacle to such

improvements. Reduced staffing has created chronic gaps throughout the Service, and training must take second place to active duty needs. The OPAP report therefore recommended the Service be staffed at a level 10-15% above existing positions, to permit necessary training, leave, and transfers without undue vacancies. AFSA will encourage the Administration to incorporate such an increase into future budget requests, and recommends the Subcommittee begin now to consider how that might be accommodated.

We believe the foreign affairs agencies need to plan systematically today if we are to maintain the world's best diplomatic corps tomorrow, and we seek this Subcommittee's continued support.

PRIORITY INFRASTRUCTURE NEEDS

For the past several years, the regular portion of the Security and Maintenance Account has been funded at roughly \$400-500 million. This has been used to pay leases, and to maintain and rehabilitate facilities. While these funds are generally sufficient for the intended use, there are major building needs beyond the scope of what is provided to this account. Some of the most urgent needs are:

- A new office building and staff housing in Beijing, and improvements to the consulates in Chengdu and Guangzhou

- The Moscow consular facility and warehouse/garage in Russia
- Work on the consulate in Tijuana and the Mexico City master plan;
- Facilities in Southeast Europe.

Secure and efficient embassies are desperately needed for effective USG operations overseas. That requires the sustained allocation of substantially more resources over the next five to ten years. However, such an allocation would appear impossible as long as the currently accepted 1% ceiling on the international affairs account is maintained.

CONCLUSION

Mr. Chairman and Members of this Subcommittee, I wish again to express our appreciation for the opportunity to provide our views as you shape your appropriations legislation. Your decisions directly impact the professional and personal lives of the men and women in the Foreign Service. They also impact our national security.

We are proud of the work we do, and believe in its importance to our nation and people. We need your help to ensure that our diplomatic service is supported with a sound personnel system, secure overseas posts, and adequate resources to effectively pursue this nation's interests.

We need your help to promote discussion of the proper level of funding for

the diplomatic contribution to national security. We believe the current 1% level of funding to the international affairs account represents a severe miscalculation of our national interests, and that it must be corrected to meet the real needs of today's world.

AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

STATEMENT OF THE AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM PRESENTED TO THE U. S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON COMMERCE, JUSTICE, STATE AND THE JUDICIARY

MARCH 31, 2000

I. INTRODUCTION

Mr. Chairman and Members of the Subcommittee, on behalf of this nation's 32 American Indian Tribal Colleges, which comprise the American Indian Higher Education Consortium (AIHEC), we thank you for the opportunity to share our Fiscal Year 2001 (FY01) funding requests regarding the United States Departments of Commerce, Justice and State.

Under the **Department of Commerce** programs, we will address **five** specific areas:

1. We request that the Subcommittee fully support the President's Budget Request of \$45 million for the Technology Opportunities Program (TOP) to help in narrowing the Digital Divide in Indian Country.
2. We request that some funding for the New Markets Initiative be specifically directed to the Tribal Colleges to complete a comprehensive technology infrastructure strategic plan with a detailed cost assessment. This critical step in planning will allow the Tribal Colleges to further address the much-needed economic development issues of tribal communities.
3. We strongly urge support of a new \$28 million program designed to build math, science and technology capacity at Tribal Colleges and other Minority Serving Institutions.
4. We urge Subcommittee to support the Economic Development Administration's efforts to address the chronic unemployment and poverty in our reservation communities and to include report language that would foster partnerships between the EDA and the Tribal Colleges.
5. We request support and expansion of the Internal Trade Administration (ITA) initiative to help Native Americans enter new markets and increase cultural heritage tourism as part of their communities' economic development plans. Tribal Colleges often serve as the tribal archive and community centers and are a logical catalyst for attaining the economic development goals of both the ITA and tribal communities.

Under the **Department of Justice** programs, we request that the Subcommittee fully support and build upon the President's budget recommendation of \$1 million for a *Tribal College Law Enforcement Training Initiative*. This program would support training for law enforcement curricula – especially important to the Tribal Colleges due to the high rate of crime on American Indian reservations. Specifically, we request that this project be increased to a level of \$5 million.

This statement will cover two areas: First, it will provide some background on the Tribal Colleges and second, it will provide justifications for the above funding requests.

AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

II. BACKGROUND ON TRIBAL COLLEGES

In the 1960s, dismal statistics concerning the American Indian experience in education brought tribal leaders to the realization that only through local, culturally-based education could many American Indians succeed in higher education and help bring desperately needed economic development to their isolated and underserved communities. The Tribal College movement began more than 30 years ago as a very sound and well thought-out solution to this problem. In the late 1960s and early 1970s, the first Tribal Colleges were chartered by their respective tribal governments, to be governed by boards of local tribal people. These first colleges were started, with little money and a lot of determination, in abandoned and even condemned government buildings and old trailers, using three-legged desks, wood crates for shelves and typewriters with missing keys. In 1972, the first six fledgling tribally-controlled institutions came together to form the American Indian Higher Education Consortium. Today, AIHEC is a cooperatively sponsored effort and integral support network for 32 member institutions in the United States and one in Canada.

Tribal Colleges and Universities now serve more than 25,000 students from more than 250 federally recognized tribes and are located in 12 states. Tribal Colleges offer primarily two-year degrees, with some colleges offering four-year and graduate degrees. Together, the colleges represent the most significant development in American Indian education history, promoting achievement among students who would otherwise never know educational success. All of the Tribal Colleges are fully accredited, with the exception of four institutions that are accreditation candidates.

Despite our successes, Tribal Colleges remain the most poorly funded institutions of higher education in this country, and although conditions at some have improved substantially, many of the colleges still operate in trailers, cast-off buildings, and facilities with crumbling foundations, substandard and exposed wiring and leaking roofs. In spite of such a fragile existence, Tribal Colleges are bringing advanced technology to Native communities and partnering with high technology firms to build an American Indian information technology workforce. For example, Diné College, serving the Navajo Nation in Arizona and New Mexico, has joined Coconino Community College and Grey Hills High School in a partnership with IBM to develop, prepare, and retain an American Indian workforce in jobs related to the high tech/computer industry. But programs such as this represent only a first step. In response to a recent query from the Senate Indian Affairs Committee, AIHEC surveyed the Tribal Colleges to determine the status of technology infrastructure at the nation's Tribal Colleges. The results revealed that the 21 responding colleges estimated a cost of \$4,650,000 to be brought up to speed with current technology. Expanding this average indicates that the 32 colleges in the United States would require a minimum of \$8,000,000 to be brought safely into the first phase of the new technology era.

Our core operations funding, which is authorized under the Tribally-Controlled College or University Assistance Act and funded through the Department of Interior appropriations bill, remains grossly inadequate. Despite an increase in our appropriation of \$4 million in FY00, the Tribal Colleges' appropriation of \$3,433 per Indian student (ISC) is dramatically less than the average per student revenue of mainstream two-year institutions and falls far short of the authorized level of funding currently \$6,000 per Indian student. In addition, due to the location of the majority of Tribal Colleges on federal trust territory, states have no obligation and in most cases, do not fund the Tribal Colleges. In fact, most states do not even fund the institutions for the non-Indian students who attend our colleges. The non-Indian enrollment at the Tribal Colleges is approximately 20 percent.

AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

Tribal Colleges serve as a vehicle to accomplish what centuries of paternalism and outside experimentation have failed to do: We are enabling American Indians to succeed and regain self-sufficiency. Paramount to achieving this goal are the innovative teaching philosophies of the Tribal Colleges, and the fact that our graduates live and work on the reservations and impact others by giving back to their communities serving as role models and leaders. This "ripple effect" can be seen in increased community pride, the increased importance of succeeding in elementary and secondary school, and in Tribal College graduates implementing creative and effective solutions for their communities' problems.

Today, approximately one in five American Indians live on a reservation. Past federal policies of relocation and neglect of these trust territories have left once proud Indian communities in abject poverty. The logical alternative to this lose-lose situation is demonstrated by the Tribal Colleges. Through the Tribal Colleges and Universities American Indian communities are being effectively developed, residents can move off the welfare rolls and into gainful employment, lowering taxes for all Americans while providing critical services to these historically underserved areas. It would be tragic not to expand the modest investment in, and capitalize on, the human resources that will help open new avenues of economic development specifically through enhancing Digital Opportunity and thereby narrowing the Digital Divide.

III. JUSTIFICATIONS

Given the needs outlined above and the reality of an ever-expanding Digital Divide, the Tribal Colleges request support for the following programs and initiatives within the Department of Commerce.

Technology Opportunities Program (TOP): We urge you to support the proposed \$45 million funding level for the Technology Opportunities Program (TOP). This program is designed to promote access and the necessary infrastructure to bring high tech opportunity to all Americans. The TOP program is ideally suited to helping the Tribal Colleges meet the needs of their isolated rural communities through innovative technology. Lac Courte Oreilles Ojibwa Community College (LCOOCC) in Hayward, Wisconsin, plans to submit an exciting TOP proposal this year on behalf of several Tribal Colleges. LCOOCC proposes upgrading the existing satellite link system to a supercomputing grid that would create a wide area network for as many as 12 Tribal Colleges, initially. Students, faculty and staff at these colleges would be able to access software and the Internet on a high performance T1 line. The success of this promising proposal to bring high tech capability to Indian Country depends in part on the Tribal Colleges' ability to fully participate in programs such as TOP. A substantial barrier to full participation is matching requirements. We request report language in the appropriations bill that would waive the program's matching requirement for the Tribal Colleges.

New Markets Initiative: In 1999, the Department of Health and Human Services (DHHS) funded an initial assessment of the current technology capacity at the Tribal Colleges and Universities. The results of the study, released last September, were eye opening. Nearly one-third of the Tribal Colleges were found not to be Y2K ready. The results also clearly identified critical areas of technology infrastructure enhancement as a top priority.

Funding for a Tribal College - New Markets Initiative would assist the Tribal Colleges turning the Digital Divide into "Digital Opportunity" for the isolated communities where most colleges are located. To begin accomplishing this goal, our institutions would engage in a two-step process. The first step would be the development of a comprehensive technology infrastructure plan and cost assessment of its implementation, which began last year with the DHHS Y2K study. The second step would focus on convening a national, high-level meeting of public and private sector organizations interested in promoting Internet connectivity for Indian Country.

AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

Participants would include private industry, foundations, federal agencies and other partners who could assist Tribal Colleges in securing funds from a wide array of sources to bring digital opportunity and economic development to Indian Country. We urge the Subcommittee to direct the Department of Commerce to work with the President's Board of Advisors on Tribal Colleges and Universities to convene this important meeting.

This process of partnering with the private sector is already underway at some Tribal Colleges. For example, Salish Kootenai College (SKC) in Pablo, Montana has an "Internet access partnership" with BigSky Net, a regional Internet provider. Under the agreement, SKC permits BigSky Net to house Internet server equipment on its campus, and in return, SKC students and faculty get unlimited Internet access at no cost (except for a monthly T-1 data connection fee from Pablo to Kalispell, Montana). Additional funding would enable more Tribal Colleges to participate in such programs and partnerships, further enhancing our efforts to meet the goals of our collective missions: to bring higher education and economic development to tribal communities.

Building Math, Science and Technology Capacity at the Tribal Colleges and other Minority Serving Institutions: The Commerce Department is proposing a program to spur the interest of minority students in the field of science critical to the mission of the National Oceanic and Atmospheric Administration (NOAA) and the National Institute of Standards and Technology (NIST). We urge you to support the full funding of this \$28 million program designated for Minority Serving Institutions.

Economic Development Administration (EDA): The EDA is charged with providing assistance to economically distressed areas and regions to alleviate conditions of ongoing unemployment and underemployment. Contributing to the economic development of American Indian reservations is an essential goal of the Tribal Colleges. We strongly support the commitment of the EDA to strengthen its efforts to assist American Indian tribes by providing capacity building and developing finance and infrastructure projects needed to enable our communities to be more effective and competitive in economic development efforts, as stated in the FY01 budget recommendation sent to Congress. We request report language that will expand this program to include partnerships with Tribal Colleges to enable our institutions to further address the chronic unemployment and poverty that plague reservation communities.

International Trade Administration (ITA): The ITA has targeted Native American Economic Development as a priority in fiscal year 2001. The ITA intends to assist Native Americans in their efforts to use cultural heritage tourism as part of economic and community development plans. The Tribal Colleges are currently pursuing partnerships with USDA, US-AID, Interior and the private sector to bolster international programs, tourism, trade, and outreach to other indigenous peoples. For example, Haskell Indian National University, Lawrence Kansas, recently received a partnership grant from US-AID to work in the Altai (Siberia) region of Russia. The Native American economic development program of ITA could partner with the Tribal Colleges to enhance the work that has already been started by the Tribal Colleges.

Department of Justice - Office of Tribal Justice:

Tribal Colleges play an intricate part in the education system that supports tribal justice on Indian reservations. Nearly one-third of the Tribal Colleges currently offer justice related programs. The President's budget recommends \$1 million to support tribal law enforcement and law related education and training at the Tribal Colleges. We urge the Subcommittee to build upon this recommended level and create a \$5 million Tribal College Law-Related Education Initiative.

AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

Existing nationally certified law enforcement programs at Tribal Colleges, such as United Tribes Technical College in Bismarck, North Dakota, offer specialized curriculum that provides a stronger educational foundation and promotes a heightened sense of awareness. These curricula require students to take courses in psychology and sociology and classes in administration. One model program is at Fond du Lac Tribal and Community College in Cloquet, Minnesota, that offers both Associate of Applied Science and Associate of Science degrees in Law Enforcement. The Fond du Lac programs can be completed in two years and incorporate direct field experience and a multicultural environment into its coursework better preparing graduates for working in the field.

We believe that the additional funding to the Tribal Colleges for tribal law enforcement and law-related education and training will allow our institutions to continue and expand on-going programs of training better law enforcers, legal personnel, court and judicial staff, and tribal government officials in a manner that meets state and national standards while, addressing important and unique cultural needs.

IV. CONCLUSION

In light of the justifications presented in this statement and the overwhelming evidence that without an insurgence of educational and technology centered opportunity the Digital Divide will widen in rural America, we urge the Subcommittee to increase funding for Tribal Colleges to help bring economic development to Indian Country. Fulfillment of AIHEC's Fiscal Year 2001 request will strengthen the mission of our colleges and the enormous, positive impact our institutions have on our communities and will help ensure that we are able to properly educate and prepare thousands of American Indians for the workforce of the 21st century. Without Tribal Colleges to serve as the means for moving from welfare to work, much of the reform accomplished by the Congress will fail throughout Indian Country. As demonstrated in these remarks, Tribal Colleges have been extremely responsible with the federal support they have received in the last 19 years. It is important that the Federal Government now capitalize on its investment. As the 1997 Carnegie Report on Tribal Colleges stated, *"Now, as strongly as ever, we repeat our conviction that Tribal Colleges deserve continued support. Their value has been proven, but their vision is not yet fulfilled"* (Native American Colleges: Progress and Prospects, Carnegie Foundation for the Advancement of Teaching, 1997). Our institutions have proven themselves to be a sound federal investment, and we ask for your continued support.

Thank you.

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AMERICAN OCEANS CAMPAIGN

March 30, 2000

The Honorable Harold Rogers, Chairman
Subcommittee for Commerce, Justice, State and the Judiciary
Appropriations Committee
U.S. House of Representatives
Washington, D.C. 20510

**American Oceans Campaign's Statement on the National Oceanic and Atmospheric
Administration's Appropriations for Fiscal Year 2001**

Dear Chairman Rogers:

On behalf of the members of American Oceans Campaign, a national conservation organization dedicated to protecting oceans and marine wildlife, I submit the following testimony on the FY 2001 budget for the National Oceanic and Atmospheric Administration (NOAA). I request that this statement be included in the House Appropriations Committee's hearing record for the Departments of Commerce, Justice, State and the Judiciary Appropriations bill for Fiscal Year 2001. I respectfully encourage you to provide increased federal funding for key NOAA programs that will help improve marine conservation and stewardship.

Several decades ago, the great majority of Americans believed the bounty of the ocean was limitless. Bays and oceans were considered resilient to human abuses. Little thought was given to the assaults of increased fishing pressure, untreated sewage discharges, and expansive coastal development.

Today, there is a greater understanding that our actions do upset a fragile balance and put the great wealth of the oceans at risk. Consider the following facts:

- One-third of assessed federally managed fish stocks are overfished. The status of 65 percent of federal marine fish stocks is unknown.
- In 1995, one-third of the nation's shellfish growing areas were closed to harvest, primarily due to toxic and pathogen contamination.
- In 1998, there were more than 7000 days of beach closures at the nation's ocean, bay, and Great Lakes beaches.
- Populations of the Steller sea lion have dropped by approximately 85 percent since 1965. These declines have coincided with the expansion of large groundfish trawl fisheries off the coast of Alaska.

In order to reverse these disturbing trends and ensure cleaner, more abundant oceans and

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coastal waters, a greater federal investment to help states, coastal communities, and fishery managers is needed. American Oceans Campaign considers the following FY 01 appropriations for NOAA programs to be essential:

■ Coastal Nonpoint Pollution. We urge the Subcommittee to provide \$12 million for grants to states to assist their efforts in finalizing coastal nonpoint pollution programs. These programs are critical to the effort to prevent and manage the largest remaining source of coastal pollution. Most coastal states are working to secure final approval for programs that currently are conditionally approved. Four states (Georgia, Minnesota, Ohio, and Texas) with newly approved Coastal Zone Management Programs are working to develop their coastal nonpoint programs. These states would benefit from a modest federal investment that supports their important activities.

In addition, we urge the Subcommittee's support of the President's request for increases in the State Coastal Program Grants under sections 306, 306A, and 309 of the Coastal Zone Management Act that would assist funding implementation of approved coastal nonpoint pollution programs. The President's request calls for \$25 million of the \$147.4 million in these grants to be spent on implementation of key strategies for reducing nonpoint pollution.

■ Coastal Zone Management Grants. We support the Administration's request for significant increases to support states' coastal zone management programs. In the past, CZM grants have been inadequate to fully implement the states' important work of addressing impacts of coastal storms and flooding, declining water quality, lack of public access to shorelines, and loss of wetlands. We believe greater federal investments to ensure activities that support coastal conservation and sound management are needed, and therefore encourage the Subcommittee to provide \$147.4 million for CZM grants.

■ National Marine Sanctuary Program. We encourage the Subcommittee to provide \$32 million for management and administration activities of the National Marine Sanctuary Program and \$3 million for construction needs related to the Program. The twelve National Marine Sanctuaries undertake numerous critical programs, including marine education, community outreach, research, monitoring, and resource damage assessment and rehabilitation in "nationally significant" marine areas. Enhancing the programs will result in better protection of these special marine places that include coral reefs, endangered and threatened marine mammals, sensitive habitats, and cultural resources. Last year, Congress did recognize the importance of the National Marine Sanctuary Program and provided much needed increases. We thank you for your support and hope additional investments will be made to support this program.

■ National Estuarine Research Reserves. We support the Administration's requests of \$12 million for the National Estuarine Research Reserves System (NEERS) and \$13.2 million for NEERS construction. In FY 2001, there will be 27 National Estuarine Research Reserves in 21 coastal states and Puerto Rico. These reserves protect representative estuarine areas through a partnership between NOAA and state governments. Each estuarine reserve coordinates research, education, and monitoring activities. They provide critical ecological information that helps track the status and trends of estuarine ecosystem health. Because estuaries are critical nursery, foraging, and spawning habitats for numerous marine and anadromous fisheries, the information that is learned

about these reserves will aid efforts to better manage fisheries.

■ National Marine Fisheries Service Resource Information. American Oceans Campaign recommends increasing the National Marine Fisheries Service (NMFS) request of \$101.989 million for resource information by \$14 million. Funds appropriated under this line item are used to collect the scientific data necessary to manage our fisheries. There is a critical need to improve the collection and analysis of fisheries data. Additional funds will enable NMFS to put more vessels on the water collecting fisheries data. NMFS has also requested an increase of \$2.5 million for fisheries oceanography. These funds will be used to improve stock assessments by, among other things, incorporating climate change into the models.

■ Base Fisheries Management Programs and Regional Council Operations. The Sustainable Fisheries Act amendments to the Magnuson-Stevens Act in 1996 significantly increased the management requirements of NMFS and the Regional Fishery Management Councils. Unfortunately, appropriations for fisheries management have not increased enough to meet these requirements. Therefore, we recommend that NMFS' base fisheries management programs be increased by \$2.5 million (\$500,000 per region) over the President's request of \$29.438 million. We also strongly feel that appropriations for the regional fisheries management councils must be increased significantly. We recommend an increase of \$6 million over the current appropriation of \$13.1 million.

■ Essential Fish Habitat. One of the most significant elements of the 1996 Sustainable Fisheries Act was the requirement to identify and protect essential fish habitat. Support for this critical work has been woefully underfunded in previous budgets. For FY 01, NMFS has requested an increase of \$770,000 to refine essential fish habitat (EFH) designations in fishery management plans and an increase of \$1 million to conduct research on the impacts of fishing gear on EFH. While a good start, both of these initiatives fall short of what is necessary. We recommend funds for research on fishing impacts to EFH be increased to \$3 million. We also recommend that funds to refine EFH designations be increased to \$2 million. The Administration's budget request does not contain any new funds to conduct EFH consultations. To ensure that this process runs smoothly and efficiently, we recommend that funds for EFH consultations are increased to \$1.5 million.

■ National Observer Program. NMFS has requested \$1.26 million to establish a national fisheries observer program. We strongly support requiring that observers be carried on fishing vessels to collect reliable catch data. As such, we support the \$1.26 million request for the establishment of this program.

■ Enforcement and Surveillance. NMFS requested an increase of \$2.5 million for cooperative enforcement agreements with states. NMFS currently has 16 cooperative agreements with states to enforce the Magnuson-Stevens Act. We recommend that this request be increased by \$1.5 million to \$4 million. NMFS has also requested an increase of \$1.3 million to establish and fund a national vessel management system (VMS). VMS is a satellite-based fishery enforcement system which has the ability to provide real time catch reporting. The \$1.3 million increase will allow NMFS to monitor 1,500 vessels. We believe that this program should be expanded further and supports increasing the request by \$1.7 million to \$3 million.

AMERICAN OCEANS CAMPAIGN

■ Steller Sea Lions. Populations of Steller sea lions have dropped by 85 percent since 1965. NMFS is working on a recovery plan and an Environmental Impact Statement for this majestic mammal. We believe NMFS needs significantly more funds to gather information, analyze data, and complete these important analyses than the President has requested. We therefore recommend a minimum of \$6 million to support NMFS's efforts for information collection and analysis and protected species management for Steller sea lions.

Thank you for considering these recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Morton", with a stylized flourish at the end.

Ted Morton
Policy Director

AMERICAN OCEANS CAMPAIGN



American Public Power Association

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**Statement
of the
AMERICAN PUBLIC POWER ASSOCIATION
Submitted to
U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS,
SUBCOMMITTEE ON COMMERCE, JUSTICE, STATE AND JUDICIARY**

March 21, 2000

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 throughout the United States. Collectively, public power utilities deliver electric energy to one of every seven U.S. electric consumers (about 45 million people), serving some of the nation's largest cities. The majority of APPA's member systems are located in small and medium-sized communities in every state except Hawaii.

We appreciate the opportunity to submit this testimony in support of FY 2001 appropriations for the Federal Trade Commission and the Antitrust Division of Justice.

The electric power industry is in the midst of sweeping and dramatic change, with a record number of proposed mergers, increasing significantly in the last two to three years. The industry experienced little competition in the past, except for franchise competition between investor-owned utilities (IOUs) on the one hand and publicly and cooperatively owned utilities on the other. During this transitional period—as this important, closely regulated industry

moves towards increased competition—sufficient resources are necessary so that the two federal antitrust agencies can adequately perform merger assessments.

The department of Justice Antitrust Division and the Federal Trade Commission play a critical advisory role along with the Federal Energy Regulatory Commission (FERC) with respect to antitrust monitoring and enforcement in the electric utility industry.

Important lessons have been learned through the deregulatory experiences of the airlines, cable, and telecommunications industries. As the electric power industry begins the transition from regulation to competition, those lessons must inform the policies and process that will guide, and ultimately determine, the structure of a deregulated electric power industry. There is no need to start at the bottom of the deregulation learning curve, or to repeat the mistakes made in other industries.

Mergers among electric utilities are likely to have a profound effect on the development of competition in the electric industry. In fact, because utility mergers will determine the basic structure of the electric power industry, they actually have the potential to define (or preclude the development of) the competitive landscape. The recent wave of electric utility mergers certainly will increase concentration in the industry, as the number of firms that are legally and practically capable of providing electric service declines through consolidation. Largely for the same reasons, the structural impacts of such mergers will likely be permanent. What is not known is whether mergers of incumbent electric utilities and/or other wholesale power suppliers, collectively or individually, are on balance procompetitive or anticompetitive. Specifically, there are a number of unknowns about electric utility mergers:

- Whether an increase in concentration will produce associated efficiencies;
- Whether any efficiencies that do result will be passed on to consumers in the form of lower electric rates, or instead be passed on to shareholders, or used to build diversified empires;
- Whether an increase in concentration will simply serve to fortify existing market power to exclude new entrants, drive out new entrants through price competition and mergers, purchase existing competitors, or gouge consumers.

As the mixed deregulatory experiences of other industries demonstrate, these are not questions that can be accurately answered in the absence of actual market data. The pressure placed on DOJ's Antitrust Division and the FTC will be enormous as we search for the answers to these and many more questions.

We are at a critical juncture in the history of our antitrust laws. After a full generation of decline, antitrust enforcement is making a comeback. In response to the unprecedented wave of mergers that has overtaken the U.S. economy in the last few years, the Administration recently proposed substantial increases in the budget of the Justice Department's Antitrust Division and the Federal Trade Commission. The restructuring of many industries, the concurrent revolution in international trade and international competition policy, and the emergence of serious competitive problems in the evolving high tech industries have also made the task of antitrust enforcement more challenging and requiring a larger commitment of resources. Robert Pitofski, Federal Trade Commission Chairman, recently pointed out during a speech to a group of antitrust lawyers, that with the business community's request for a level

of restructuring never asked for before, his department has seen a tripling of FTC merger reviews.

Moreover, the wave of mergers has made antitrust enforcement a great bargain for the public. Since funding for the Antitrust Division and FTC comes out of a special fund consisting of fees paid by companies applying for merger approval, antitrust enforcement pays for itself. Under the Administration's budget proposal, no money comes from the General Fund of the Treasury. In addition, criminal and civil penalties attained by the agencies bring millions of dollars into the Treasury, and consumers are saved untold millions by the agencies' successes in promoting and maintaining competition.

APPA supports the Administration's FY 2001 budget request of \$134 million for the Antitrust Division, an increase of \$25 million over the FY 2000 funding level, and \$166 million for the Federal Trade Commission, an increase of \$40 million or nearly 35% over FY 2000 requested levels.

We urge you to approve the Administration request.



American Society of Civil Engineers

**Statement of the
American Society of Civil Engineers
on the Fiscal Year 2001 Appropriations for the
U.S. Department of Commerce**

**Submitted to the
Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies
Committee on Appropriations
U.S. House of Representatives**

March 31, 2000

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The American Society of Civil Engineers (ASCE) is pleased to have the opportunity to comment on the appropriations for the U.S. Department of Commerce. Specifically, ASCE would like to emphasize the importance of programs within the Economic Development Agency, the National Institute of Standards and Technology and the National Oceanic and Atmospheric Administration.

AMERICAN SOCIETY OF CIVIL ENGINEERS

ASCE, founded in 1852, is the oldest national engineering society in the United States. Membership is held by more than 125,000 individual professional engineers, and is equally divided among engineers in private practice; engineers working for Federal, state or local governments; and those employed in research and academia. The Society's major goals are to develop engineers who will improve technology and apply it to further the objectives of society as a whole, to promote the dedication and technical capability of its members, and to advance the profession of civil engineer.

ECONOMIC DEVELOPMENT AGENCY

ASCE is pleased to take this opportunity to highlight the important work of the Economic Development Agency (EDA). Through its grants to local communities, almost always leveraged with state and local monies, EDA stimulates industrial and commercial growth in economically distressed areas of the U.S. In fulfilling its mission, EDA works with local communities to empower them to develop and implement their own economic development and revitalization strategies. This type of development yields long-term, sustained economic growth. The seed money provided by EDA gives way to private sector investment.

It is the public works infrastructure on which economies stand and grow. A crumbling infrastructure cannot support a healthy economy. Congress has recognized this important fact by funding the programs of the EDA. EDA in turn recognizes that by funding water and



Civil Engineers - Designers and Builders of the Quality of Life

wastewater facilities for industry and commerce, access roads for industrial parks, port improvements, brownfields redevelopment and other infrastructure projects. This becomes the foundation that permits economically distressed areas to attract the private sector jobs essential for sustained economic growth.

For FY 2001, the Administration has requesting \$437 million for the EDA. ASCE strongly supports this request.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

For FY 2001, the Administration has requested \$722 million for the National Institute of Standards and Technology (NIST). ASCE strongly supports the President's request and his proposal to increase overall federal spending on research and development. ASCE believes that a focused federal civil engineering R&D program should promote new U.S. capabilities, improve efficiencies and advance the practice of civil engineering for the benefit of humanity. ASCE also believes that the federal government has a responsibility to fund research that: enhances public health and safety; enhances environmental quality; supports the goals of sustainable development; and, improves the public works infrastructure.

Many programs of the federal government that supports these goals are housed at NIST. ASCE also praises NIST for its commitment to leveraging research and development funding. NIST routinely works by partnering with other federal agencies, state and local governments, industry and academia to form government-industry-university partnerships that make the most of limited research funding.

Measurement and Standards Laboratories Program - ASCE strongly supports the Administration's request of \$332 million to fund the Measurement and Standards Laboratory Program (MSLP). This is NIST's core program and provides the measurements and standards which permit the nation's technology industries to continue fueling the tremendous economic growth experienced by this nation in the past few years.

The NIST laboratories provide industry and the science and engineering community with the measurement capabilities, standards, evaluated reference data, and test methods that provide a common language needed at every stage of technical activity. U.S. scientists rely on NIST's evaluated data services and measurement expertise for a host of basic and applied research activities.

Building and Fire Research Laboratory - ASCE believes that the services provided by the Building and Fire Research Laboratory (BFRL) are invaluable to the building industry. BFRL works to improve the productivity of U.S. construction industries and serves as the premier fire research laboratory in the U.S. It develops technologies to predict, measure and test the performance of construction materials, components and practices. BFRL is the nation's central laboratory for providing the tools (i.e. research and measurements) needed to rebuild the nation's infrastructure. ASCE is concerned that the Administration's FY 2001 request will seriously compromise BFRL's ability to continue this vital work.

Laboratory activities include: fire science and fire safety engineering; building materials; computer-integrated construction practices; structural, mechanical and environmental engineering; and building economics. The laboratory conducts investigations at the scene of major fires and structural failures due to earthquake, hurricanes or other causes. The knowledge gained from these investigations guides research and is applied to recommendations for design and construction practices to reduce future hazards.

Construction is one of the nation's largest industries, comparable in size to the health care and agricultural industries. Like those vital areas of the nation's economy, the construction industry needs research and development to enhance international competitiveness and increase public health and safety. Funding for construction related research, from all sources, is a fraction of that available to the healthcare and agricultural industries. Due to the fragmented nature of the construction industry, the private sector does not have the resources to conduct the needed research and development on its own. Working in partnership with BFRL, the U.S. construction industry will be able to leverage the funding and leadership necessary to remain competitive in the global marketplace.

This leads us to the FY 2001 request for BFRL. The Administration has requested \$13.8 million for the BFRL. This represents a cut from the FY 2000 budget, if coupled with years of no growth budgets, compromises BFRL's ability to carry out its mission. Under the current budget request, BFRL will be forced to make cuts in its core programs. Important programs will be cut and researchers will be let go. ASCE believes that this would be a serious mistake and would have an impact far beyond the relatively modest sums involved.

ASCE strongly urges Congress to increase funding for the Building and Fire Research Laboratory. ASCE believes that funding should be increased to \$20 million for FY 2001 to permit BFRL to carry out its vital mission.

Advanced Technology Program - ASCE supports the Administration's FY 2001 request of \$175 million for the Advanced Technology Program (ATP). ATP provides the investment for cost shared research with industry to foster the development of high-risk, innovated technologies having strong potential for a major impact on the nation's economy. ASCE urges Congress to encourage ATP to include a focus on the development of new technology in the fields of design, materials, construction, maintenance, rehabilitation, operation, demolition and recycling of the nation's physical infrastructure.

Manufacturing Extension Partnership - ASCE supports the Administration request of \$114 million for the Manufacturing Extension Partnership (MEP). MEP, along with state and local governments, provides investment for more than 400 MEP centers and field offices nationwide. These cost-shared facilities help link small and mid-sized companies with sources of improved technology. MEP has reached its goal of placing critically needed extension services within the reach of small and medium sized companies in all 50 states, the District of Columbia and Puerto Rico. In 1999, the network provided services to more than 26,600 enterprises. ASCE urges Congress to explicitly expand the scope of MEP to include the needs of the nearly one million small firms involved in the design and construction industry.

National Earthquake Hazards Reduction Program – ASCE supports the Administration's request of \$2.2 million for NIST's activities under the National Earthquake Hazards Reduction Program (NEHRP). NEHRP funds activities within the U.S. Geological Survey, the National Science Foundation, the Federal Emergency Management Agency and NIST. NIST is responsible for research and development to improve standards and practices for structures and lifelines. Lifelines are the critical public works and utilities, such as facilities for water supply and sewage treatment, liquid fuel and gas pipelines, electric power, communications and transportation. The importance of developing technologies and processes that reduce the nation's vulnerability to severe losses of life, property economic activity from earthquake, cannot be overstated.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

ASCE supports the Administration's request of \$2.9 billion for the National Oceanic and Atmospheric Administration (NOAA). ASCE specifically supports the \$110 million request for programs that constitute the Natural Disaster Reduction Initiative. This request includes increases for the continued modernization of the National Weather Service, further research, new funding for satellites and data efforts. ASCE also supports the \$28 million requested for the Climate Observation and Services Initiative which will maintain and enhance the data and observation systems monitoring climate and extreme weather events.

As the profession most responsible for the built environment, civil engineers are well aware of the impact that weather, both extreme and normal, can have on the public health and safety. ASCE is also dedicated to finding solutions which will reduce the loss of life and property due to weather related events. The first, critical step in reducing loss is information. The on going modernization of the National Weather Service is critical to enhancing our weather predicting abilities.

In 1998 wind related storms resulted in more than \$5.5 billion in damages, and at least 186 fatalities. ASCE is currently working with several members of Congress in seeking to reduce the loss of life and property due to severe wind events. These members, who have formed the Congressional Wind Hazard Reduction Caucus, are working to create a National Wind Hazard Reduction Program that will focus on increasing public safety and decreasing the economic losses associated with tropical storms, thunderstorms and tornadoes. The existing programs at NOAA will play a key role in this effort.

CONCLUSIONS

To reiterate, ASCE strongly supports funding for the programs of the Economic Development Agency, the National Institute of Standards and Technology and the National Oceanic and Atmospheric Administration, all within the U.S. Department of Commerce. These three distinctive agencies support programs that are vital to both public health and safety and the economic well being of the nation.



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The American Society of
 Mechanical Engineers

Statement

on

**The FY 2001 Budget Request
 for the National Institute of
 Standards and Technology**

Prepared by the

**The ASME Councils on
 Engineering and Codes and
 Standards**

Submitted to

**The Senate Appropriations
 Subcommittee on Commerce,
 Justice and**

February 24, 2000

Mr. Chairman and Members of the Subcommittee:

The National Institute of Standards and Technology (NIST) Task Force of the Council of Engineering, and the Council on Codes and Standards, of the American Society of Mechanical Engineers (ASME International), is pleased to have this opportunity to provide written testimony on the Fiscal Year (FY) 2001 NIST budget request.

ASME is the premier organization for promoting the art, science and practice of mechanical engineering in the world. It conducts one of the world's largest technical publishing operations, holds some 30 technical conferences and 200 professional development courses each year, and sets many industrial and manufacturing standards. This testimony represents the considered judgment of the ASME NIST Task Force and the Council on Codes and Standards, and is not necessarily a position of ASME as a whole.

Mechanical engineers have a long-standing professional interest in the engineering, technology, development, and innovation that influence the economic well being of the nation. The ASME NIST Task Force and the Council on Codes and Standards have worked with NIST and thus recognize NIST as one of the key government agencies that contributes to the development and application of technology.

ASME has long supported the mission of NIST, which is to promote U.S. economic growth by working with industry to develop and apply technologies across a broad spectrum of areas appropriate for the civilian industrial sector, and to develop and maintain world class capabilities in metrology and standards. NIST's technical programs are unique because they foster government and industry cooperation through cost-sharing partnerships that create long-term investments based on engineering and technology. These programs are aimed at providing the technical support necessary to our nation's future economic health.

Measurement and Standards

The FY 2001 budget request would provide \$332.3 million for the Measurement and Standards Laboratories, a 17 percent increase over the current fiscal year. The Task Force supports this increase. The laboratories provide U.S. industry with critical technical information through their work in developing new measurement methods, testing techniques, data evaluation, and standards. NIST laboratories also serve as the U.S. reference point for measurements with counterpart organizations throughout the world. The FY 2001 appropriation for the Measurement and Standards Laboratories will support further development of critical measurement technologies, methods, and services needed by the U.S. to

promote technological progress, improve products and services, and enhance international competitiveness.

The Department of Commerce, working through NIST, continues to provide essential support to the private sector's efforts to assist federal agencies in meeting the provisions of The Technology Transfer and Advancement Act of 1995 (PL 104-113), which requires the federal government to use private sector voluntary consensus standards. In some cases, this has proven to be a challenging enterprise for both the standards development organizations and the federal agencies. Although the process of converting from government standards to voluntary consensus standards is well underway, we continue to look to NIST and the congressional oversight committees to encourage this effort and to monitor the progress made to date.

The ASME continues to support NIST's efforts to elevate U.S. participation in the international standards development process. Such efforts must include continuing support for U.S. representation on the international standards bodies (ISO and IEC). Without adequate representation on these bodies, the nation's trade interests will be severely compromised.

For the laboratories to continue developing and providing the state-of-the-art measurements that underpin U.S. industrial performance, NIST requires facilities that will enable it to deliver the best possible measurement system. The Task Force supports the request of \$35.9 million for the critical repair, maintenance, and safety upgrades at NIST's facilities in Maryland and Colorado.

Extramural Programs

The FY 2001 budget request would provide \$339 million for NIST's Extramural programs. These programs are true public/private partnerships that require cost sharing by the private sector and focus on investments that are expected to provide broad-based benefits to the economy. These on-going programs, the Advanced Technology Program (ATP) and the Manufacturing Extension Partnership (MEP), are merit-based, and closely evaluated. The Task Force believes that the ATP and MEP are good for the nation's economic well being and the health of the U.S. science, engineering, and technology enterprise. The ATP provides cost-shared funding to industry for high-risk research and development projects with potentially broad-based economic benefits for the United States. The Task Force supports the President's request for \$175.5 million in FY 2001 for ATP to promote industry's ability to undertake technologically challenging initiatives that have broad economic promise. When combined with anticipated carryover and prior year recoveries, the request will permit approximately \$65 million for new awards in FY 2001.

The ASME NIST Task Force also supports the \$114.1 million request for the MEP, which will permit NIST to continue providing the federal share of funding needed to support an existing network of centers serving smaller manufacturers

in all 50 states, the District of Columbia, and Puerto Rico. With its FY 2001 base funding, MEP will work to increase the capabilities and effectiveness of MEP centers, collect and evaluate performance and impact data, and further develop the electronic networking and information capabilities of the MEP system to strengthen communications.

Cooperative technology programs such as the ATP and MEP have been catalysts in bringing government, industry, and universities together to enhance the economic competitiveness of the nation. These programs are needed to improve the transfer of new discoveries in science and engineering to innovative technologies, global quality practice, and profitable manufacturing capabilities on the shop floor.

New Initiatives

The FY 2001 NIST budget request also contains a number of initiatives that recognize the nation's economy is being driven in large part by recent advances in information technology (IT), which today provides an essential foundation for the nation's economic growth and national security. However, this critical IT infrastructure could leave the nation vulnerable to disruptions caused by natural disasters, human error, equipment failures, and purposeful attacks.

The FY 2001 NIST budget request reflects NIST's participation in the recently launched National Plan for Information Systems Protection. The Task Force supports the budget request for \$60 million in new funding to protect the nation's critical information infrastructure. Of the total amount, \$50 million would be allocated to fund the launching of the Institute for Information Infrastructure Protection (I³P), a public-private partnership program to support research and technology development to protect critical information and telecommunications infrastructures from attack or other failures. An additional \$5 million would allow NIST to develop new measurements, standards, test methods and guidelines to better protect IT elements of the nation's critical infrastructures (e.g., security, engineering and system architecture, advanced cryptography through a Critical Infrastructure Protection (CIP) Research and Development effort). The remaining \$5 million would enable NIST to strengthen the security of federal computer systems to resist attempted cyber-terrorism and to recover from security breaches and to make that expertise available to other federal agencies through the formation of a CIP Expert Review Team.

Current forecasts indicate that business-to-business e-commerce transactions will continue to grow rapidly. This trend will have broad economic impact by lowering production costs and raising productivity throughout the economy. Businesses are increasingly using e-commerce for a wide range of critical processes throughout the supply chain. The continued growth of these practices will require new infrastructural tools and capabilities. The Task Force supports the request for \$14 million in new funding to collaborate with the private sector to build the new infrastructure for an e-commerce economy.

The Task Force also supports the request for \$46.3 million to expand the technology horizon through the development and measurements and standards needed to promote active pursuit of long-range opportunities to ensure that the U.S. economy will benefit from the next major wave of technological advances. This budget proposal would fund initiatives in nanotechnology and combinatorial science, two areas with bright prospects for rapid progress and the potential to deliver significant returns to the U.S. industrial and national economies.

The FY 2001 NIST budget request also includes \$15.5 million to fund a three-pronged approach to increase the number of highly skilled scientists and engineers through increased partnerships with minority-serving institutions and expansion of the NIST/National Research Council Postdoctoral Research Fellowship Program. The Task Force supports this effort to provide a continuous supply of technical expertise and well-trained people that are vital to the continued success of a national economy driven by high-tech successes.

Thank you for your consideration of our views on the FY 2001 NIST budget request.



Written Testimony

presented to the

Subcommittee on the Department of Commerce, Justice, and State,
the Judiciary, and Related Agencies

by the
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March 31, 2000

OVERVIEW

This testimony is submitted to the Commerce State Justice Appropriations Subcommittee on behalf of the Association of America's Public Television Stations and its members, who are the nations local public television stations, in support of funding for the Public Telecommunications Facilities Program within NTIA at the Department of Commerce. PTFP is a matching grant program that provides funding for public broadcasting facilities and equipment.

For more than 30 years, funding from this subcommittee to the Public Telecommunications Facilities Program has been a wise investment, helping to build a public television system that reaches virtually the entire United States with a free broadcast signal.

This year public television is seeking a significant increase in PTFP funding to assist in the federally mandated conversion to digital broadcast. APTS urges the subcommittee to fund PTFP at \$110 million for FY 2001. These dollars would provide matching funds for the purchase of equipment that would enable stations to broadcast a basic pass-through digital signal.

Public television stations are also seeking \$20 million for the Corporation for Public Broadcasting in FY 2001 to assist in the transition to digital broadcast. Digital funds made available through CPB would be used for necessary investments in production, development and distribution. CPB is funded through the Labor HHS appropriations subcommittee.

Public television estimates the total digital conversion cost to the system to be \$1.7 billion. Stations have been vigorously seeking funding for conversion through their states and local capital campaigns. But the system must have federal financial assistance to complete the conversion. For many small and rural stations, transition costs exceed their annual budgets. Further, the system must bear the additional costs associated with broadcasting in two formats, that is, multiple channels, during a three (or more) year transition period.

While we struggle to find ways to finance our transition to digital broadcast, we are simultaneously very excited about the opportunities to expand our services in the digital age. And we remain committed to providing our services to every American television household.

One of your most underappreciated 'good deeds' at IPTV is to give the people of rural areas a feeling of belonging to the State through your many fine programs...I don't know if you realize sometimes how isolated rural Iowa still is. Do you know that public TV is the only medium that truly talks to us?

Mary Donna Falconer
Strawberry Point, Iowa

COMMITMENT IN THE DIGITAL AGE

New telecommunications technologies are changing the way we live. Although more Americans continue to have access to these new technologies and services, the abundance of distribution channels does not necessarily create an abundance of high quality, educational content that serves the public interest. There remains a critical role for institutions that will harness the potential of digital technology not only for financial return, but also educational, social and civic value.

Using this medium to help parents raise thoughtful, compassionate children isn't a business; it's a calling.

LeVar Burton
Producer/Host of *READING RAINBOW*

Public television operates under a very different model from commercial media companies. We look forward to broadcasting our high quality nature and drama programs in high definition, but we are even more excited about new multicast capability through digital television. When not broadcasting in HDTV, the same spectrum space will allow four or more streams of simultaneous programs and data transmission. We will be able to increase our educational reach four times.

Public broadcasters see the convergence of television and the Internet as the missing link in fulfilling their mission to educate and enlighten. Despite changes in the media world, the need for a local-national public media enterprise remains. We remain committed to providing a community resource:

- for parents and schools to better educate children;
- for colleges and universities to reach out beyond their campus walls;
- for students of all ages to have access to lifelong learning;
- for families and communities concerned about a culture of violence;
- for underserved audiences whose income or geography leave them on the wrong side of the "digital divide;"
- for citizens who feel cut off from their elected officials;
- for public service organizations seeking to build a sense of civic connection and commitment.

INVESTMENT IN EDUCATION

Our children face enormous challenges today. It is no surprise that in poll after poll Americans rank education as their top concern, above health care, Social Security and taxes. Some 61 percent of likely voters surveyed said the federal government invests too little in education, with Republicans, Democrats and independents alike naming education as their top spending priority.

There is no better, more visible way to extend the reach and impact of the vast public investment in education and early childhood development than to make a much smaller investment in the communications technology that will make these programs and

services available to far more American children and families. If Congress and the Administration are committed to making access to quality education the nation's highest priority, public broadcasting is a highly cost-efficient way to achieve that goal.

With the wide disparity in funding for public schools, it is very difficult to provide all students with the same level of education. The high-quality children's programming on WITF-TV is really the only equitable educational opportunity accessible to most kids.

Patricia Garcia
Council for Public Education
Harrisburg, PA

WFUM's, (Flint, Michigan) After School Reading Room, a series of literacy programs, airs during a time each school day when 15 college student mentors are working with elementary and middle school students of the Flint Public Schools. The project works in partnership with the University of Michigan-Flint Office of Service Learning and School Partnerships.

PRESCHOOL AND READY TO LEARN

We have long known that our preschool programs are effective in developing both cognitive and social skills. But those benefits extend well beyond the early grades. A 1998 study (Anderson, Huston, Wright and Collins) found that high school students who had been frequent viewers of *Sesame Street*, had achieved higher grades in English, science and math; perceived themselves as more competent in school; placed higher value on achievement in math and science and elected more advanced mathematics courses; and read more books for pleasure than their peers who had not been frequent viewers.

Through the Ready to Learn Service, local stations partner with PBS to extend the value of children's on-air programs even further with local outreach efforts for parents and caregivers. In the past four years, Ready to Learn stations have conducted more than 12,700 workshops reaching 560,000 parents and caregivers who in turn reached 5.25 million children.

We now have documentation that our Ready to Learn efforts are paying off. Last year, a University of Alabama study found that parents who participated in Ready to Learn workshops: read more books and stories to their children and read for longer periods each time; did more hands-on activities related to reading with their children; engaged in more and longer work activities; and took their children to libraries and bookstores more often than non-attendees.

WEDU in Tampa, Florida has trained Spanish speaking RTL trainers to present workshops in Spanish. This has allowed us to present the RTL message to non-English speaking audiences such as migrant farm workers. Since PBS children's programming is available without cable to more than 90 per cent of the country, these families will be able to incorporate this information into their family television viewing habits wherever they may go throughout the country. Books

printed in Spanish as well as English are also provided to these families to encourage family literacy.

LIFELONG LEARNING

The competitiveness of our nation's economy and the productivity of our workers depend on education and training that doesn't end with high school, college or even graduate school. We recognize that for this and future generations to fulfill the American promise of economic opportunity, learning must become a lifelong affair. For example:

Workplace Essential Skills [provided by public television] *got me back on my feet. Boosted me up 'cause I needed a boost. . . I finally got a job. What's so surprising is that their evaluation said that I had a great attitude, that my paperwork, my resume, was very impressive and that I had a hopeful future with them.*

Hugo Ramirez
Kentucky

West Virginia has one of the lowest college attendance rates in the country. "The Road to College," a one-hour program, shows high school students and their parents how to apply for college financial aid. This program is produced each year and has been distributed to every high school and public library in the state.

Since 1975 more than two million adults have earned a GED high school equivalency certificate through public television's GED-ON-TV program.

In Kentucky, 29-year-old Bieber Louanne of Lexington and 70-year-old Thelma Ulrich of Augusta both studied for the GED exam by watching GED-on-TV and subsequently passed the test.

Every year distance-learning telecourses are broadcast by public TV stations for two-thirds of the colleges and universities in the United States. In 1998-99, roughly 500,000 adult degree candidates participated in those courses, a marvelous use of technology on a scale unimaginable only a few years ago. Since 1981 more than five million adults have earned college credit using public television's Adult Learning Service telecourses. With Digital TV, the scale of adult learning on public TV could expand greatly in the years ahead.

KOCE in Southern California recently launched *Hear & Now*, a 24-hour per day reading service for the visually (print) impaired. *Hear & Now* uses professional and volunteers to read newspapers, novels and magazines to the thousands of Southern Californians with sight problems, severe dyslexia and other challenges, which make it difficult for them to read English. *Hear & Now* is presented on KOCE's (SAP) Secondary Audio Program channel.

The Criminal Justice Academy utilized the [South Carolina] ETV satellite system to deliver 420 hours of training to officers throughout the state. Approximately 6000

police officers received mandated courses in this manner. Savings in overtime pay alone equals \$576,000.

CURE FOR A CULTURE OF VIOLENCE

Noted anthropologist Margaret Mead said that in any healthy society, "We must have a place where children can have a whole group of adults they can trust." Public television, because of its non-profit mission to educate, is the safe place in the media for quality, education and non-violent programming.

In communities around the country, public television stations also provide a forum to respond to violence and develop effective new strategies to prevent it. For example:

Break the Silence on Domestic Violence A KVIE - WEAVE Town Hall Meeting: To respond to the escalating problem of domestic violence in the Sacramento area KVIE has teamed up with Sacramento's domestic violence agency WEAVE, to present a program that explores solutions to this problem and profiles people in the community doing things to help stop it. *Break the Silence Town Hall Meeting* is hosted by Bette Vasquez and features a local audience to interact with a panel of experts. Topics include learning how to intervene in a violent situation, finding out how to spot the signs of domestic violence and meeting survivors to learn how they escaped troublesome situations.

DIGITAL DIVIDE

Even in a period of extraordinary prosperity, one out of every five children in America still lives in poverty. Typically, their families face a myriad of social problems. Most of them also lack access to the computer technology and online resources that are increasingly essential for life and work in our society. As the U.S. Department of Commerce reported, the "digital divide" is threatening to become a "racial ravine" separating American information "haves" and "have-nots." The disparities are significant and are growing between those of different education and income levels.

Households with incomes of \$75,000 and higher are more than 20 times more likely to have access to the Internet than those at the lowest income levels and more than nine times more likely to have a computer in the home. Black and Hispanic households are approximately two-fifths as likely to have home Internet access as other households. Regardless of income level, Americans living in rural areas are lagging behind in Internet access.

Public television is dedicated to reaching out, bridging this digital divide and working with local schools and communities to create an accessible on-ramp for EVERY child and adult and helping to ensure that there is educational content on the Internet.

Local public stations and PBS have joined together to create PBS Online, one of the largest and most popular Web sites anywhere on the net, with more than 85,000 pages of

information related to public television programming and links to companion sites, as well as a wealth of original material that encourages both informal and formal learning. In communities across the country, local public television stations are reaching out and helping to make computers and the Internet more accessible and understandable:

WGCU in Ft. Myers, Florida offers FREE Internet training tutorials and material with titles such as: Web Page Design, Harnessing the Power of the Web for Classroom Use: A Tutorial, Exploring the Internet, Using and Understanding the Internet and WWW Instructor's Manual: Learning On the Web '96--a text-based manual on using the Web and creating a learning environment featuring many illustrative links.

In the last two years, an elaborate New Media program has digitized and catalogued over 1000 hours of South Carolina ETV's valuable archives. Employing a video search engine, teachers in schools around the state can search for still photos and video to be streamed to their classroom for instruction. Interactive science courses are also being developed using the latest web technologies for learning as now all schools and public libraries in South Carolina are connected to the web.

CONCLUSION

Public broadcasting is composed of local boards of trustees, hundreds of thousands of local volunteers, local staffs and local nonprofit and business partners, all of whom ensure that public television programs and services reflect diverse local needs and interests. The digital transition will only enhance public television's role as the "town square" in the digital age, with local public television stations serving as the increasingly essential link in connecting homes, offices, workplaces, libraries, schools, colleges and local civic entities.

Public broadcasters don't create television programming and multimedia content in order to earn profits. We do it to improve the quality of life for all Americans. We set out to use satellites, video and computer technology, and now Digital TV, to enhance primary, secondary and higher education; to broaden access to lifelong learning; to provide a safe place for children, free from violence; to bring the best of arts and culture into American homes; to use our freedom, power and influence as modern-day broadcasters over the air and as "narrow-casters" over the web and Digital TV in the same constructive way: to sow seeds that will help people of all ages and backgrounds lead better, fuller, more productive lives.

**STATEMENT OF THE CALIFORNIA INDUSTRY AND GOVERNMENT
CENTRAL CALIFORNIA OZONE STUDY (CCOS) COALITION**

SUBMITTED TO THE

**APPROPRIATIONS SUBCOMMITTEE ON
COMMERCE, JUSTICE, AND STATE**

UNITED STATES HOUSE OF REPRESENTATIVES

BY

ALAN C. LLOYD, Ph.D.
CHAIRMAN
CALIFORNIA AIR RESOURCES BOARD

BARBARA PATRICK
CHAIR, CCOS POLICY COMMITTEE
BOARD MEMBER, CALIFORNIA AIR RESOURCES BOARD
SUPERVISOR, KERN COUNTY
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LES CLARK
VICE PRESIDENT
INDEPENDENT OIL PRODUCERS AGENCY

ANDREW RANZIERI
CHAIRMAN, CCOS TECHNICAL COMMITTEE
CALIFORNIA AIR RESOURCES BOARD

MARCH 31, 2000

Mr. Chairman and Members of the Subcommittee:

On behalf of the California Industry and Government Central California Ozone Study (CCOS) Coalition, we are pleased to submit this statement for the record in support of our fiscal year 2001 funding request of \$250,000 from the National Oceanic and Atmospheric Administration (NOAA) for CCOS as part of a Federal match for the \$8.6 million already contributed by California State and local agencies and the private sector. NOAA is currently under contract for approximately \$700,000 to use state-of-science instrumentation to measure surface and aloft winds and temperatures. This request will partially replace funding already spent for NOAA's participation in CCOS.

Ozone and particulate matter standards in most of central California are frequently exceeded. In 2003, the U.S. Environmental Protection Agency (U.S. EPA) will require that California submit SIPs to for the recently promulgated, national, 8-hour ozone standard. It is expected that such SIPs will be required for the San Francisco Bay Area, the Sacramento Valley, the San Joaquin Valley, and the Mountain Counties Air Basins. Photochemical air quality modeling will be necessary to prepare SIPs that are acceptable to the U.S. EPA.

Central California Ozone Study (CCOS) is designed to enable central California to meet Clean Air Act requirements for ozone State Implementation Plans (SIPs) as well as advance fundamental science for use nationwide. The CCOS field measurement program will be conducted in the summer of 2000 in conjunction with the California Regional PM₁₀/PM_{2.5} Air Quality Study (CRPAQS), a major study of the origin, nature, and extent of excessive levels of fine particles in central California. CCOS includes an ozone field study, a deposition study, data analysis, modeling performance evaluations, and a retrospective look at previous SIP modeling. The CCOS study area extends over central and most of northern California. The goal of the CCOS is to better understand the nature of the ozone problem across the region, providing a strong scientific foundation for preparing the next round of State and Federal attainment plans. The study includes six main components:

- Developing the design of the field study (task already underway)
- Conducting an intensive field monitoring study, scheduled for June 1 to September 30, 2000
- Developing an emission inventory to support modeling
- Developing and evaluating a photochemical model for the region
- Designing and conducting a deposition field study
- Evaluating emission control strategies for the next ozone attainment plans

CCOS is directed by Policy and Technical Committees consisting of representatives from Federal, State and local governments, as well as private industry. These committees, which managed the San Joaquin Valley Ozone Study and are currently managing the California Regional Particulate Air Quality Study, are landmark examples of collaborative environmental management. The proven methods and

established teamwork provide a solid foundation for CCOS. The sponsors of CCOS, representing state, local government and industry, have contributed approximately \$8.6 million for the field study. In addition, CCOS sponsors will provide \$4 million of in-kind support. The Policy Committee is continuing to seek additional funding (\$9.0 million) for a future deposition study, data analysis, and modeling. California is an ideal natural laboratory for studies that address these issues, given the scale and diversity of the various ground surfaces in the region (crops, woodlands, forests, urban and suburban areas).

There is a national need to address national data gaps and California should not bear the entire cost of the addressing these gaps. National data gaps include issues relating to the integration of particulate matter and ozone control strategies. The CCOS field study will take place concurrently with the California Regional Particulate Matter Study – previously jointly funded through Federal, State, local and private sector funds. Thus, CCOS is timed to enable leveraging of the efforts for the particulate matter study. Some equipment and personnel can serve dual functions so that CCOS is very cost-effective. From a technical standpoint, carrying out both studies concurrently is a unique opportunity to address the integration of particulate matter and ozone control efforts. CCOS will also be cost-effective since it builds on other successful efforts including the 1990 San Joaquin Valley Ozone Study. To effectively address these issues requires federal assistance, and CCOS provides a mechanism by which California pays half the cost of work that the federal government should pursue.

For fiscal year 2001, our Coalition is seeking funding of \$250,000 from the National Oceanic and Atmospheric Administration (NOAA). Extensive meteorological data collected as part of the field study can be used by NOAA to improve its meteorological forecasting abilities. CCOS will provide a new database to evaluate the U.S. western boundary conditions of weather forecasting models. Meteorological data will be collected in both an ozone field study and an atmospheric deposition study. In addition, CCOS includes atmospheric airflow research. Data will be collected on sea breeze circulation, nocturnal jets and eddies, airflow bifurcation, convergence and divergence zones, up-slope and down-slope flow, and up-valley and down-valley air flows. This research will provide fundamental data needed to understand air flows over complex terrain and has national applicability.

Thank you very much for your consideration of our request.

Current CCOS Study Sponsors:

PRIVATE SECTOR:

WESTERN STATES PETROLEUM ASSOCIATION
PACIFIC GAS AND ELECTRIC COMPANY
ELECTRIC POWER RESEARCH INSTITUTE
NISEI FARMERS LEAGUE AND AGRICULTURE
INDEPENDENT OIL PRODUCERS' AGENCY
CALIFORNIA COTTON GINNERS AND GROWERS ASSOCIATIONS

LOCAL GOVERNMENT:

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT
(ON BEHALF OF LOCAL CITIES AND COUNTIES)
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
SACRAMENTO METRO AIR QUALITY MANAGEMENT DISTRICT
SAN LUIS OBISPO COUNTY AIR POLLUTION CONTROL DISTRICT
MENDOCINO COUNTY AIR POLLUTION CONTROL DISTRICT

STATE GOVERNMENT:

CALIFORNIA AIR RESOURCES BOARD
CALIFORNIA ENERGY COMMISSION



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STATEMENT OF THE CENTER FOR MARINE CONSERVATION

for the record of the

Subcommittee on the Departments of Commerce, Justice and State,

the Judiciary and Related Agencies

Appropriations Committee

U.S. House of Representatives

March 31, 2000

The Center for Marine Conservation appreciates this opportunity to share our views regarding the President's fiscal year 2001 budget request for the marine conservation programs of the National Oceanic and Atmospheric Administration (NOAA).

The Center for Marine Conservation is committed to protecting ocean environments and conserving the global abundance and diversity of marine life. Through science-based advocacy, research and public education, CMC promotes informed citizen participation to reverse the degradation of our oceans. CMC is a nonprofit conservation organization with 120,000 contributing members, headquartered in Washington DC, with field and regional offices in Alaska, California, Florida, Maine, and Virginia.

We greatly appreciate the funding this Subcommittee has provided for marine conservation over the last several years and respectfully request the Subcommittee provide the substantial, but needed, increases for NOAA's ocean stewardship programs proposed by the Administration for fiscal year 2001.

More than half of the U.S. population now lives and works within 50 miles of the coast and over 180 million people visit our nation's coasts each year. It has been estimated that nearly one out of every six jobs in the U.S. is marine-related and one third of our Gross National Product is produced in ocean and coastal areas. Consequently, providing adequate funds today for the conservation and management of living marine resources will have both immediate and long-term benefits for the American people. We thank the Subcommittee for its consideration of the following line item requests within NOAA's budget for fiscal year 2001.

Multi-Line Office Initiatives

Coral Reef Initiatives

While we fully support the Administration's \$16 million request for NOAA's portion of the interagency coral reef initiative, we respectfully request the Subcommittee to provide an additional \$10 million for the coral reef activities within NOS. Given the ambitious agenda of the Interagency Coral Reef Task Force we strongly believe this additional funding is critical to help the Task Force meet the goals and objectives outlined in the National Action Plan to Conserve Coral Reefs. We respectfully request \$26 million for NOAA for this successful cross-cutting interagency partnership. In addition, though outside this subcommittee's jurisdiction, we respectfully note the important role that Department of the Interior (DOI) Agencies play in the management and conservation of coral reefs, and we urge you to support adequate funding for these agencies as well.

South Florida Ecosystem Restoration Initiative

The South Florida Ecosystem Restoration Initiative is an integrated effort among federal, state, tribal and non-governmental partners to halt the degradation of the South Florida Ecosystem. CMC

respectfully requests that the Committee fully fund NOAA's portion of this vital initiative for the coming fiscal year at \$5.1 million. This request involves \$3.2 million in the National Ocean Service budget for monitoring and modeling, and will allow NOAA to fully implement its integrated ecosystem monitoring program in Florida Bay and the Florida Keys National Marine Sanctuary. The Administration's request also includes \$1.9 million in NMFS' budget for critical fisheries restoration and research.

National Ocean Service

National Marine Sanctuary Program

We respectfully request the Committee to provide the total \$35 million requested in the Administration's budget, including \$3 million for construction, for this important program. Often referred to as America's "ocean parks," the 12 sanctuaries around the country encompass almost 18,000 square miles of the nation's most significant marine resources. These areas must be managed by NOAA in a way that guarantees their protection while allowing compatible public and private uses of the areas. The program has accomplished a great deal with limited resources and has provided a great return on its investment. This \$10 million increase is critical to provide core staffing for individual sanctuaries; visitor and interpretive facilities for public education and enjoyment; basic conservation, research, and education programs; review and updating of sanctuary management plans as required by law, and funding for the socio-economic study on the value of the oceans.

The Control of Polluted Runoff to Coastal Waters

Nonpoint source pollution, or polluted runoff, is the nation's largest source of water pollution and is the leading cause of beach and shell fish bed closures, fish consumption warnings, massive fish kills, and the 7,000 square mile Dead Zone in the Gulf of Mexico.

We respectfully request the Committee to provide \$21.9 million for NOAA's Clean Water Initiative, which includes a \$2 million increase to assist states in developing their Coastal Nonpoint Pollution Control Programs (section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA)) and \$6 million to help states implement their these programs (section 309 of Coastal Zone Management Act). Of the 33 coastal states required to develop plans, 29 have conditionally approved plans and only one has its plan fully approved. This funding is critical to help more of these states complete their plans and begin implementation.

CMC also requests the Committee to support the \$25 million request to support state and local entities to control growth and fight sprawl which causes additional pollution. Our nation needs to devote as many resources for fighting polluted runoff as we have for controlling sewage and industrial discharges, if we are to clean up our coastal waters.

Within the proposed budget for NOS we also urge the Committee to provide for the following increases:

- \$6 million in additional funding for the National Estuarine Research Reserves Systems, as requested by the Administration. Most of this new funding would go to the state-managed reserves to acquire lands as buffers to help protect these critical areas; and
- \$1.2 million above the Administration's request for the Coastal Ocean Program and \$1.0 million above the request for data acquisition. This request implements a key recommendation of the interagency report, "Turning to the Sea: America's Ocean Future," to increase research to understand the ongoing changes in ocean chemistry.

National Marine Fisheries Service

In many areas of the National Marine Fisheries Service (NMFS) we recommend programmatic increases over the Administrations request. Whether or not the Committee is able to act upon our recommendations, at a minimum, we ask that you provide for the agency's requested adjustment to its base programs and its requested programmatic increases. Over the last several years we have seen the NMFS's ability to carry-out its duties to restore our fisheries, recover threatened and endangered species, and protect marine mammals erode compared to the increase the agency has experienced in its workload. We respectfully request that you provide NMFS with the \$7.2 million in requested adjustment to base and \$83 million in requested programmatic increases.

Resource Information

CMC supports the proposed increase to the resource information base of nearly \$2.5 million. We also support the Administration's efforts to increase resources and FTEs for fisheries stock assessments and oceanography. We are however concerned about the following specific activities:

- Right whale research - The Administration has requested only \$0.2 million for right whale research. We find this inadequate and respectfully request the Committee to support this line item at \$1.0 million. With only 300 North Atlantic right whales remaining, and the species' continued existence threatened by entanglement in fishing gear and collisions with vessels, additional funds are needed to continue research to improve our understanding of right whales and for the development of technologies to modify fishing to reduce entanglements.
- West Coast groundfish - Given the recent west coast groundfish disaster declaration by the Department of Commerce, the proposed cut of \$37,000 by the Administration is completely inappropriate. We respectfully request the Committee to level fund this line item which will foster the rebuilding of these depleted fish stocks.
- Hawaiian monk seal - The Administration has proposed a \$247,000 cut for Hawaiian monk seals research and recovery efforts. Hawaiian monk seals are the most endangered pinniped in the United States. We must commit the necessary funds to ensure that projects such as health assessments, marine debris assessments and removals, and habitat and foraging studies go forward, and respectfully request the committee fund this line item at \$1.5 million.
- Stellar sea lion recovery plan - CMC believes that current management measures are insufficient to prevent the extinction of Stellar sea lions in Alaska. We can not understand why the Administration has proposed a \$2.337 million cut in funding and recommend at least level funding of \$3.77 million so that additional research may be conducted and adaptive management measures be developed.

Fisheries Management Programs

Our nation's fisheries continue to be in trouble with fully one-third of known U.S. fish stocks being overfished or quickly approaching that state. We respectfully request \$50 million for this line item to assist NMFS with additional funding for fishery management plan implementation in the regions, efforts to reduce gear impacts on fish habitat, better delineation of essential fish habitat and additional funds for fishery observers to improve data collection.

Regional Fishery Management Councils

CMC recommends that \$15 million be provided for regional fishery management councils for FY01, rather than the \$13.1 million requested by the Administration. Our recommendation matches the amount the councils needed for the current fiscal year to carry-out their responsibilities under the Magnuson-Stevens Act.

Marine Mammal Protection Act

The Administration's request for \$7.225 million for Marine Mammal Protection Act (MMPA) implementation is woefully inadequate. As the lack of funding has been one of the primary reasons for NMFS's failure to effectively implement the MMPA, we respectfully request an appropriation of \$15 million. This increase is necessary to design and implement effective take reduction plans that will reduce the entanglement of marine mammals in commercial fisheries; increased observer coverage to evaluate the incidental take of marine mammals in fisheries; conduct the necessary stock assessments, and respond to marine mammal strandings and undertake health assessments of various coastal marine mammal populations.

Endangered Species Recovery Plans

CMC appreciates the \$12.3 million increase and additional 49 FTEs requested by the Administration for endangered species recovery plans. However, we remain concerned that it is inadequate given the magnitude of the problem. If we are to prevent the extinction of these species, some possibly within our lifetime, and better understand why thousands of marine mammals are washing ashore with various types of infectious diseases we must focus adequate funds to undertake the needed recovery efforts and health assessments. We respectfully request the Subcommittee give special consideration to the following increases:

- Atlantic Right Whales - \$5.0 million, \$0.9 million above the request
- Sea Turtles - \$2.0 million, \$1.5 million above the request
- Beluga Whales - \$0.5 million, \$0.3 million above the request
- Hawaiian Monk Seal - \$0.5 million, \$0.3 million above the request
- Marine Animal Health - \$1.5 million, \$1.3 million above the request
- Marine Mammal Interaction - \$1.3 million, \$1.0 million above the request

Observers and Training

We recommend the Committee fully fund the \$4.5 million for this program including, as requested by the Administration, including the \$2.75 slated for west coast observers. This program is particularly important given the recent west coast groundfish disaster declaration by the Secretary of Commerce, and it will allow for baseline information gathering needed to rebuild these depleted populations, such as bycatch and total mortality.

Enforcement and Surveillance

CMC respectfully requests the committee provide an additional \$7 million over the Administration's proposed increase of \$4.47 enforcement. We believe these additional funds should be used to boost cooperative enforcement programs with states, implementation of the national vessel monitoring system capable of handling 15,000 vessels, and for increased activities aimed at enforcing the Endangered Species Act and the Marine Mammal Protection Act.

Fleet Replacement

We recommend that the Committee provide the full request of \$16.3 million. These funds include \$8 million for the refitting of the Adventurous to assist with research dealing with marine mammals and endangered species research in the Western Pacific and an additional \$8.3 million to complete construction of the new fisheries research vessel funded last year.

Oceanic and Atmospheric Research**National Underwater Research Program**

CMC urges the Committee to reject the proposed cut of \$8 million for the National Underwater Research Program (NURP) and maintain funding at \$13.7 million, which supports important research in ecosystem health, sustainable fisheries and other living marine resources. This research will provide important information decision makers need to properly manage fisheries, protect endangered species, and properly manage our other marine resources.

Seafloor Observatories

The Center for Marine Conservation is committed to the gathering of much needed knowledge about our ocean environments. Therefore, as part of the Administration's America's Ocean Future Initiative, we respectfully request the Committee to fully fund the Administration's request for \$3.1 million for this new initiative within the Marine Environmental Research line item. Funds will be used to expand activities in two shallow coastal water observatories off New Jersey and Florida, continue to use autonomous underwater vehicles (AUVs) for coastal monitoring and to establish two new deep water observatories off the Pacific Northwest and Gulf of Mexico to expand our range of observations.

Thank you for your consideration of these programs that are of the utmost importance to the stewardship of the nation's living marine resources. We greatly appreciate your support for these NOAA programs in the past and look forward to continued, responsible funding for these programs in FY01.



GENERAL COUNCIL
and
BOARD OF TRUSTEES

CONFEDERATED TRIBES
of the

Umatilla Indian Reservation

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Written Testimony

Before the House Subcommittee on Appropriations
On Commerce, Justice, the State, and the Judiciary
The Honorable Harold Rogers, Chairman

**FY 2001 Budget Proposal to Create
Native American
Small Business Development Centers**

By
Antone C. Minthorn, Chairman
Board of Trustees
Confederated Tribes of the Umatilla Indian Reservation

March 30, 2000

Thank you for this opportunity to provide written testimony on the President's Proposed FY 2001. I am writing on behalf of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) and I am requesting your support of the President's FY 2001 Budget. In order to serve Native American Communities and to honor the federal governments trust responsibility to Indian Tribes, the President's budget proposes new funding to create Small Business Development Centers (SBDC's) in Indian Country to provide business and technical assistance to Native American entrepreneurs. A total of \$4.5 million is provided for this initiative as part of the new budget authority for the Small Business Administration (SBA) for FY 2001.

The CTUIR is a member tribe of ONABEN, a Northwest Native American business network. I am pleased to provide the subcommittee with some information and insights from our experience of being part of a successful business development program in Native American communities in the Northwest. With this information, I hope to persuade the Appropriations Subcommittee to support the \$4.5 million funding proposal to create a Native American Small Business Development Centers in FY 2001, create a regular permanent authorization for Native American SBDC's in SBA's annual appropriations and to appropriate funding for ONABEN.

TREATY JUNE 9, 1855 ♦ CAYUSE, UMATILLA AND WALLA WALLA TRIBES

From our experience, we would like to share the following information with the Appropriations Subcommittee and why it's important to appropriate and fund a Native American Small Business Development Center program and ONABEN.

- 1) There are barriers to entry to the private sector that are unique to Native Americans;
- 2) Once those barriers are overcome the success rate for small businesses in Indian Country is on a par with any businesses in the world;
- 3) We believe our experience in helping to build Native American businesses provides a model that is consistent with the SBDC approach and is worth funding;
- 4) Given our experience and track record, we would like to be part of any initiative that extends the reach of the Small Business Development Center program into Indian Country.

Our remarks are shaped by our seven (7) years of experience with ONABEN and the business services they provide to our community and to other Native American communities in the Northwest. ONABEN has examined the SBA programs, tailored them to meet Native American needs and established business service centers on nine Indian Reservations. In the last seven years, ONABEN helped start 289 new, privately owned businesses and these businesses have added \$35 million a year to their respective economies. In fact, ONABEN provides technical assistance training and counseling to more than 500 Native American businesses each year. We believe ONABEN is the most successful model of reservation based centers to foster Native American owned private business.

I am pleased to report significant success. (Please see ONABEN Fact Sheet attached and made a part of these remarks.) ONABEN's success shows that once the barriers of culture and geography are overcome, Native American entrepreneurship flourishes. The question, I'm sure, the subcommittee is grappling with is: **"Why aren't the SBDC's serving Indian Country?"** In our area the answer is simple. We believe our SBDC partners do not possess the knowledge or the resources to adequately serve their current geographic service area and the Tribes. When their areas are expanded to include Indian Reservations, they confront the added barriers of culture and geographic isolation. This was the reason ONABEN was created and we have developed culturally appropriate business development strategies that overcome these obstacles.

There are culturally specific barriers to Indian people adopting the mainstream approach to business ownership. There is pervasive fear among ordinary reservation residents that adopting conventional business practices will cost them their cultural values and their community's respect. Any effort to build private enterprise in Indian Country that does not take this cultural bias into account is doomed to struggle and failure. Traditional small business programs have been ineffective because they focus on the number of clients served, not necessarily on the appropriateness of service for the client's success. ONABEN has been able to provide a program that attempts to break down these barriers and has been successful in bringing small business education and training to Reservation communities. ONABEN understands the long-term commitment necessary to nurture Native American small business clients as it takes time for them to be comfortable in the mainstream business world. Is the distinction meaningful? I point to ONABEN's record of accomplishment. They maximize state and tribal resources to achieve these results.

SBDC and tribes can make great partners. We share resources with our SBDC centers to maximize the use of ONABEN and tribal resources. However, because ONABEN's funding has been inconsistent, the CTUIR and other member tribes never know how much of the cost of the program they are going to have to bear. Consequently, many of tribes have established Business Resource Centers, only to shut them down when ONABEN's funding diminished. Other tribes with more discretionary funds have chosen to continue to support their centers, even when our share of their operating support disappears. These tribes (Grande Ronde, Warm Springs, and Klamath) have had very successful programs over the years and show the importance of tribal support and the continuity of funding that would come with a tribal SBDC allocation.

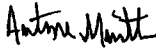
What makes ONABEN's approach unique but replicable? In the last few years ONABEN has created, tested, improved and proven methods for small business assistance to Native Americans. ONABEN has developed curriculum and an approach that has been implemented and adapted to eleven different reservations and the Portland metropolitan area. ONABEN has taken a set curriculum and helped tribes adapt it to their individual situations. ONABEN possesses an experience base that allows tribes to work with a variety of situations and create effective adaptations of our material and methods.

How much would it cost to replicate ONABEN's model nation wide? ONABEN would like to participate in a national effort by adapting our Business Resource Center development package to meet the needs of tribes and Indian communities across the country. To effectively serve and to continue to expand ONABEN's service area (which would include Northern California, Oregon, Washington, Idaho, and Alaska), ONABEN would need an appropriation of \$1 million dollars. Based upon our experience with ONABEN, we estimate that it will take (depending on scope of services, geography, and population) \$150,000 to \$200,000 to start and operate a new center for a year. Of those expenses and based upon our experience, we estimate (again depending on local variables) that between \$35,000 to \$50,000 will be devoted to center infrastructure costs (equipment, library, curriculum) and on-site technical assistance with the individual tribe. Hopefully, these estimates can provide system component costs from which a total cost for a national program can be derived.

The good news is that a program that provides business start up assistance in a culturally sensitive manner works as effectively as any SBDC in the country. The bad news is that Indian Country does not have this program available to them in the same structure and funding as our partners at the state level. We believe it is essential to put Indian Country on a par with States receiving the benefits of SBDC funding. We believe this is an important initiative and deserves the Subcommittee's support.

Private enterprise is necessary to diversify and stabilize economies in Indian Country. Fostering the growth of private enterprise in Indian Country may well be one of the best strategies for economic development in our distressed rural areas. We stand ready to help make it happen. We have enclosed the ONABEN fact sheet. Thank you for your time and attention.

Antone C. Minthorn, Chairman
Board of Trustees



ONABEN: A Native American Business Network Fact Sheet

Mission: *ONABEN enables Native Americans to realize dreams for a better quality of life through owning and operating a successful business.*

HISTORY

ONABEN, a non-profit, public benefit corporation, was conceived when four tribes located within the State of Oregon acknowledged that existing efforts to facilitate private business creation among Native Americans were ineffectual. The founding members (the Confederated Tribes of Grand Ronde, the Klamath Tribes, the Confederated Tribes of Siletz Indians and the Confederated Tribes of Warm Springs) agreed that Tribal governments are focused primarily on issues relating to Federal Government, Tribal Government, and Tribal enterprise. These three areas bring jobs and money into the community as a whole.

In addition to these three major concern areas, the Tribes saw that creating a private sector in Indian Country is necessary to achieve a balanced economy. By increasing private enterprises on the reservations, the tribes could decrease the dependency on federal programs and create a healthier, more balanced, sustainable reservation economy. A balanced economy would be made up of tribally-owned enterprises, tribally-run programs and privately-owned businesses. In order to increase the number and profitability of private enterprises owned by Native Americans, a culturally-sensitive approach was needed. ONABEN was created to fill this need.

ONABEN began delivering services in 1993, offering training, individual counseling, assisted access to markets and facilitated access to capital for its clients. The success has been phenomenal. As the following chart shows, ONABEN has provided services, within Oregon, to a growing number of Native American clients through five reservation based centers. These centers are operated by the individual tribes with direct instruction and counseling services provided by ONABEN.

	FY93	FY94	FY95	FY96	FY97	FY98	FY99
Class Sessions	86	150	225	173	116	95	92
Class Hours	3,978	2,475	3,931	4,013	3,595	2,200	2,316
Business Plans Completed	24	25	58	46	45	78	81
Business Starts	24	25	33	36	40	90	41
BIC Clients Served	0	0	135	646	1,254	1,556	2,465

ONABEN experienced significant growth during the first four years. In F. Y. 97/98 ONABEN was impacted by severe cutbacks in its SBA 7-J funding. The office that was opened in Seattle to service the rapidly expanding ONABEN sites in Washington was closed in August of 1998 due to lack of base funding.

Despite the obstacles, ONABEN proved the effectiveness of its programs and has attracted a diverse array of funding for special projects including the Chinook E-commerce site, the Women's Business Enterprise project, and ONABEN Financial Services. However, without the benefit of a constant operating base to provide central office staff, these programs reached a workable level of growth and then stagnated in the last two years.

As a network, ONABEN supports the operation of Business Service Centers through the Northwest through five permanent sites and up to eleven intermittent sites. The Chrisman report, an independent evaluation provided the following assessment of ONABEN's programs in 1998.

In aggregate, the clients of ONABEN generated 56.9 million in new sales, 405 new jobs, and 45.1 million in additional payroll in 1998. (see Table 1. To put these figures in context, the new sales and payroll generated by clients were approximately eight and six times ONABEN's budget, respectively. Furthermore, the ONABEN spent \$2,066 for every new job created by its clients.

In terms of economic impact we estimated that ONABEN clients contributed an additional \$2.74 million tax revenues in 1998 as a result of the assistance received. Compared to the total cost of operating the ONABEN (\$836,550), the counseling provided to both established business and pre-venture clients generated \$3.27 in tax revenues in one year for every \$1 spent on the entire operation of the ONABEN.³

The value of the ONABEN's services was estimated by clients to be worth \$4.81 million. This amount was 5.75 times larger than the ONABEN's entire budget in 1998.

The Economic Impact Of ONABEN's Counseling Activities In Oregon: 1998

James J. Chrisman, Ph.D., Faculty of Management, University of Calgary, Calgary, Alberta, Canada

ONABEN offers a comprehensive service delivery package to its member Tribes. Here are some highlights of the most successful business service model in Indian Country today.

Business Service Center Resource Package

1. Business Service Center (BSC) set-up assistance and consultation

ONABEN staff provide on-site start-up consultation for each BSC structure and cost, including consultation with Tribal leadership and assistance in the creation of a detailed business plan to establish an ONABEN certified Business Service Center.

2. Staff Training

ONABEN will provide initial staff orientation and ongoing staff training and networking opportunities. ONABEN meetings and training sessions on special topics requested by the ONABEN network are held on a quarterly basis.

3. Technical Assistance and Support

ONABEN provides technical assistance and support in the operation of the center and delivery of services including curriculum design and materials, regular technical assistance, regular site visits, resource coordination, marketing strategies and referrals to other Tribal centers and other business resources in our vast network.

4. Instructional and Business Counseling Program Coordination

ONABEN, along with BSC personnel coordinate the ONABEN Entrepreneurial Training programs (Instruction, Counseling, Referral). ONABEN's Program department serves as a liaison between BSC staff and the ONABEN certified Instructor to coordinate the program schedules, develop the training curriculum, and coordinate one-on-one business counseling programs.

5. Business Information Access

Member BSC's have access to all ONABEN publications including the Northwest Native American Business Directory and soon will have an interactive Internet Information Portal of the ONABEN network (www.onaben.org) that includes the Chinook e-commerce website (www.chinook-art.com).

6. Access to ONABEN Financial Services and ONABEN's network of financial services.

Member BSC's have access to ONABEN's loan programs as well as many other capital resources that are available through the ONABEN resource network.

7. Access to our partnership network of Government, Business Assistance, and Financial Professionals.

Member BSC's have direct and easy access to ONABEN's expertise and guidance to a broad range of business assistance resources available throughout the Northwest region and the nation.

**TESTIMONY OF
CHARLES V. JACKSON, SECRETARY-TREASURER, TRIBAL COUNCIL
THE CONFEDERATED TRIBES OF THE WARM SPRINGS
RESERVATION OF OREGON
SUBMITTED TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE
FOR COMMERCE, JUSTICE AND STATE, THE JUDICIARY
AND RELATED AGENCIES
REGARDING THE FY 2001 SMALL BUSINESS ADMINISTRATION AND
DEPARTMENT OF JUSTICE BUDGETS, MARCH 31, 2000
THE HONORABLE HAROLD ROGERS, CHAIRMAN**

Mr. Chairman, my testimony addresses the proposed FY 2001 budget for the Small Business Administration as well as the budget for the Department of Justice.

We request your support of the Administration's proposal to authorize the establishment of a Native American Small Business Development Center Program and to fund that program at a level of \$4.5 million in FY 2001.

We request that the Committee include report language endorsing the successful program delivery model developed by ONABEN - A Native American Business Development Network, and that the Committee direct that a sufficient portion of these funds be allocated to support a regional service delivery proposal put forward by ONABEN and several other Native American tribes and organizations in the northwest.

We request that the Committee support the Department of Justice's funding proposals to increase law enforcement and related program funding for Indian tribes.

We further request that funding provided for the COPS program initiative that has been made available to Indian tribes be made permanent funding.

We further request that additional funding be provided to correct deficiencies in BIA and tribal corrections facilities to bring them to minimum federal standards.

SMALL BUSINESS ADMINISTRATION

Native American reservations, rancherias and Alaska Native villages do not enjoy the benefits small businesses ordinarily bring to community life in the United States. Historically, there have been significant legal and economic obstacles to small businesses taking root in Indian Country. Less obvious to most observers have been culturally specific barriers to creating a private sector in Native American communities.

The Warm Springs Tribe is one of an increasing number of tribes partnering with ONABEN - A Native American Business Network, to provide business development services in rural Native American communities in the Northwest. ONABEN offers on-reservation classroom training,

individual business counseling, capital access and marketing assistance to its clients. In addition, it offers innovative programming for Native American women. ONABEN has field-tested a culturally specific approach to nurturing Native American small businesses on ten reservations in the region. The proof of concept is complete and unquestionably successful. The challenge now is bringing the concept to scale, maintaining its integrity while coordinating it with existing SBA resources, including the existing Small Business Development Centers and other innovative programs serving tribal communities.

This proposal will not duplicate the existing SBDC program but rather complement and enhance it. Small Business Development Centers (SBDC) form a networked service delivery system. The system speaks with a common voice through the Association of Small Business Development Centers (ASBDC). There is enormous depth of experience in the system from which Native American and Alaska Natives could benefit. However, the ASBDC acknowledges that their success in making their experience available to Indian Country has been less than they hoped. They recognize that they could benefit from assistance in delivering services in Indian Country just as Native entrepreneurs could benefit from assistance in availing themselves of these services. Both are willing to learn if a reliable, trust-worthy bridge were built.

In summary, there are barriers to entry to the private sector that are unique to Native Americans. However, once those barriers are overcome the success rate for small businesses in Indian Country is on a par with any business in the world. The Warm Springs Tribe has partnered with ONABEN since 1993 resulting in many new successful business starts. ONABEN'S experience in helping to build Native American businesses in Oregon's rural tribal communities provides a model that is consistent with the SBDC approach and is worth replicating. Given that experience and track record, ONABEN must be part of any initiative that extends the reach of the Small Business Development Center program into Indian Country.

DEPARTMENT OF JUSTICE

We fully support the Administration's requested increase over the FY 2000 enacted appropriation levels for the Departments of Justice and Interior to improve law enforcement and justice services in Indian Country.

We believe that special emphasis should be placed on increasing the number of sworn tribal officers serving in Indian Country and on assisting tribes to meet federal mandates and standards that are often imposed as conditions to receiving supporting funds. For example, tribal detention facilities must meet strict federal operating standards, especially for juvenile detention. Yet, to date, the funds that have been made available to correct these deficiencies are woefully inadequate.

We further believe that the funds provided to tribes through the COPS initiative should be made permanent and on going rather than 1 time grants. DOJ staff have attempted to allocate these funds to the tribes most in need of additional law enforcement personnel. As a practical matter, these tribes are not in a position to continue to fund these positions once the grants expire. They do not have tax bases like other county and municipal communities. Most do not have consistent revenues sufficient to adequately provide basic governmental services such as emergency

services and law enforcement personnel. If these funds are not made a permanent part of their funding base, any gains made from the addition of these new officers in their communities will only be temporary.

We are also concerned that, if grant funding is the method by which the federal government agencies are utilizing to meet their trust responsibility to Indian tribes, then these grants should be non-competitive. Otherwise, DOJ's funds will fulfill their responsibilities to but a few tribes while most will not be served and very little permanent improvement will be seen. For example, last year only 30% of the applications for the Tribal Youth Program were funded because the total amount of funding was so limited. There is a similar situation with the Tribal Court grants. And only 15 tribes were funded through the Corrections construction program. This led the Bureau of Prisons to decide to only take applications from those same 15 tribes for the FY 2000 grants to enable them to construct adequate facilities.

We are also concerned with the relatively small amount of funds available for the Tribal Courts program and the manner in which those funds will be allocated by DOJ staff. For FY 2000, we are informed that existing tribal court systems will be eligible for a maximum of only \$85,000 per tribe. Due to the inadequate funding level overall, only a few tribes will be selected. Further, priority is being given to developing new tribal court systems with the most minimal levels of jurisdiction. We urge that funds to enhance existing Tribal court systems be at least tripled from the proposed level.

Crime in Indian country continues to increase while decreasing throughout the rest of the nation. We applaud the previous efforts of the Committee that have resulted in additional funds to improve law enforcement services in Indian country and to help tribes make reservation communities more safe. However, the statistics remain alarmingly high. Simply put, yet additional funds are needed on a permanent basis, not only to bring facilities up to standard, not only to provide additional officers on a temporary basis but to permanently improve the law enforcement and tribal court institutions themselves. We urge the Subcommittee staff to review the statistics available through the BIA and DOJ reporting systems.

Finally, we urge you to consult with DOJ staff to impress upon them the need to speed their program grant review and approval process. The existing process is simply too lengthy and the communication "black out" during that processing time is completely inadequate.

We appreciate the opportunity to comment on these matters. Please contact our offices at 541/553-1161 should your staff have any questions or request further information.

**Prepared Testimony for the Record
for the House Appropriations Committee
Subcommittee on Commerce, Justice, State and the
Judiciary**

**Arlene W. Williams
Director
Economic & Resource Development Department**

**City of Compton
Compton City Hall
205 South Willowbrook Avenue
Compton, California 90220**

**submitted
Friday, March 31, 2000**

Mr. Chairman and distinguished Members of the Subcommittee, I am Arlene Williams, Director of the Economic and Resource Development Department for the City of Compton, California. I want to thank you for allowing us to submit testimony to the subcommittee as you consider funding priorities relevant to the FY01 Commerce, Justice, State and the Judiciary Appropriations bill. In the time that I have, I would like to give you some background information on the City as well as information on the expansion of an after-school program and youth center initiative for which the City seeks funding.

Incorporated in 1888, Compton is one of the largest and oldest cities in the Southeast Los Angeles County region. According to the 1990 census, the City has nearly 100,000 residents, with approximately 40% of its population being under the age of 25 and the average age of its citizens being 23.6 years old. It also has one of the highest unemployment rates in the country. At 11.2% it is three times the state and county rates, and nearly four times the national average. It has one of the highest crime rates in southern California with a homicide rate nearly ten times that of other cities of comparable size in the Southeast Los Angeles County Region. But one of the positive aspects of the City of Compton is its youth population. Many talented youth reside within Compton City Limits, specifically many well-known rap stars hail from the area as well as world-famous tennis sisters Venus and Serena Williams.

The City of Compton plans to strategically mitigate high crime among youth between the ages of 14 and 19 by establishing a full-service youth development center. At present, the City does not have a major facility such as the YMCA or Boys and Girls Club to serve as a rallying point for youth to gain valuable recreational training or to develop hobbies, and other leisure activities that adequately prepare them for adulthood. Funding has been severely constrained for many years in the Parks and Recreation Department, limiting both the frequency and depth of youth development programming. Several non-profit organizations offer tutoring and after school programs, but their efforts, too, are hindered by insufficient funding.

A strong relationship exists between high crime among Compton's youth and the lack of comprehensive and high quality services addressing youth interests. A recent study showed that the major serious crime in Compton is committed by youth involved in gangs.

The requested funding would be used to continue and expand the effort supported by the Office of Juvenile Justice and Delinquency Prevention last year. In diligent efforts to expand this project, we have identified a site that will serve as a more comprehensive youth center. A grant of \$2 million will be used to upgrade the building, and programming and operations. It is the intent of the City to establish a facility that offers fine arts, recreation and sports activities, technology training, job readiness, and community service opportunities for Compton youth. We hope to secure both public and private resources to support the project.

This concludes my testimony for the record. I appreciate the opportunity to submit information about the expansion of an after-school program and youth center initiative for the City of Compton. Again, on behalf of Compton, California, I want to thank you.

**Testimony submitted to the
House Commerce, Justice, State and Judiciary
Appropriations Subcommittee
On behalf of the City of Gainesville, Florida
By the Honorable Paula M. DeLaney, Mayor**

**Re: Department of Commerce FY 2001 Funding and
Department of Justice FY 2001 Funding**

March 31, 2000

Mr. Chairman:

On behalf of the City of Gainesville, Florida, I appreciate the opportunity to present this written testimony to you today. The City of Gainesville is seeking federal funds in the FY 2001 Commerce, Justice, State and Judiciary Appropriations bill to assist with the following four innovative projects the City is undertaking:

- The Joint Communications Technology Project to improve public safety,
- The East Side Community Recreational Facility for recreational and other programs and services to serve at-risk youth and their families as well as a substantial population of low income citizens in the surrounding area,
- The Depot Avenue Project to enable economic redevelopment in a downtown setting including also improving stormwater treatment, developing park facilities, enhancing alternative transportation and restoring an urban wetland, and
- The Gainesville Technology Enterprise Center Project for a technology business incubator in the City's Enterprise Zone, enabling the development of new and emerging technology and light assembly businesses with the potential for high growth and high wage job creation.

Joint Communications Technology Project

The City of Gainesville is seeking \$5.4 million for a joint communications technology project to enhance public safety. The goal of this effort is to facilitate communication between our urban area public safety agencies through the use of system-wide communications software and technology upgrades. The City and Alachua County have initiated a joint communications system for the future. The impact for the entire region is considerable, since this county serves as the regional center for much of rural north Florida's medical care, disaster management, and criminal justice services.

The agencies involved in this project are: Alachua County Government (14 internal user agencies), Alachua County Sheriff (includes Corrections Facility and Civil Division); Cities of Gainesville (8 internal user agencies), Archer, Newberry, High Springs,

Alachua, LaCrosse, Waldo, Melrose, Hawthorne, and Micanopy; School Board of Alachua County, Santa Fe Community College, University of Florida, Gainesville-Alachua County Airport Authority, Gainesville Regional Transit and Gainesville Regional Utilities (electric, gas, water, wastewater, telecommunications).

To continue the Joint Communications Technology Initiative to the next step requires the purchase of enhanced software and new equipment. The urban area public safety agencies will need the following:

- Mobile Lap Top Computers / Data Terminals for urban area public safety agencies (\$4.8 Million)
- Crash Reporting Software for urban area law enforcement agencies (\$120,000)
- System-Wide Communications Software (\$200,000)
- Geographical Information System (GIS) Software and WEB Software (\$280,000)

In order to meet the needs of our urban area public safety agencies, a three-phase project is proposed.

Phase I

During this phase the agencies would purchase sufficient lap top computers for installation in each operational vehicle. Included with the purchase of the lap tops will be a mount for installation, installation cost, a wireless communication device, and network system software. Additionally, the Gainesville Police Department will initiate a new WEB page in preparation for mapping software for the Internet. The goals of Phase I will be to 1) Equip all public safety vehicles with lap tops that can communicate with the department's communication software, 2) Establish an in-office GIS system, 3) Create a mapping resource to be used by management to effectively deploy resources.

Phase II

During this phase the urban area law enforcement agencies would purchase additional software and conduct extensive training to use the mobile lap tops to write police incident and crash reports. The goals of this phase will be to add the second use of report writing to the utilization of the lap top computers and to incorporate additional "data layers" from partner agencies into the GIS system.

Phase III

During this phase the law enforcement agencies would purchase additional GIS software to allow the mobile lap tops the capability to enter and use the GIS information provided by the multiple user agencies. Also during this phase, we would develop a method of displaying the appropriate GIS information (Crime Maps) over the Internet for use by other governmental agencies and the public.

The need for the addition of lap top computers to this system is partially driven by the Federal Government's "re-farming" of radio frequencies through the Federal Communications Commission. Due to this "re-farming" and the high cost of radios, law

enforcement agencies will no longer have radios mounted in department vehicles. Radios "mounted" in vehicles traditionally have a much higher wattage output and therefore are more reliable and robust than portable radios. Additionally, portable radios can be lost or damaged during emergency incidents. This creates a critical need for an alternative means for officers to be able to communicate with the dispatch center. Mobile lap top computers with the additional communication and software components can become the secondary means of communication utilizing the infrastructure currently being developed for the Alachua County Joint Communication Center.

The use of lap top computers can fulfill the critical need for a second communication device, and at the same time help accomplish several other public safety objectives, including in-car computer aided dispatch, automated report writing and the use of a GIS (Crime Mapping, etc.).

Result #1 Mobile Computer Aided Dispatch

Utilizing lap top computers as in-car computer aided dispatch terminals significantly increases public safety officers' communications ability. Computers used in this manner can perform many important tasks.

First, the computers can send and receive information between the officer and the dispatcher, including calls for service. Non-emergency calls are forwarded from the dispatcher to the appropriate unit without the need to transmit the information verbally over the radio, thus saving "air-time" for use in emergency situations. This also improves the reliability of the information communicated and virtually prevents the need for the information to be repeated. This also decreases the need for additional dispatchers even when the number of calls for service increases.

Secondly, officers and supervisors can find the location of other officers and check on their current status. This eliminates the need for officers to request this information from a dispatcher and gives all members of the agency a complete picture of the availability of officers for calls for service. Officers can also refer to information about calls that have not yet been dispatched in addition to information regarding previous calls for service.

Third, officers can communicate vehicle-to-vehicle. The computers can be used to send messages from one officer to another. This also eliminates the need for officers to waste "air-time" for less important transfer of information.

Fourth, law enforcement officers can conduct FCIC/NCIC checks on wanted persons and stolen vehicles without having to tie up a dispatcher. This allows officers to check a large number of persons and vehicles, which will significantly increase the number of people who are arrested for warrants and the number of recovered stolen vehicles. A single dispatcher can only handle 1 request at a time, while the computer system, can handle numerous request all at the same time.

Result #2 Mobile Automated Report Writing

Area law enforcement officers currently hand write law enforcement reports that are manually filed. A small portion of that report is then entered into a computer database at some later date. This method of capturing the information for reports is antiquated and causes a number of problems.

First, the time lapse between when a report is started and the time that is entered into the computer is virtually eliminated. As a result, analysis of the information is immediately available for enhancing resource utilization.

Second, the time now spent on satisfying requests for copies of paper-based reports and completing those requests can be better spent on activities directly impacting public safety. Once filed, electronic reports could be forwarded to anyone electronically as appropriate.

Third, the amount of storage space now required to house all of the completed law enforcement reports could be freed up for better use. Now, for example, reports are only kept at the police department for 3 years. The reports are then removed from the file one at time by a records technician. The reports are then re-filed in a new folder and transported to a storage warehouse. Any report over three years old, must be retrieved from a storage company warehouse. Electronically filed reports take up virtually no space at all and can be electronically backed up for security purposes and stored on some form of optical disk. This would eliminate the need for an entire room to store reports.

Fourth, electronic reports can be created that will take the data required for one report and automatically enter it on subsequent or additional report forms. Now, an officer might be required to enter the information on several report forms, including the original report, a sworn affidavit, a vehicle tow sheet, a forfeiture request, an ATF firearms report, etc. Thus filing the reports electronically would save the officers significant time more urgently needed for public safety-related activities.

Finally, many handwritten reports are nearly illegible and have numerous spelling and grammatical errors. Some of the current report forms are also 4 or 5-part NCR paper. Usually only the first one or two copies of the NCR forms are legible. Filing reports electronically would drastically reduce the number of spelling and grammatical errors, it would allow officers to easily correct errors in reports, and it would eliminate the need for NCR paper.

Result #3 Geographical Information System (GIS)

For years Law Enforcement Agencies have tracked crime using pin maps to geographically show where crimes were occurring. This method of tracking crime has become impractical and too time-consuming for all but the smallest of law enforcement agencies. The advent of computerized geographical information programs, like "ArcView" has enabled law enforcement agencies to return to the pin map method of displaying crime patterns, but in a much more effective manner. Additionally, mapping programs can contain several hundred data layers that can be utilized by numerous public

and private agencies. The following objectives are examples of how a GIS system will enable us to use the information immediately entered on mobile lap top computers.

- **Electronic Pin Maps-** Once a GIS system is established, all reports that are generated will be mapped in several formats. Maps will be generated for calls for service. This enables agencies to properly decide where to deploy their limited resources. Electronic pin maps also can be made time sensitive as well as location sensitive. Officers working various shifts can identify hot spots by time and location. A hot spot during the day, may not be a hot spot at night, or visa versa. Additional maps can be generated for UCR (Unified Crime Reports) crimes, Crime Analysis identified crimes, and calls verified by Florida State Statutes. Information that is not immediately available is of little or no use when it is entered at a later date.
- **Management of Resources Utilizing Computer Statistics-** Many law enforcement agencies have begun to use a method of management which utilizes crime data. Law Enforcement supervisors are being held accountable for the level or increase in crime in their assigned geographical area. The Gainesville Police Department has begun the process of dividing the City into districts. Each District Commander will be held responsible for the criminal activity and the utilization of resources in that geographical area. GIS information will be used to manage the department's limited resources.
- **WEB Mapping** - Sharing the information gathered in an effective manner is another key component to this process. Many of the Law Enforcement Agencies in Alachua County currently have a WEB site on the Internet. In the future, crime maps developed by the GIS system will be used to display maps over the Internet. Maps will be made available to other law enforcement and governmental agencies and the public at large.
- **Integration with other Agencies-** In order for a geographical information system to be truly effective, it requires the cooperation of several agencies. GIS systems with hundreds of layers of data can be a useful tool for all the cooperative agencies. Law Enforcement personnel will be able to view maps and aerial or satellite photographs of any given area of the city. Crime data and analyses can be placed on top of those maps and/or photographs at specified points that will be available to all users. Law enforcement personnel will provide numerous layers of data to the system and will in return be able to access the layers from other agencies. Alachua County already has begun the process of developing a GIS and the Gainesville Police Department is currently working with the University of Florida to develop a method of converting data to a format used by "ArcView".

East Side Community Recreation Center Project

The City of Gainesville is seeking a funding strategy for a multi-purpose community-based recreational facility on the east side of our city. The site for this project is in one of our highest poverty and minority-populated areas. Once completed, the center will provide a wide range of programs and opportunities to at-risk youth and their families. It

will also provide needed facilities and services for the substantial population of low-income elderly in this area of our community, as well as to all our community. The demographics of the surrounding service area include the following statistics: (1) Population of approximately 12,000 residents living in 4,000 households, with a median family income of \$14,708; (2) 41.1% of the families have household incomes below the poverty level; (3) 25.3% requiring public assistance of some type, and (4) 84.2% of the citizens are African-American.

This is a public/private initiative estimated to cost \$2.5 million. Funding has been received or pledged in the amount of \$1.5 million. The initiative is being led by a grassroots partnership of business leaders, community leaders, professionals and interested/concerned citizens who have organized themselves as the East Gainesville Park Development Group. Therefore, the City of Gainesville is seeking \$1 million to complete this project.

The public agencies involved in this effort include the City of Gainesville, Alachua County, the School Board of Alachua County, and the University of Florida. So far, the project has received considerable financial support or pledges from the City, the County, and private individuals. The University of Florida has pledged to provide coaches and mentors. Additionally, the School Board of Alachua County has expressed an interest in this facility to help meet its own recreational facility shortfalls.

The plan for this project is based on the need to provide recreational facilities for families and on the desire to provide our youth with such advantages as leadership skills, team participation skills, and computer skills as well as opportunities to participate in physical and mental exercise, arts and crafts, and social activities, and to receive mentoring and after school tutoring. The educational component will include after school tutoring sessions, anger management, life skills, and teen parenting and pregnancy prevention classes. Parental involvement will be encouraged for all activities.

The facility will be sited on a 36-acre parcel of land zoned for park use. The site amenities will include a multipurpose building (estimated at 6,500 square footage in area), serving as a learning resource center and community center. The facility will house the computer lab with computers promised by IBM, and rooms for after school homework and tutoring. Accommodations for indoor recreational and cultural programs will also be provided. The active outdoor amenities will include an interactive water fountain play area, playground and tot lot, picnic areas, two softball fields, two soccer/football fields, three basketball courts, ¼ mile track, ¼ mile jogging/fitness trail, ¼ mile interpretive nature boardwalk and a concession facility. The City of Gainesville will own and operate the park and improvements.

Depot Avenue Project

The Depot Avenue Project is intended to enable economic redevelopment in a downtown setting, to extend park facilities, to support alternative transportation, to improve stormwater treatment, and to restore a small urban wetland in Gainesville. Funding for

this project are being pursued on several fronts. Gainesville is working in partnership with the U.S. Environmental Protection Agency through the Brownfield Pilot Program and the Sustainable Communities Program; the U.S. Housing and Urban Development Agency through the EDI Program; the Florida Department of Environmental Protection through the Brownfield Pilot Program; the Florida Communities Trust through the Preservation 2000 Program; the Florida Department of Transportation through the Transportation Enhancement Program; the St. Johns River Water Management District for technical support; the City of Gainesville's Regional Utilities contamination cleanup program; and the City of Gainesville's Stormwater Management Utility Program.

The project includes components, as follow:

Depot Avenue

This element will consist of the reconstruction of approximately two (2) miles of Depot Avenue from SR 331 to US 441. The project is intended to address current safety and capacity issues and includes the construction of two travel lanes, turn lanes, curbs, sidewalks and landscaped medians. Depot Avenue is located adjacent to the existing Depot Avenue Rail-Trail, which is an 8' wide asphalt trail. It alternately connects residential areas, commercial areas, and industrial land uses along its length. The redesign of the road will address these varying conditions and will also provide for the involvement of the neighborhood residents it serves.

Depot Avenue traverses Gainesville from west to east, approximately ½ mile south of, and parallel to, SR 26 (University Avenue). Its western terminus is at the eastern edge of the campus of the University of Florida and its associated student housing development, and its eastern terminus is at SR 331 in Southeast Gainesville. It skirts the southern edge of downtown Gainesville at its mid-point, and its intersection with SR 329 (Main Street) is considered to be the southern "gateway" to Downtown. (Estimated cost is \$4 million.)

Transportation Center

The City of Gainesville's RTS Transportation Center is located on the north side of Depot Avenue directly south of the core of Downtown Gainesville. The Transportation Center is a multi-modal transportation hub for the Regional Transit System, Greyhound, Amtrak and the Bicycle Commuter Facility. (Estimated cost is \$3 million. Partial funding, \$1.2 million has been provided by the Federal Transit Agency. Therefore, the City is seeking \$1.8 million to complete this project.)

Historic Depot

On the south side of Depot Avenue across from the Transportation Center is the Old Gainesville Depot, which has been recently acquired by the City for restoration. The Old Gainesville Depot was built in 1907, and was placed on the National Register of Historic Places in 1996. The City of Gainesville was founded as a rail hub linking Fernandina

Beach on the east coast of Florida to Cedar Key on the west coast in the mid-1800's and uses a train symbol as its official seal. (Fully funded through state and local sources.)

Stormwater Park

The City's proposed 22-acre Stormwater Park will serve as the stormwater management facility for the Depot Avenue Project as well as a large portion of the central downtown area. This facility will remove existing contamination, provide for full treatment of stormwater to the property owners in the service area and eliminate the need for future redevelopment in the central area to provide on-site stormwater treatment facilities. Additionally, the stormwater basin is envisioned to provide treatment for some of the underground petroleum plumes that exist in the area. (Total estimated cost is \$10 million for construction. Land acquisition is being jointly funded by the Florida Communities Trust and the City of Gainesville. Design services are jointly funded by the U.S. EPA, Florida DEP and the City of Gainesville. Partial funding is available from the City's stormwater utility and the Florida Department of Transportation.)

Gainesville Technology Enterprise Center Project

The Gainesville Technology Enterprise Center (GTEC) will be a new 30,000 square foot two-story facility serving the community and surrounding area as a technology business incubator. It is located in the City's Enterprise Zone, and will provide space for new and emerging technology and light assembly businesses with the potential for high growth and high wage job creation.

Three years ago, when the project was launched, construction costs were estimated to be \$60 per square foot. To cover the estimated costs, the City of Gainesville secured a \$1.44 million Economic Development Administration Public Works Impact Grant and the City and Alachua County Commissions each contributed \$180,000 to the project.

By the bid opening in January, 2000 labor and materials cost increases raised construction costs to \$87 per square foot. At the local community level, we have no resources available to cover the estimated \$770,000 shortfall. The \$1.8 million we have available will construct the shell and open a portion of the first floor. Additional funds are needed to complete the interior and open the facility this Fall as planned. To do otherwise will negatively impact the community and surrounding area, including the Enterprise Zone and our neediest and most vulnerable citizens.

Funding criteria established by the U. S. Department of Commerce, Economic Development Administration, influenced site selection. Grant eligibility criteria required the facility be located in an area of the City experiencing at least 8.5% unemployment. The selected site is surrounded by some of the poorest neighborhoods of the community. Consequently, the facility will become a new source of pride and prestige for a once vibrant section of our community.

The City of Gainesville will own the facility. Operating responsibility will be assumed by the University of Florida Southern Technology Application Center through a contractual agreement with the City. The facility is being designed using state of the art energy conservation methods and is expected to achieve the U. S. Environmental Protection Agency's Energy Star designation once operational. At present only one commercial facility in Florida and six commercial facilities in the United States have received the Energy Star designation from EPA.

The project will serve new and emerging technology and light assembly businesses with the potential for high growth and high wage job creation. GTEC will work closely with the University of Florida to expand the efforts of the University's technology transfer and commercialization program. GTEC management will work closely with its partners and faculties at the University of Florida and Santa Fe Community College to market the facility and to identify potential spin-offs from academia and the corporate community suitable for tenancy in the incubator. Tenants are expected to "graduate" out of the facility and join the Gainesville/Alachua County business community within three years and become important new employers for area citizens.

This project is extremely important to the redevelopment efforts underway in East Gainesville and in the City's Enterprise Zone. The City continues to seek additional funding for the shortfall for this essential project, and also respectfully requests that the Secretary of Commerce's discretionary funds be considered to assist with this regionally important project.

In closing, federal support is critical for each of these initiatives. As a result, we respectfully request that the Subcommittee give our requests every consideration throughout the FY 2001 appropriations process.

TESTIMONY ON BEHALF OF
CITY OF MIAMI BEACH, FLORIDA
HONORABLE NEISEN KASDIN, MAYOR
MARCH 31, 2000
SUBMITTED TO
THE HOUSE COMMERCE, JUSTICE, STATE
APPROPRIATIONS COMMITTEE

DEPARTMENT OF JUSTICE

Mr. Chairman:

Thank you for giving the City of Miami Beach the opportunity to submit testimony before your subcommittee regarding a critical law enforcement technology initiative. The Miami Beach Police Department is seeking to obtain the necessary funding assistance in order to acquire available technology for the purpose of providing a significant enhancement in the delivery of public safety services to the community. The unique status of the City of Miami Beach as an international destination has taxed the Miami Beach Police Department's ability to provide public safety services to residents and visitors utilizing the typical funding sources available to a medium sized municipality. Funding assistance would be utilized to acquire the following technology:

- ▶ Equip every officer in the field with wireless enabled laptop computers. Officers would have immediate access to both strategic and tactical crime analysis enabling them to provide directed community based policing services to residents. Enhanced communications would also enable a coordinated tactical deployment and response to disaster and other emergency events. The efficiency of field officers would be significantly improved providing residents and visitors with increased public safety services.
- ▶ Develop and acquire the infrastructure necessary to provide real-time, online public access to crime reports, crime statistics, crime maps and other such

information to residents in order to develop a closer partnership and a coordinated community-police response to crime at the neighborhood level.

- ▶ Develop the local infrastructure to provide enhanced two-way crime/suspect analysis and information exchange with law enforcement agencies throughout the State of Florida utilizing the existing statewide Criminal Justice Network (CJNET). With the acquisition of this capability, the ability of criminals to successfully victimize residents and avoid detection by crossing jurisdictional boundaries will be significantly reduced.

The City is seeking \$1 million in federal support through the FY2001 Justice Appropriations Bill, under its COPS Technology Assistance account, Justice Assistance Program account, or any other account within the Department of Justice that might be appropriate for funding this project.

We hope that you will find this critically important project worthy of your support.

Thank you for your consideration.

**TESTIMONY ON BEHALF OF
CITY OF NEWARK, NEW JERSEY**

HONORABLE SHARPE JAMES, MAYOR

MARCH 31, 2000

SUBMITTED TO

**THE HOUSE COMMERCE, JUSTICE, STATE, THE JUDICIARY AND RELATED
AGENCIES APPROPRIATIONS SUBCOMMITTEE**

Mr. Chairman and members of the Subcommittee, thank you for giving us the opportunity to submit testimony about two projects under your jurisdiction that are critical to the people of Newark, New Jersey. Newark is truly at a crossroads: we are a City with all of the problems of many major urban centers, but we are also a City with vast potential. We have begun to turn the corner – there is a renewed vitality and sense of optimism in Newark. Although these two projects are very different, both address needs which will help Newark take the next steps in its renaissance. The first project is designed to stimulate economic development and better utilization of mass-transit facilities, while the second will help the city combat the sale and distribution of illegal drugs.

**AMTRAK PLATFORM INTERMODAL FACILITY/NEWARK SPORTS AND
ENTERTAINMENT PROJECT**

A major economic development initiative that will create a professional sports and entertainment complex in downtown Newark is being planned by a consortium of private businesses, nonprofit representatives and the City administration. As this new economic development initiative is evolving from preliminary to concrete plans, there is a unique opportunity for an important downtown facility linked to a key transit hub. The synergy of a major occupant that is committed to investment in community development and opportunities for upgrading the center city retail and economic environment makes this an attractive and singular proposal.

This project will use the attraction of two major league sports franchises to locate a state-of-the-art arena as a key cornerstone for development. The mission of this project is to harness the momentum initiated by the successful 1997 opening of the acclaimed New Jersey Performing Arts Center (NJPAC), and 1999 opening of Newark's minor league baseball stadium, and create a vibrant, state of the art sports and entertainment district in downtown Newark. It will be a catalyst to the evolving creation of a vibrant downtown corridor – as development continues with strong anchors, integrating several elements. These include NJPAC, the Gateway complex of modern office buildings, the refurbished Newark Penn Station, a waterfront development along the Passaic River which is under construction by the US Army Corps of Engineers, and a minor

league baseball stadium where the Newark Bears began to play last summer. A new light rail system is in final design, and will ultimately be the spine along which these projects are arrayed.

The Newark Sports and Entertainment Center master plan includes development of approximately 1.4 million square feet of office space. The preliminary plan consists of a covered multi-purpose sports arena with 19,000 seats, ancillary parking, a new television production and broadcast complex, up to 2 million square feet of new commercial and retail space, including hospitality facilities. The sports and entertainment center will provide superior access to a broad customer base, create sizable, measurable, bankable fiscal benefits for the taxpayers of New Jersey, and will, consistent with the commitment of the New Jersey State Plan, "steer development from environmentally sensitive zones and back into urban areas." As the project creates a destination location - which will create new incremental spending - it will help to revitalize New Jersey's oldest and largest city and establish a new sports paradigm linking professional athletes to the youth of the state.

The ownership group for a major league sports franchise has indicated the ability to contribute approximately \$200 million of private funds toward the anticipated \$300 million project cost. The gap in financing will be filled with a combination of tax-exempt revenue bonds (subject to debt limits), user fees and grants related to the job generating abilities and economic development potential of the project. The City plans to use proceeds from parking and hotel taxes to subsidize the project.

The Newark Sports and Entertainment Center is expected to draw nearly two million people to the city each year. The estimate includes those attending sporting events, family entertainment shows like the circus, concerts and other attractions. In addition, the development of the Newark Sports and Entertainment Center will act as a catalyst to the increased demand for and opening of restaurants, shops, hotels and small service businesses that meet the needs of patrons. Local corporations, small businesses, city residents, and local employees are expected to benefit from the Newark Sports and Entertainment Center through improved quality of life, better entertainment and retail options for its current workforce, and improved job opportunities. Although the direct and indirect employment to be gained from this project is still the subject of further analysis, it can safely be estimated that at least 5,000 jobs in construction, ancillary services and direct employment will be created.

Adjacent to the arena site is a central feature of Newark's downtown/riverfront area, the presence of AMTRAK facilities at Newark Penn Station. This station is the last northbound stop on the Northeast Corridor before New York City, and provides rail and bus linkages to the rest of New Jersey, and the region beyond. New Jersey Transit is doing an admirable job of renovating and modernizing the facility to accommodate increases in demand at the station, but the portion of the overall rail infrastructure that is owned and operated by AMTRAK is in great need of attention.

The renovation and upgrading of AMTRAK property to better serve the City of Newark, its residents and visitors is a key factor in the City's economic development and transportation initiatives. This property is at the southern end of Penn Station, and improvements to it will be a worthy investment.

The extension of the platforms at the southern end of Penn Station will enable passengers to exit the rail facility without having to exit through the station itself. This will enable the connection of a pedestrian walkway to the planned economic development project, the new downtown sports and entertainment complex. With this extension, an old abandoned railroad bridge and right of way will be transformed into a productive corridor, and help to revitalize the

southern portion of Broad Street (Newark's main street), just as other transportation projects have facilitated the renaissance of the upper Broad Street area. The estimated cost for the platform extension is \$20 million, and the City of Newark requests congressional support for funding to plan and implement this exciting undertaking.

OPERATION NITRO

The Newark Police Department has developed and begun to implement an innovative program, called Operation NITRO – *Narcotics Interdiction To Reduce Open-air Drug Markets* - to address the complex issues associated with the sale of drugs and their effect on the City of Newark. It is a narcotics enforcement augmentation program designed to improve the quality of life by reducing the incidence of illegal drug trafficking through aggressive anti-crime operations. The assistance of this committee in enabling the implementation of this comprehensive project will be deeply appreciated by the citizens of Newark, New Jersey. The improvement of the quality of life in our neighborhoods which will be brought about by Project NITRO will aid in the renaissance of our City. A supplemental federal allocation of \$2 million is respectfully requested to meet the specialized facility and equipment needs for the ambitious and important project summarized herein.

It is well established that DRUGS DRIVE CRIME! The COMSTAT process –Newark's computerized statistical tool- has revealed that an estimated 80% of the crime in Newark is drug related. The communities' primary issues are the open street sales, violence associated with the drug trade, and the proliferation of weapons and their use by drug enforcers during street robberies. Inherent in the drug trade is the violent nature of the criminal element associated with trafficking. A significant portion of the drug traffickers have been identified as having violent criminal histories, and most have previously failed to appear in court to answer for their crimes. The single most significant impact law enforcement can have toward reducing the illegal drug trade is through a sustained presence; dismantling criminal enterprises by targeting the infrastructure and profit associated with drugs.

Operation NITRO is a concentrated effort designed to address long-term operations through collaborative strategies with identified outcomes and interim measures. It is a Department element composed of carefully selected and specially trained police officers and supervisors using covert, non-traditional means to suppress drug-related street crime. The synergy of enforcement and apprehension operations will result in a valuable, encouraging and worthwhile contribution to public safety.

Elements include proactive street-level narcotics enforcement; search warrants for mid and upper-level drug trafficking networks; asset seizure through civil enforcement; neighborhood problem solving through community interaction; special drug courts to provide differential treatment for offenders; enhanced involvement from the corrections community to enforce probation and parole violations, and high visibility fear reduction. These efforts will produce a synergistic effect in dealing with persistent offenders by effecting arrests, empowering residents, seizing assets, and controlling the environment conducive to crime. The citizens of Newark will

be reassured that crime control and quality of life are paramount issues for the Newark Police Department.

The *enforcement* segment consists of non-uniformed officers being placed into areas where the incidence of narcotics trafficking is greatest. Teams of officers will conduct stakeouts, surveillance, buy/bust operations, search warrants, and street-level enforcement tactics. The *apprehension* segment consists of teams of uniformed officers stabilizing neighborhoods by conducting follow-up operations in response to intelligence and leads garnered from outside sources, arresting persons wanted on outstanding warrants, and community empowerment via focus groups and neighborhood interaction. Each of these tactics will be used in response to particular crime/victim/location patterns. The primary goal will be to reduce the incidence of drug-related street crime through the effectuation of quality arrests.

The elements of Operation NITRO combine to formulate a cohesive plan, which takes into account the range of Police staffing, facilities, equipment, and outreach needs. Detailed plans have been devised for Organization and Administration, Deployment and Tactics, Confrontation and Arrest, Facilities and Equipment, and Implementation. Special Considerations - the methods for maintaining integrity of team members, as well as legal issues, are key to this effort.

NITRO will perform two primary functions: plainclothes street surveillance of identified hot spots, and uniformed operations. Officers can assume disguises to adapt to the landscape in order to provide themselves with the anonymity and freedom of movement to pursue identified or suspected drug dealers undetected, and maintain watch unnoticed at probable crime locations. These tactics are designed to result not only in quality arrests but also in the interruption of drug transactions and the prevention of injury to citizens. Two or three modules will generally be assigned to high-incidence neighborhoods within the four commands. Target Zones (TZ) will be established based upon the crime analysis data. All operations will take place within the TZ under the direction of the module supervisor. Specific deployment tactics will further be determined by the scope of the problem in an identified neighborhood. When a narcotics operation is put in effect, each module will have a minimum of eight members. All members will be encouraged to use their skills in their apprehension efforts, but are reminded to use only those tactics which would be considered constitutionally legal. Careful planning, adequate communication, proper role playing and an efficient back up team are also required. Though potentially hazardous, these operations are a most rewarding means of apprehending street criminals and reducing the incidence of crime.

The element of plainclothes surveillance requires officers who are highly skilled in the art of observing suspicious or out-of-the-ordinary circumstances. Surveillance tactics are instituted once observations of this sort are made, and may last anywhere from a few minutes to several hours. Similarly, buy/bust operations, reverse operations and long-term undercover operations necessitate patience and the investment of time if the results are to be productive. Training in surveillance will be conducted to provide officers with the proper skills for conducting these delicate matters. This approach will increase the likelihood of arrest, the probability of prosecution for a felony, the chance of a felony conviction, and the length of the term for those sentenced.

In an effort to fulfill their objective of effecting high quality arrests while maintaining a low injury rate, NITRO will promulgate guidelines for confrontation and arrest. The primary focus is to prevent injuries arising from narcotics operations, and mistaken identity issues. Because of the size, diversity, and youthful nature of the Department, many experienced officers and inexperienced officers are unfamiliar with each other. Since *safety is paramount*, the need to quickly identify plainclothes personnel cannot be overstated. As part of the required training, a series of safety precautions will be discussed to alleviate most of the problems associated with confrontations.

There are two special considerations of the utmost importance to NITRO administrators: legal defensibility of operations and integrity. The primary legal concern for the Police Department is the legal defense of entrapment. If procedures *excessively* lure or seduce suspects in their conduct as decoys, an apprehended criminal may have the defense of entrapment. The NITRO Task Force will provide extensive training, literature, and role playing to avoid these mishaps. Detailed tactical guidelines will be promulgated as part of the operating procedures governing the unit.

As with any plainclothes police operation, the susceptibility of corruptive practices by officers and supervisors is possible. Operation NITRO will pride itself on being corruption-free with a reputation for bribery arrests. NITRO administrative personnel will set the perspective for the team by personal example. A great deal of energy will be channeled into integrity control, and, ethics will be the major thrust for the integrity campaign. NITRO will constantly be on guard to prevent its members from participating in shakedowns, abusing their authority, engaging in brutality, using racial/ethnic slurs while effecting arrests, and other illegal or improper practices. Complaints will be monitored and RAMS reports will be generated quarterly to audit the team.

Advertising and public support for any Police Department initiative are critical to the program's success. The Newark Police Department will publicize Operation NITRO through radio and cable tv public service announcements, handouts and posters placed throughout the city in all police Districts, public and private schools, public libraries and at community meetings. The Citizen's Police Academy will be utilized to promote this initiative by focusing upon direct contact with the community. The advertising campaign will augment the establishment of Community Advisory Councils (CAC). CAC's are intended to foster a cooperative and positive police/community partnership. Working together, the police and the community will design strategies specific to local neighborhoods and create a no-tolerance attitude towards illegal drug activity.

The consideration of this committee is deeply appreciated. Newark, New Jersey is looking forward to your support of these exciting projects and the innovative partnerships they represent.



<http://members.aol.com/socscience/COSSA/index.htm>

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Statement
of the
Consortium of Social Science Associations
submitted for the record on the
Fiscal Year 2001 Appropriations
for the
National Institute of Justice
Bureau of Justice Statistics
prepared for the
Subcommittee on the Departments of Commerce, Justice,
and State, the Judiciary, and Related Agencies
Committee on Appropriations
U.S. House of Representatives
The Honorable Harold Rogers, Chairman
March 31, 2000

American Anthropological Association • American Economic Association • American Historical Association
American Political Science Association • American Psychological Association • American Society of Criminology
American Sociological Association • American Statistical Association • Association of American Geographers
Association of American Law Schools • Law and Society Association • Linguistic Society of America
Society for Research in Child Development

Mr. Chairman and Members of the Subcommittee:

The Consortium of Social Science Associations (COSSA) greatly appreciates the opportunity to comment on the Fiscal Year 2001 appropriations for programs under the Subcommittee's jurisdiction, including the National Institute of Justice (NIJ) and the Bureau of Justice Statistics (BJS) of the Department of Justice's Office of Justice Programs (OJP). COSSA is an advocacy organization supported by more than 100 professional associations, scientific societies, universities, and research institutes that promotes attention to and federal funding for the social, behavioral, and economic sciences. It serves as a bridge between the research community and the policy making community. Our member organizations include the American Psychological Association, American Society of Criminology, American Sociological Association, and the Association of American Law Schools. A complete list of our member organizations is attached to the testimony.

First, Mr. Chairman, COSSA and our member organizations would like to thank you and the Subcommittee for your past support of the OJP, the NIJ, and the BJS. You and the Subcommittee have been vocal supporters of the work performed by the OJP. This support has allowed the OJP, particularly the NIJ and the BJS, to address crime throughout the country.

Mr. Chairman, there is good news regarding crime and violence in the Nation. The country's violent crime rate has experienced declines in the past decade; since 1993 the violent crime rate has fallen dramatically. The nation's homicide rate has steadily declined since 1993, with much of the decline occurring in the Nation's largest cities. Arrests for juvenile homicide decreased 19 percent between 1994 and 1998. Over the same period, juvenile arrests for serious violent crimes declined 48 percent. Further, the number of law enforcement officers killed in the line of duty has experienced a decline — from nearly 150 in 1973 to roughly 50 in 1998. For the seventh year in a row, both the Federal Bureau of Investigation's Uniform Crime Report (UCR) and the Bureau of Justice Statistics' National Crime Victimization Survey (NCVS), two major sources of national crime data, report significant decreases in crime.

Unfortunately, not all of the news is good. Indeed, there are several disturbing national crime indicators. For example, the firearm homicide rate for youth between the ages of 15 and 24 has increased significantly since the mid 1980s — increasing nearly 158 percent. In addition, the link between drug use and the commission of crime is still strong and, in fact, increasing. A 1997 Bureau of Justice Statistics survey shows an increase in the link between drug and alcohol abuse and the commission of a crime for prisoners in both state and federal prisons. State prisoners reported a seven percent increase in the use of drugs and alcohol prior to the commission of a crime, an increase from 50 percent in 1991. Federal prisoners reported an 18 percent increase in the use of drugs and alcohol prior to commission of a crime, from 32 percent in 1991 to 50 percent in 1997.

These disturbing statistics indicate that more work needs to be done, and you can ensure that the NIJ and the BJS have the requisite funds to fulfill their extremely important missions.

NATIONAL INSTITUTE OF JUSTICE (NIJ)

Created by the Omnibus Crime Control and Safe Streets Act of 1968, the NIJ is the Nation's primary source of research and development in the field of criminal justice. The 1968 crime bill specifically calls on NIJ to sponsor special projects and research and development programs to improve and strengthen the criminal justice system and reduce and prevent this crime. To further this charge, NIJ supports both extramural (universities and other research institutes) and intramural (within the NIJ) research. NIJ engages the Nation's brightest criminal justice researchers through two investigator-initiated, peer-reviewed research competitions. The research it conducts is lauded by the criminal justice community, as well as the research community for its highly rigorous scientific standards.

NIJ's Social Science Research Program: Opening Many Doors of Knowledge About Crime

Social science research has made significant inroads into understanding the causes and correlates of crime, as well as determining some of the best methods to prevent crime. A RAND Corporation analysis concluded that NIJ's social science research effort "has helped shape the way criminal justice policy makers and practitioners think about issues, how they identify problems that need attention, which alternatives they consider for dealing with their problems, and their sense of what can be accomplished." Over the years, NIJ's social science research program has made a difference in the Nation's fight against crime. The agency's work on career criminals has opened the door to understanding the demographics of crime, as well as crime patterns and crime rates. This, in turn, has allowed law enforcement officials and prosecutors to focus their limited resources. NIJ's research on alternative sentences and intermediate sanctions, including house arrest and electronic monitoring, has helped relieve prison over-population. Similarly, NIJ's research on community policing has led to innovative law enforcement practices, as well as creating stronger and closer links between police officers and the communities they protect.

Unfortunately, because of the relative lack of funds for social and behavioral science research within the OJP there is much that we do not yet know. This point is aptly noted in the seminal University of Maryland crime study, *Preventing Crime: What Works, What Doesn't, What's Promising*. *Therefore, COSSA strongly supports the provision in the President's budget request that would set-aside one percent of funds appropriated to the Office of Justice Programs for research and evaluation to be conducted by the NIJ.* This set-aside, similar to the one percent evaluation set-aside in the Public Health Service Act, would greatly augment NIJ's social science research platform. It would allow the NIJ to conduct and support research in areas that require social-scientific knowledge to be brought to bear to curb them, including: cyber-crime, economic crime, transnational crime and organized crime, youth crime, violence against women and children, violence by children in schools and at home, and white collar and corporate crime. The provision would also allow NIJ to conduct evaluations of many crime fighting initiatives to ensure the Federal funds are not being wasted on programs that do not what.

For FY 2001, the administration has requested a base appropriation of \$49.2 million, an increase of \$5.8 million. COSSA strongly supports this amount. The budget request will allow the

NIJ to continue the work of several existing initiatives, including the Arrestee Drug Abuse Monitoring (ADAM) program, the Strategic Approaches to Community Safety Initiative (SACSI), the Community Mapping, Planning, and Analysis for Safety Strategies (COMPASS) initiative. These initiatives are briefly described below.

The **Arrestee Drug Abuse Monitoring (ADAM)** program, established through the reorganization of the former Drug Use Forecasting (DUF) program, serves as a national research platform to better understand the national drug problem and the relationship between drug use and crime. Through interviews and urinalysis of adult and juvenile arrestees/detainees in police lock-ups, ADAM has enabled local law enforcement officials and policy makers to better understand the crime and drug problems unique to their regions — providing local jurisdictions the ability to tailor law enforcement policies and responses to more effectively combat crime and drug problems. The request of \$5 million would allow NIJ to expand ADAM from its current 35 sites to 50 sites. It would also provide a more comprehensive view of the public health and safety issues posed by substance abuse among adults and juveniles.

The **Strategic Approaches to Community Safety Initiative (SACSI)**, begun in FY 1999, is a strategic planning initiative occurring in five cities — New Haven (Connecticut), Winston-Salem (North Carolina), Portland (Oregon), Memphis (Tennessee), and Indianapolis (Indiana). The initiative attempts to bring together the research community and the law enforcement community to address specific crime problems in each of the five cities. The team, led by a local United States Attorney, includes a local researcher familiar with local crime problems, local and state law enforcement officials, criminal justice agencies, and local stakeholders. The team identifies a specific crime problem and determines the best approach to address the problem. The SACSI program is already producing results. NIJ, along with the five participating sites, has begun to catalogue existing data and has developed computer software programs to access these data to further the strategic planning process. The \$10 million request for SACSI would allow the NIJ to expand this innovative crime-fighting program from its 5 current sites to 15 in 2001.

The budget request will also allow the NIJ to expand the **Community Mapping, Planning, and Analysis for Safety Strategies (COMPASS)** — another exciting strategic planning initiative. COMPASS, following on the ground-breaking work of SACSI, is an NIJ-designed effort to further the relationship between research and practice. NIJ, led by Director Jeremy Travis, understands the need to construct a national research infrastructure that will support a much more complex set of approaches to the challenges of crime. As such, the objective of COMPASS is to develop and implement a model set of crime data systems to further strategic planning in the fight against crime and violence. In FY 2000, NIJ announced Seattle, Washington as the first COMPASS site. The FY 2001 request for \$10 million would allow NIJ to expand the COMPASS initiative into nine jurisdictions, thereby equipping them with advanced information technologies and data to predict and control crime.

An extremely important aspect of any research agency is its ability to engage its constituent community and disseminate its research findings in a timely fashion. The NIJ has established a robust and healthy relationship with the criminal justice community, both researchers and law enforcement officials. Through its Research in Progress lecture series and its Perspectives in Crime and Justice lecture series, the NIJ ensures that the community is informed about important criminal justice research

and practice. These lecture series also allows the NIJ to actively solicit the views of the criminal justice community.

NIJ's Technology Development Program: Saving Officers' Lives

Since its inception, the NIJ has provided the law enforcement community with life-saving technologies as well as important crime fighting and prevention information gleaned from scientific research. As an example of the former, the NIJ developed body armor that has saved the lives of countless officers in the line of duty. In praising NIJ's technology, Darrel Stephens, Chief of Police of St. Petersburg, Florida, said: "NIJ initiatives have made it safer for street police officers — bullet resistant vests have saved lives of many officers since their introduction." NIJ's technology program has also produced advances in forensic science and in less-than-lethal weapons technologies. While the technology development component of the NIJ's mission is an extremely important one, funding for the NIJ's social science research mission has been relatively stagnant. We again urge the Chairman and the Subcommittee to provide a balanced funding approach for the NIJ and the Nation's fight against crime and violence.

Support for Block Grant Funds

While supportive of specific aspects of the President's FY 2001 budget request, we are disappointed that the administration once-again zeroed out funds for two block grant programs. The two programs — the Local Law Enforcement Block Grant (LLEBG) and the Juvenile Accountability Incentive Block Grant (JAIBG) — have proven extremely successful and are extremely popular with state and local law enforcement officials. The President also significantly reduced funding for a third program, the Violent Offender Incarceration/Truth In Sentencing (VOI/TIS) initiative. Two of these programs — LLEBG and VOI/TIS — provide significant supplemental funds for important work performed by the NIJ. In the past, NIJ has used funds from the LLEBG to develop testing and standards, investigative and forensic science, officer protection and crime prevention, training and simulation, less-than-lethal weapons technology development, and communication and information technology development. We strongly urge the Subcommittee to restore funds for these three programs.

BUREAU OF JUSTICE STATISTICS (BJS)

COSSA is delighted that the administration has requested a significant increase for the Bureau of Justice Statistics. BJS, the statistical arm of the U.S. Department of Justice, collects, analyzes, publishes, and disseminates information on crime and the criminal justice systems. It also provides support to state-level Statistical Analysis Centers (SACs) to collect and report statistics on crime and justice to all levels of government and to share data nationally. The National Crime Victimization Survey (NCVS), BJS' largest single data collection, offers insights into the nature of crime, its consequences, the relationship between victims and offenders, and the willingness of victims to report crimes to law enforcement officials. BJS also maintains a wide array of statistical programs in the areas

of law enforcement, adjudication, and corrections, and support for criminal justice statistics capabilities in 38 states.

Like NIJ, BJS does an outstanding job in its timely dissemination of research results to government officials and policy makers to keep them informed of relevant criminal justice research findings. BJS publishes numerous research reports that prove highly beneficial to the local, State, and Federal law enforcement communities. Some recent reports include: *Homicide Trends in the United States: 1998*; *Federal Law Enforcement Officers, 1998*; *Crimes Against Persons Age 65 or Older, 1992-1997*; *Capital Punishment, 1998*; *Use of Force by Police: Overview of National and Local Data*; and *Bridging Gaps in Police Crime Data*.

COSSA strongly supports the increase in the FY 2001 request for the BJS to \$33.2 million from the current level of \$25.5 million. The increase will allow it to develop an on-going statistical program that provides systematic and recurring information on criminal victimization of persons with disabilities; develop and monitor statistical measures designed to examine concerns about racial discrimination in the administration of justice; begin converting paper-based collections of administrative data from State and local units of government to Internet-based, paperless collection programs; produce consistent annual measures of the incidence of hate crimes; and gather information on changes over time in the incidence and prevalence, costs and consequences, and prosecutions, convictions, and sentencing of computer crime offenses.

COSSA greatly appreciates the support the Subcommittee has provided the National Institute of Justice and the Bureau of Justice Statistics over the last several years. Thank you for the opportunity to present our views.

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 Southern Sociological Society
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 Urban Affairs Association

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Representing Fish and Wildlife Agencies since 1902

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March 31, 2000

The Honorable Harold Rogers, Chairman
Subcommittee on Department of Commerce, Justice,
State, Judiciary and Related Agencies
H-218, The Capitol
Washington, DC 20515

Dear Mr. Chairman:

As you know, this Association's State Members have a responsibility for managing fish and resident wildlife resources in each of the 50 states and shared responsibilities with the federal natural resources and land management agencies for cooperative resource management.

Please find enclosed 15 copies of the Association's FY2001 budget recommendations for the National Marine Fisheries Service under the Department of Commerce. The Association appreciates the opportunity to present its views on the Administration's Fiscal Year 2001 budget for that agency.

Thank you for your favorable consideration of these recommendations.

Sincerely,

[Signature]
s/ R. Max Peterson
Executive Vice President

s/gary/regula

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**BUDGET RECOMMENDATIONS FY 2001
INTERNATIONAL ASSOCIATION OF FISH & WILDLIFE AGENCIES
FEBRUARY 14, 2000**

NATIONAL MARINE FISHERIES SERVICE

The Association appreciates the opportunity to comment on the Administration's proposed FY 2001 budget to address the increasingly critical needs of the nation's marine fishery resources. The Association urges Congress to provide resources to the National Marine Fisheries Service (NMFS) to help address the nation's responsibilities to marine fishery resources and the Nation's citizens who depend upon them. States, Interstate Marine Fishery Commissions, and regional fishery management councils share with NMFS responsibilities and authorities for management of living marine resources. Sharing funding and other resources to address marine fisheries research and management needs is more efficient and effective than is working towards these mutual goals separately.

The partnerships between the States and NMFS span a long history of cooperation in coastal fisheries and habitat management. However, in its FY 2001 budget request, NMFS has failed to truly recognize and encourage these cooperative efforts. These partnerships promote the leveraging of resources and talents, and often provide the means for meeting program requirements more effectively. The Association believes the proven success of these cooperative partnerships are the best way to advance fishery management efforts and should be the way the agency will operate in the 21st century. Never has the need for effective partnering of NMFS with the states and the Interstate Marine Fisheries Commissions been greater. However, the FY 2001 budget proposal again fails to demonstrate a true commitment by NMFS to such partnerships. A real and meaningful financial commitment that recognizes these successful partnerships is the only way for the states to fully cooperate with NMFS in fulfilling its mission of resource stewardship. The Association believes that improving the ability of federal and state marine resource managers to act in concert will substantially enhance the overall management of the nation's living marine resources.

The Association sees a tremendous opportunity for Congress to recognize a 20-year neglected commitment that would direct outer continental shelf oil and gas revenues towards natural resources conservation. In the early 1980s, Congress and coastal oil and gas producing states agreed that revenues from leasing of drilling areas should be then used for conservation, specifically for the impacted coastlines and related marine environments. Due to federal budget constraints caused by the deficit, these revenues were diverted for deficit reduction. The time is ripe for Congress to rectify this circumstance and restore the commitment made to the States long ago. The Association urges Congress and the Administration to work together to successful enactment of the Conservation and Reinvestment Act.

The Association continues to be disappointed that the FY 2001 NMFS budget request includes provisions for a federal user fee to fund a portion of the NMFS budget. The Association recalls NMFS included user fee proposals in its previous budget requests without explanation of the implementation plans for administration of these fees. The Administration has refused repeated requests for further explanation of the proposed fees. We are disappointed that NMFS seems to have forgotten that the Congress has disapproved of such a cavalier approach to the user fee principle in the past several year's budget deliberations.

The Association's position remains that a top priority of NMFS should be the implementation of the Magnuson/Stevens Fisheries Conservation and Management Act and we look forward to working with the Administration and Congress as deliberations begin on the reauthorization of this legislation. Specifically, the Association strongly urges NMFS to diligently pursue its goals for research and data collection, and support the Regional Fishery Management Councils and the states of the Interstate Marine Fisheries Commissions in their efforts to conserve and manage marine fishery resources and their essential fish habitats. Additionally, there is insufficient information to evaluate the status of many marine fish stocks, several of which continue to decline. The Association applauds the FY 2001 President's budget request to increase funds for fisheries stock assessment, cooperative research, and management. The Association urges the Congress to appropriate to NMFS adequate funding for all cooperative programs with state agencies, including Section 6 consultation programs with the states, and to implement restoration programs under the authority granted in the Endangered Species Act.

Addressing the significant shortfalls in financial assistance to accomplish mandated and timely fisheries management needs is critical to allow for implementation of the Magnuson-Stevens Fisheries Conservation and Management Act. The Association supports the FY 2001 Administration requested level for the Regional Fishery Management Councils at \$13.3 million. The need for prompt action by the Councils has grown far faster than necessary funding. In many areas, fishing pressure has increased and the Councils' ability to respond with regional solutions has been hampered by the lack of funding.

Reliable fishery statistics provide the foundation upon which all fishery management decisions are based. State participation in the development and implementation of fishery statistics programs is critical to ensure the validity, comparability, and usefulness of data. The states and NMFS are each authorized to collect and interpret statistics for marine fisheries. Therefore, it is essential that states and the Interstate Marine Fisheries Commissions participate in cooperative statistics programs. In recognition of these facts, NMFS has developed successful joint programs in statistics with the states, including the RecFIN, and ComFIN programs and, most recently, the Atlantic Coastal Cooperative Statistics Program. The proposed FY 2001 budget is critical to forging coast-wide, cooperative statistics programs. The Association recommends that Congress fund GulFIN at \$4.5 million and RecFIN at \$3.9 million, and urges NMFS to use the RecFIN funding for cooperative data collection program for recreational fisheries consistent with

statutory directives. The Association supports the President's request for \$18.871 million for fish statistics and \$3.0 million for PacFIN. Additionally, the Association requests that Congress fund both the Alaska groundfish monitoring effort and AKFIN at the FY 2000 level of \$5.314 million and \$2.491 million, respectively.

Where these other programs target statistic efforts on the Gulf, Pacific, and Alaskan coasts, the Association strongly urges Congress to address the statistics gaps on the Atlantic Coast by supporting the Atlantic Coastal Cooperative Statistics Program (ACCSP). The Association is pleased that NMFS has recognized the promising framework of the ACCSP state-federal cooperative statistics effort and serves as an MOU partner. NMFS and the Atlantic states share the commitment to proceed with this program, and the Association urges the Congress to appropriate the funds necessary for success as has been the case with the existing cooperative state-federal programs such as PacFIN, AKFIN, and GulfFIN. As stated in the report "The Proposed Implementation of a Fishing Vessel Registration Program and Fishery Information System" (NMFS 1999), a study of NMFS stock assessment procedures, the suggested funding level for implementation of this program in FY 2001 is \$22 million. As an initial request, the Association urges the Congress to support a \$10 million appropriation in FY 2001 as the ACCSP is fully prepared to utilize this amount immediately as stated in their planning document.

The Association has reviewed several recent proposals to bolster conservation via oil and gas lease revenues, including H.R. 701 and S. 25 and S. 2123. The Association strongly supports programs to recognize the long-forgotten agreement to direct a portion of outer continental shelf oil and gas revenues towards natural resources conservation. In this same vein, the President has proposed a Lands Legacy Initiative that includes \$47 million for the NMFS portion of Lands Legacy Initiative, including coral reef protection and conservation. The Association supports the proposal from the Administration towards these needs, and urges the Administration to work with Congress to take this prime opportunity to redirect outer continental shelf lease revenues for important conservation purposes. These funds should be targeted towards high priority restoration activities. Moreover, the Association urges NMFS to work very closely with the state partners in implementing this vital work.

The Association recommends that Essential Fish Habitat research and management be performed under a state-federal cooperative program to involve other management authorities and to accomplish this work in the most cost-effective manner. For example, the Association is disappointed that several habitat-related programs have been scheduled for termination, including important work being carried out on the Charleston Bump. The Charleston Bump is an important nursery habitat for Atlantic Highly Migratory Fish species (HMS), and the Association is bewildered by the proposed termination of this vital work. Therefore, the Association recommends that funding for such programs as the Charleston Bump be restored so that fisheries management decisions are not jeopardized by the lack of good data.

The Association strongly urges funding the Interstate Fish Commission line item at the FY 2000 level of \$7.750 million, including \$0.750 million to be divided equally among the three Commissions and \$7.0 million for the Atlantic Coastal Fisheries Cooperative Management Act. This landmark legislation is perhaps the prime example of how the federal government, state agencies, and an interstate marine fishery commission can work in an active partnership for the betterment of fishery resources. Program goals continue to be accomplished, as evidenced by the recent successes in striped bass and weakfish management. This clearly demonstrates the need for additional financial resources to be provided to the states and the Atlantic States Marine Fisheries Commission in order for them to carry out their Congressional mandates, especially in the area of timely management and increased public participation. The Association is disappointed that the proposed NMFS budget fails to recognize the success of this important legislation.

The Association is seriously concerned about the proposed continuation of only level funding for the Interjurisdictional Fisheries Act grants to states, as such funding levels limit the ability of the state partners to conduct vital research and assessment activities for a number of species under interstate management. Therefore, the Association recommends funding of the Act at its authorized level of \$5.6 million. These programs assist state fish and wildlife agencies in managing and restoring Atlantic, Gulf, and Pacific coast fish species that annually provide billions of dollars and tens of thousands of jobs on all coasts. Continued reduction in Interjurisdictional Fisheries Act funding will jeopardize these fisheries and the jobs and income resulting from those resources.

The Association has long believed that NMFS could make its law enforcement activities more efficient by working with state law enforcement agencies. As a result, the Association is pleased that the Administration recognizes the strength and effectiveness of NMFS pilot cooperative arrangements with states for marine fisheries law enforcement. However, experience has demonstrated that the start-up costs associated with such programs as these are very capital-intensive. Therefore, the Association strongly recommends that Congress appropriate \$5.0 million for cooperative law enforcement arrangements with the states. Additionally, the Association urges that NMFS work with the Department of Justice to streamline the reimbursement process to states prosecuting federal fisheries violations, as was intended by Congress.

Cooperative research programs between NMFS and state marine fisheries agencies provide information vital to proper assessment of fish resources. These include the SEAMAP and MARFIN programs that support fishery-independent research on high priority species. MARFIN continues to provide funds for Congressionally mandated shrimp bycatch studies. SEAMAP is building a long-term fishery-independent database needed for managing heavily exploited species and for identifying and protecting critical habitat. The Association is concerned over the erosion of funding levels for these critical information-gathering partnerships. Therefore, the Association recommends that the MARFIN competitive grant program be funded at \$6.0 million (with \$4 million for the Southeast and \$2 million for the Northeast) and SEAMAP at \$3.5 million. The Association urges Congress to provide the means to allow the joint SEAMAP committee to address and fund necessary research priorities in the Atlantic, Gulf, and Caribbean.

The Association remains perplexed and troubled over the continuing low level of funding for implementation of the Anadromous Fisheries Act. The Anadromous Fisheries Act budget line has traditionally been used to fund activities that cannot be supported through other federal and state funds, and the fisheries management community has been unable to adequately address the needs of most anadromous fish stocks. Therefore, the Association urges Congress to fund the Anadromous Fisheries Act grants to States at its authorized level of \$8.0 million.

The Association is pleased to see that the FY 2001 budget request includes funding for the Atlantic salmon program, and we support that funding request. However, though the Association recognizes the importance of Pacific salmon stocks to the west coast and tribal cultures, we are concerned with the level of funding for NOAA's Pacific salmon initiative in light of other pressing fisheries management, statistics, research, and habitat conservation needs. The Association applauds the recommendations outlined in the Pacific Coastal Salmon Conservation effort to pool the talents of federal, tribal, state and local governments in a cooperative effort. The Association applauds this initiative and looks to possible expansion of this type of cooperative program to other areas of the country and other resource management issues.

The Association is disappointed that the Administration proposes a \$1.014 million reduction for efforts to promote and develop fisheries. This line includes the critical Saltonstall-Kennedy grants program, which addresses high priority research and development needs. Over the years the Saltonstall-Kennedy program funds have been eroded to the point where the program is in serious jeopardy. Therefore, the Association urges Congress to restore this line item to the Administration's FY 1999 requested level of \$11.171 million.

The Association recognizes that NMFS requires the use of fisheries research vessels to meet its at-sea data gathering needs. Such vessels must be maintained in good condition and capable of conducting research and assessment using modern technologies. The Association agrees that NOAA should explore opportunities to meet its ship requirements through chartering of state, university, and private vessels. In addition, the Association generally supports NOAA's proposal to fund six fisheries research vessels in budget outyears. The Association is disappointed that the President has not followed through on his commitment to include funding for one of these vessels as he assured the Nation at the National Oceans Conference in Monterey in 1998. The Association encourages Congress to support such a vital need.

The Association requests that Congress fund the Marine Mammal Protection Act line item at the FY 2000 level of \$7.754 million. The Association believes that such funds should also be used to support the state/federal response activities to live strandings of marine mammals. Additionally, the Association believes that NMFS should begin examining the ecosystemic interactions of marine mammals and fisheries stocks, including issues of depredation.

The Association strongly supports the Administration's request of \$55.45 million in funding for Endangered Species Act recovery plans. Much consideration should be given to maximizing the funds to be committed to states under Section 6 of the Endangered Species Act. Additionally, the Association is disappointed that the Administration proposes to eliminate the Southeastern Sea Turtle program. This program is designed to gather data on the abundance and distribution of sea turtles in the Southeast and the interactions between sea turtles and commercial fisheries. The Association recommends restoration of funds for this important effort.

To address the critical issues of seafood quality and aquaculture development, the NMFS strategic plan includes risk assessment goals for specific contaminants, diseases and species. Areas of particular concern are the virus diseases associated with imported and farmed shrimp and the potential risk posed to the Nation's shrimp fisheries by such diseases. Shrimp are one of the most valuable domestic fisheries in the U. S., and appropriate risk strategies cannot be developed without concurrent biotechnological advances. Therefore, the Association is disheartened that the Administration proposes to terminate the \$0.300 million program to examine viral shrimp pathogens. The Association recommends Congress fund this important effort at \$0.500 million as well as aggressively pursue the development and assessment of the biotechnological tools necessary to address these issues through the product quality and safety/seafood inspection and marine biotechnology programs.

The Association applauds the Administration's proposal to develop protocols for environmentally friendly ocean aquaculture. However, the Association is wary of any effort which will provide the federal government a mechanism to dictate federal regulations and permits associated with aquaculture. The Association recommends that the important task of managing aquaculture operations be retained by state and local governments and that the federal government continue its role as supporting aquaculture research and development as well as permitting operations within the Exclusive Economic Zone.

OTHER NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION (NOAA) PROGRAMS

In addition to the NMFS budget, the Association offers the following comments on other areas within the NOAA budget.

The Association urges Congress to aggressively support the development of new technologies to help address critical marine resource issues. Several ongoing efforts, including the Marine Environmental Health Research Laboratory (MEHRL) and the Fish Cooperative Institute, are funded through the Oceanic and Coastal Research line of the National Ocean Service budget. The Association urges Congress to appropriate \$10.0 million to this line item to support important work in marine environmental health, biotechnology, and ecotoxicology. Included in this is a recommended funding level of \$2.0 million for the MEHRL (a \$1.0 million increase) and \$0.710 for the Fish Cooperative Institute (a \$0.300 million increase). Both of these programs draw together federal, state, and academic scientists to apply technological tools to apply to marine environmental issues.

The Association is pleased with the Administration's acknowledgement of the problems posed by pfiesteria and other harmful algal blooms. However, the Association is concerned over the proposed termination of work carried out in concert with the states. For instance, the Administration has proposed to terminate the \$0.500 million for pfiesteria work being carried out by the South Carolina Harmful Algal Bloom Task Force. This effort is especially important in evaluating the risks of harmful algal blooms in tidal-dominated high flow systems, and the Association urges Congress to restore funding for this effort.

The implications of the Administration's Lands Legacy initiative to the National Estuarine Research Reserve (NERR) system are significant. The Association is pleased with the proposed \$12.0 million for NERR operations. However, the Association urges Congress to enable the NERR system to meet its potential by providing adequate funding for construction of research and educational facilities. Therefore, the Association requests that Congress appropriate \$13.0 million for NERR construction to ensure the long-term viability of the NERR system.

The Association is heartened by the Administration's proposal to increase Coastal Zone Management grants to the states to address impact issues ranging from public access to development and urban sprawl. Increased development continues to have detrimental impacts on the quality of life in our communities, and states and local communities are in the best position to develop sound solutions to these pressures. Therefore, the Association strongly supports the Administration's proposed \$92.7 million increase to help states and local communities work to improve the quality of our coastal natural environment.

The Association has supported the innovative work being performed in concert with the states at the Coastal Services Center. The Association is pleased that the Administration recognizes the valuable contributions to resource stewardship made by the Center, and we urge the Congress to appropriate \$18.0 million for the Coastal Services Center to support the development of advanced coastal decision support systems among all the coastal states.

The Damage Assessment and Restoration Program (DARP) in NOAA restores coastal and marine resources injured by releases of oil and hazardous substances. As part of NOAA's trust responsibilities, DARP seeks to ensure that trust resources of fisheries, marine mammals, and marine habitats are restored as quickly as possible and the public is compensated for loss of natural resources. The Association supports the administration's request for an additional \$4.854 million addition to the FY 2000 DARP funding, for a total of \$20.149 million for damage assessment activities and restoration planning. The Association looks to NOAA to spend this increase on coral reef activities and anticipates that other habitats will benefit from the work on coral reefs.

The National Sea Grant College Program provides essential academic research, education, and extension services for the oceans community. Sea Grant research is critical to the maintenance and improvement of the nation's marine resources. The Association urges Congress to fund Sea Grant at the authorized level of \$67 million, including support for research on oyster diseases, zebra mussels, and pfiesteria and harmful algal blooms.

As for the past several years, the Administration proposes to eliminate the Regional Climate Centers' entire budget of \$2.75 million. The six Regional Climate Centers provide a wide array of data, products, and services for a diverse community of users across the country. These Centers can provide real-time models of possible hurricane and freeze damage so that appropriate actions can be taken, analyses of climatological trends and events necessary for assessments of damages to natural resources from climate-related events, and compilation of a unique climatological data base regularly used by agricultural and related industries, government, and the general public. Several of these centers provide information important in understanding the relationship between climatological trends and effects on coastal fisheries and habitats. The Association recommends restoration of funding for these Regional Climate Centers to the FY 1995 level of \$3.2 million. This is not a service that can readily be provided by the private sector.

S/fedbud/2001/nmfs2001budgetIAFWA1



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March 10, 2000

Representative Harold Rogers, Chairman
Subcommittee on the Departments of Commerce, Justice, State, the
Judiciary, and Related Agencies
Committee on Appropriations H-218, The Capitol
Washington, D.C. 20515

Dear Chairman Rogers:

Enclosed please find 15 copies of the Statement submitted on behalf of the
International Community Corrections Association concerning the
Subcommittee's oversight of Justice and Judiciary agencies.

If ICCA can provide any additional information to the Committee, please
call me at 703-836-0279.

Respectfully,

Mary K. Shilton

Mary K. Shilton
Washington, D.C. Representative, ICCA

Enclosures

cc: Anne Walker, ICCA President
James J. Lawrence, ICCA Justice Committee Chair



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STATEMENT

OF THE

INTERNATIONAL COMMUNITY CORRECTIONS ASSOCIATION

BEFORE THE

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

OF THE

UNITED STATES HOUSE OF REPRESENTATIVES

March 10, 1999

SUBMITTED BY

JAMES LAWRENCE

JUSTICE COMMITTEE CHAIR, ICCA

On behalf of the International Community Corrections Association (ICCA), we are pleased to submit ICCA's Statement concerning the United States Department of Justice, Judiciary, and related agencies oversight for the Fiscal Year 2001. ICCA is requesting that the Congress provide resources to encourage more effective federal, state and local community corrections programs in addition to prison and jail facilities.

ICCA represents a wide variety of programs and criminal justice professionals who are committed to improved public safety and more humane correctional programs. The International Community Corrections Association is a membership organization representing more than fifteen hundred residential and non-residential programs and over 250 private agencies throughout the United States. Over the past twenty-five years, ICCA has provided information, training, and other services to improve the quality of care for offenders and to promote effective management practices.

ICCA urges the Committee to direct the Office of Justice Programs to ensure that a range of correctional options are available in every state and locality to relieve prison overcrowding, to provide appropriate placements for special populations such as the elderly, to assist in transitioning offenders from incarceration to their communities upon release, and to provide more effective sentencing options. Community corrections options include: pre-trial supervision, probation and parole, intensive supervision, fines and day fines, restitution, forfeiture, impoundments, ignition interlock, community services, victim-offender reconciliation, home confinement, electronic monitoring, day reporting, halfway house residential treatment, and other services for offenders.

At least half of all offenders who would be appropriate for community corrections options do not get placed in such programs. A growing range of research, cost analysis, and longitudinal studies show that offenders who receive transition programs such as education, substance abuse intervention, and job training are much less likely to return to prison.

The United States Department of Justice, Office of Justice Programs and the Federal Bureau of Prisons are important federal agencies affecting community corrections. A variety of Department of Justice programs such as the National Institute of Corrections and the Federal Bureau of Prisons community corrections centers, are worthy of continued support and expansion. At the present time, these programs have only a small impact on

ICCA Statement

March 10, 2000

Page 2

the thousands of persons under correctional supervision. To improve this situation the following steps should be taken.

1) Increase appropriations in the Office of Justice Programs to develop federal, state and local community corrections programs. In recent years, Congress has excluded community corrections from many categorical and block grant programs in favor of other initiatives. ICCA urges the committee to empower OJP to include oversight, funding, research, and technical assistance grants.

ICCA supports the administration's proposed Project Reentry requesting \$60 million in 2001 for supervising released offenders. Office of Justice Programs and COPS Office collaboration on funding Project Reentry are an important recognition of the need for interagency collaboration to improve community based correctional programs.

ICCA also supports the President's reduction of prison construction grants through the Violent Offender and Truth in Sentencing Grants programs. The Office of Justice Programs budget request for FY 2001 reveals that at the local level with the exception of drug treatment and testing for offenders, and drug courts there is insufficient attention given funding for community corrections programs. Often the success of drug courts is based on the availability of effective treatment in the community and the delivery of drug testing requires a system of support and sanctions to motivate offenders to stay drug free. These are the types of services that community based correctional programs can best deliver.

The impact of scarce funding for community corrections aggravates prison crowding and decreases public safety. Congress must encourage OJP to rectify this situation. This can be done by:

- a). expanding the flexibility of prison construction grants, should they be continued in 2001, to include community corrections programs serving substance abusers;
- b). restoring and retaining the correctional options and Byrne grants to include funding for substance abuse for community corrections programs;
- c). overseeing collection of data that includes substance abuse treatment and community corrections;
- d). including community corrections-based treatment in its research and technology initiatives;

- e). expanding funding availability for treatment in connection with drug courts and other diversionary programs.

2) Continue to support Federal Bureau of Prisons Programs.

The Federal Bureau of Prisons (FBOP) supports halfway houses where inmates serve the last few months of their sentences, preparing for release into the community. During this time, many offenders who are substance abusers receive treatment, seek employment, and re-establish family and community ties. Over the past several years the FBOP has increasingly supported improved drug treatment in prison and quality treatment in halfway house beds in federal community corrections centers. Additionally, support for community corrections is needed for programs in the District of Columbia. ICCA supports the Federal Bureau of Prisons increase for Contract Confinement in the budget to an estimated \$543 million. According to the Federal Bureau of Prisons, more than 24,000 persons will be in contract facilities in FY 2001. These numbers include state and local jails as well as halfway houses and community correctional facilities.

In closing, ICCA emphasizes that community corrections are most often public and private partnerships. To provide adequate leadership, OJP must include local, federal, and state governments as well as private agencies in its efforts. Federal, state, and local governments should be encouraged to plan, implement, and deliver effective community corrections programs.

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK
OFFICE OF PUBLIC AFFAIRS

**STATEMENT OF DR. MICHAEL M. CROW
EXECUTIVE VICE PROVOST
COLUMBIA UNIVERSITY**

**on the
INTERNATIONAL RESEARCH INSTITUTE
FOR CLIMATE PREDICTION
(IRI)
at
LAMONT-DOHERTY EARTH OBSERVATORY
of
COLUMBIA UNIVERSITY
NEW YORK, NEW YORK**

**SUBMITTED TO THE
SUBCOMMITTEE ON THE DEPARTMENTS OF
COMMERCE, JUSTICE, AND STATE, THE JUDICIARY,
AND RELATED AGENCIES
COMMITTEE ON APPROPRIATIONS
US HOUSE OF REPRESENTATIVES**

MARCH 31, 2000

**DR. MICHAEL M. CROW
EXECUTIVE VICE PROVOST
COLUMBIA UNIVERSITY**

Mr. Chairman and Members of the Subcommittee, thank you for this opportunity to submit a statement for the hearing record for Fiscal Year 2001 funding for the Office of Global Programs (OGP) within NOAA of the Department of Commerce.

International Research Institute (IRI)

My statement concerns the International Research Institute for Climate Prediction (IRI), an initiative between Lamont-Doherty Earth Observatory of Columbia University and NOAA. The IRI will be in the fourth year of a cooperative agreement with NOAA to develop long-range forecast models and capabilities related to major climate patterns and events on a world-wide scale. The IRI focuses on the following activities:

- works with an extensive network of existing research centers in the US and around the world to provide a multi-national "end-to-end" climate prediction program on seasonal-to-interannual time scales;
- provides forecasting and regional assessments of changing physical conditions (e.g., temperature and rainfall); and
- provides the application of forecasts to support practical decision making in critical sectors like water resources, agriculture, fisheries, emergency preparedness and public health and safety.

Funding Request

This Subcommittee has been at the forefront in providing increases for NOAA's Office of Global Programs (OGP). Columbia extends sincere appreciation to this Subcommittee for the FY 2000 resources for additional funding directed toward the IRI for a total of \$8 million. We respectfully request that the \$8 million IRI designation be continued in Fiscal Year 2001.

The climate-driven events of the past five years have caused tremendous chaos and destruction. This accentuates the need for continued improvement in predictive ability. The back-to-back occurrence of a 100-year El Nino (1997-1998) followed by a 50-year La Nina (1998-1999) demonstrates the volatility of the world's climate, and the vulnerability of humanity to climatic aberrations.

Columbia University and the IRI strongly support the approval of the overall OAR budget and within that total the OGP budget request. It is our understanding that the NOAA Budget request includes IRI funding of \$7.25 million for FY 2001. We respectfully request that an increase of \$750 thousand be added to the total to continue the FY 2000 IRI funding level at \$8 million for FY 2001.

IRI Modeling

The IRI develops long range forecasts for NOAA on climate change. IRI modeling incorporates international and domestic data and modeling in conducting long range forecasts and the interpretation of impact. As NOAA and other scientific institutions develop greater capacity and understanding, the IRI can provide more accurate, longer range forecasts. The IRI is now focusing on three applications areas related to long range predictions: Water, Agriculture, and Health. This initiative complements and supports NOAA's planned FY 2001 enhancements: The IRI will support the concurrent NOAA projects through the development of specific applications models that focus on climate variability and impacts in the three areas discussed below.

(2)

Water

Water and Air are the two most important compounds for the sustenance of human existence. The IRI's mission focuses on water as a climate agent and water as a resource.

Water availability is determined by weather and climate. Dependence on water, for human use, commerce, and agriculture is predicated on usually reliable annual averages. The reliance on water and its expected availability do not factor extreme climate driven variations into annual planning. As more is learned about the interdependence of extreme climate events and their world-wide effects and implications, we can factor long range predictions on water availability as a function of these events into preparatory and prescriptive actions that will minimize the disruption an otherwise major climate anomaly could cause.

Water use has tremendous applications in society today. Hydroelectric power depends on a stable and predictable source of water at all times. Human use depends on stable supplies of potable drinking water and water for food preparation, hygiene, and for medical purposes. Agriculture, as an industry, depends on the time sensitive supply of water for seeding and growing. Industrial requirements for water range from manufacturing to construction. Transportation needs, apart from barge or river traffic, consume large amounts of water and depend heavily on water availability.

For these reasons, the IRI has developed an application project that concentrates on climate caused variations in water availability, from the very broad to the very local, or regional, impact. The large database requirements and extremely complex calculations inherent in water modeling require extraordinary computing capability. The benefits of this development will be seen in every aspect of man's interaction with the environment. Long range predictive capability coupled with prescriptive courses of action to accommodate and counteract the destructive impacts of climate events on water availability will result in more efficient use of resources, prevent disruption in major capital markets, and minimize human suffering and death.

Agriculture

US agriculture is the most vulnerable domestic industry to extreme climate variation. Genetically designed food and feed crops (corn, wheat, and soybeans) and fruits and vegetables are so refined that the slightest variation in water supply can destroy a season's product. With advance knowledge of the type and nature of a major climate event, appropriate steps can be taken to protect agricultural products and investment from suffering adverse effects due to extreme climate events. This applies not only to the interrelated water availability model for reservoir and irrigation purposes, but also in the decisions concerning which seed strains to use at planting and when the most advantageous planting time might be in a particular year.

Foreign demand for US agricultural products has a direct impact on commodity prices and farm income. If foreign demand for US agricultural products changes significantly, the US economy will reflect the variation from the commodity futures markets down to the level of the farm gate. Climate events such as drought can reduce foreign agricultural production, thereby increasing dependence on and demand for US agricultural products and causing prices and farm income to rise. Conversely, if the US suffered crop losses due to drought or flooding, major crop failures could increase domestic reliance on imported agricultural products, increasing the US negative balance of trade and a concurrent increase in domestic agricultural prices, but loss of farm income.

(3)

The advance knowledge of the probabilities related to foreign and domestic growing conditions would aid governments and planters immeasurably. The expected demand for products from non domestic purchasing would permit farmers to make rational decisions on which crops to plant and in what volumes. The improved decision making structure for US agriculture would provide more confidence, and less guess work, in the agricultural economy.

The IRI focus on agriculture promises to yield returns exponential to the investment in the capability. The applications program is integrated with the water modeling discussed in the previous section. The two assessments are interdependent on one another.

Health

Climate variation can result in dramatic health related problems. Studies have shown that in years of above average moisture coupled with above average temperature there has been a much higher incidence of malaria and other water related diseases.

The change in environmental conditions conducive to mosquito proliferation or water borne pathogens can greatly impact animal and human health, particularly when naturally occurring diseases and bacterial agents are permitted to grow in regions where inhabitants have not had to develop natural immunities to new pathogens. The reconstruction of some past plagues and devastating diseases can be traced historically to preceding major climatic events. The more reconstruction that IRI can develop through historical modeling, the more IRI will be capable of minimizing the potential threat to other living organisms (plants and crops as well as animals and humans).

Water sustains all life, including microbiological diseases. The forecast of above normal precipitation for a region could result in an increase in the potential habitat for harmful diseases. The increased medium for disease reproduction could then lead to a greater impact on human lives. If both greater than normal precipitation and greater than normal temperature are forecast for the same region, conditions for new organisms to thrive in that region are greatly enhanced. The new organisms often are harmful to human and animal survival.

The IRI, in conjunction with the water modeling initiative, will integrate regional health modeling and impact assessments in FY 2001. This additional capability will permit public health precautions to be conducted--such as vaccines and preventive water treatment activities--long before the onset of climate-driven health problems begin to occur.

Summary

This statement presents the case for providing the full budget request for NOAA's OGP program, as well as restoring the FY 2000 IRI level to \$8 million so that the modeling in water, agriculture and public health might continue in FY 2001. The requested increase above the budget request for the IRI is \$750 thousand.

Thank you for this opportunity to present this statement for the hearing record.

**STATEMENT OF THE
INVESTMENT COMPANY INSTITUTE**

**ON THE
U.S. SECURITIES & EXCHANGE COMMISSION'S
APPROPRIATIONS
FOR FISCAL YEAR 2001**

**SUBMITTED TO THE SUBCOMMITTEE ON
COMMERCE, JUSTICE, STATE, THE JUDICIARY &
RELATED AGENCIES
OF THE
HOUSE COMMITTEE ON APPROPRIATIONS**

U.S. HOUSE OF REPRESENTATIVES

MARCH 29, 2000

**Investment Company Institute
1401 H Street, N.W.
Washington, D.C. 20005**

The Investment Company Institute¹ appreciates this opportunity to submit testimony to the Subcommittee in support of the FY 2001 Appropriations request for the Securities and Exchange Commission (SEC). The Institute would like to commend the Subcommittee for its past efforts to assure adequate resources for the SEC.

Mutual funds are an integral part of the U.S. economy and have become one of America's primary savings and investment vehicles. More than 78 million investors in over 48 million U.S. households own mutual fund shares today and, since 1990, the percentage of U.S. retirement assets held in mutual funds has more than tripled. Moreover, most mutual fund investors are ordinary Americans; the median household income of fund shareholders is \$55,000. These millions of average Americans deserve continued vigilant regulatory oversight of mutual funds. For this reason, sufficient funding of the SEC should be a priority. The Institute urges Congress to provide appropriations at a level sufficient to ensure the SEC's ability to fulfill its regulatory mandate.

The Administration's FY 2001 budget proposes SEC funding at a level of \$422.8 million. The Institute supports this level of funding to sustain the SEC's operations, especially those of the Division of Investment Management, which regulates the mutual fund industry. While we are also pleased that the fee rate for registration statements and other filings pursuant to Section 6(b) of the Securities Act of 1933 has decreased in accordance with the National Securities Market Improvement Act of 1996, we remain concerned that SEC fees will generate revenues

¹ The Investment Company Institute is the national association of the American investment company industry. Its membership includes 8,021 open-end investment companies ("mutual funds"), 496 closed-end investment companies and 8 sponsors of unit investment trusts. Its mutual fund members have assets of about \$6.728 trillion, accounting for approximately 95% of total industry assets, and over 78.7 million individual shareholders. Many of the Institute's investment adviser members render investment advice to both investment companies and other clients. In addition, the Institute's membership includes 402 associate members which render investment management services

significantly in excess of that required to fund SEC operations. In the current fiscal year, for example, it is anticipated that Section 6(b) fees will generate revenues of more than one billion dollars, while the SEC's budget is \$367 million. The Institute has supported and will continue to support adequate financial resources to provide effective regulatory oversight of mutual funds, but we also believe that the fees should be reflective of their intended purpose, that is, to offset the costs associated with the activities of the SEC.

Adequate financial resources are essential for the SEC to continue its effective regulatory oversight of the securities markets and to carry out important investor protection and awareness initiatives. Such resources will enable the SEC to complete its many important initiatives, which include, among other things, finalizing significant rule proposals on fund governance issues, developing new rules for mutual fund advertising, and addressing disclosure of after-tax returns.

The SEC will also be conducting routine and special inspections of investment advisers and fund companies, continuing its review of fund prospectuses and fund profiles under the new disclosure rules, and responding to projected increases in the number of interpretive requests, shareholder letters, and exemptive relief requests submitted by investment management participants.

Moreover, the SEC will address significant equity market structure issues, such as decimalization, concerns over market fragmentation and after-hours trading, and will respond to the many challenges new developments in technology will bring. Finally, the SEC will continue its ongoing investor education initiatives.

exclusively to non-investment company clients. A substantial portion of the total assets managed by registered investment advisers are managed by these Institute members and associate members.

These initiatives will benefit the millions of Americans invested in mutual funds and are integral to fulfilling the SEC's mission of protecting investors and maintaining the integrity and the efficiency of the nation's securities markets.

Equally important to having adequate financial resources to fulfill these initiatives is the SEC's ability to maintain adequate *staffing* resources. To this end, we believe that it is essential that the SEC be able to combat the high attrition rate of its professional staff, which, over the last two years, has resulted in a loss of 25% of its attorneys, accountants and examiners.

Accordingly, we support the SEC's retention initiative, which would raise staff compensation to levels comparable with the banking regulatory agencies. We believe the proposed increases would go far in raising employee morale, thus enhancing the SEC's recruitment and retention efforts. Attracting and retaining qualified staff obviously are necessary in order for the SEC to fulfill its mandate.

We appreciate your consideration of our views.

**Prepared Testimony for the Record
for the House Appropriations Committee
Subcommittee on Commerce, Justice, State and the
Judiciary**

**Dr. Felix Okojie
Interim Vice President of Research and Development**

**Jackson State University
1400 Lynch Street
Jackson, Mississippi 39217**

**submitted
Friday, March 31, 2000**

Mr. Chairman and distinguished Members of the Subcommittee, I am Dr. Felix Okojie, Interim Vice President for Research and Development at Jackson State University (JSU). I want to thank you for allowing the University to submit testimony to the subcommittee as you consider funding priorities relevant to the FY01 Commerce, Justice, State and the Judiciary Appropriations bill. In the time that I have, I would like to highlight many of the accomplishments of JSU as well as an initiative that we are looking to begin.

Jackson State University, which was founded in 1877, is one of this country's 105 Historically Black Colleges and Universities (HBCUs). It is an urban university located in the capital city of Jackson, Mississippi and enrolls over 6000 students. A comprehensive university, Jackson State offers degree programs from the baccalaureate to the doctoral level. It is an exemplary institution that caters to a national audience of first-time enrollees as well as nontraditional students. There are many qualities that distinguish Jackson State as an exemplary institution of higher education.

- The Business School is one of only six HBCUs and one of only five Schools of Business in Mississippi accredited by the American Assembly of Collegiate Schools of Business (AACSB). Only 25% of schools nationwide hold this distinction.
- Jackson State is the only university in Mississippi and the only HBCU offering a doctorate in early childhood education.
- Jackson State is the only university in Mississippi and the only HBCU offering a doctorate in environmental science.
- The School of Science and Technology at Jackson State had the first undergraduate program in meteorology among the nation's HBCUs and it remains the only undergraduate program in professional meteorology in Mississippi.
- There are 19 honor societies at Jackson State, including chapters of Phi Kappa Phi and Pi Lambda Theta, the only chapter on an HBCU campus.
- Jackson State also has the W.E.B. Dubois Honors College, which fosters the development of those students whose high school or early college achievements indicate superior intellectual ability. The Honors College has had a 100% record of placing students in graduate and professional schools.
- Jackson State is a leader in graduating minority science and technology professionals. Among African American students in Mississippi's institutions of higher learning, Jackson State has enrolled 53% of all chemistry majors, 54% of all biology majors, 66% of all computer science majors, 69% of all mathematics majors and 80% of all physics, atmospheric science and meteorology majors.
- Jackson State is one of only two HBCUs offering a program in marine science.

All of these programs are in addition to the School of Liberal Arts and the School of Education, which have long been recognized as the heart of JSU.

The Center for Spatial Data Research and Application (CSDRA) at JSU has been involved with research and training in geographical information systems/remote sensing (GIS/RS) for the past 12 years. The CSDRA was established in the fall of 1987 as a GIS and RS laboratory, the first such lab at an HBCU. The two founding sponsors of this

facility are the Minerals Management Service (MMS) of the U.S. Department of the Interior and the National Aeronautics and Space Administration (NASA). The University was chosen by NASA to develop new spatial analysis technologies at an HBCU because of its substantial computing capability and expertise.

The CSDRA activities cover a broad range of GIS/RS educational and research projects. JSU has offered GIS and RS related courses, conducted on- and off-site training for students and organizational personnel in GIS, and JSU students, faculty and staff have presented papers at various GIS conferences around the world. Jackson State has developed and assisted with the development of land use change detection, quality of life, mineral exploration and management projects and procedures. Additionally, JSU has developed several intricate GIS databases. Utilizing the macro capabilities of the GIS software, JSU has developed some very complicated and powerful analytical programs that can be executed from user-friendly menu screens.

The CSDRA is undergoing an important transition, from a developing research and training laboratory to a multi-purpose, interdisciplinary technological center, with an aim to become a "Center of Excellence" in Spatial Data Analysis. Expansion of capabilities, goals, affiliations, and purposes has become increasingly important at this point in the Center's development. With this expansion comes the opportunity and need for the establishment of a separate GIS/RS Center at the university.

In addition to incorporating many of the current activities of the CSDRA, the proposed center will provide:

1. human resource development education and training;
2. GIS/RS applications research;
3. technical and systems research services;
4. GIS/RS and image processing consultation capabilities;
5. community and university services;
6. philosophic and paradigm research and applications; and
7. facilities development and maintenance.

It is important to note that the state of Mississippi will uniquely benefit from the proposed GIS/RS Center in many ways, including:

1. GIS/RS study of land use effects in various regions of the state;
2. long-term monitoring of air pollution effects on Delta and Gulf Coast vegetation;
3. study and look for improvements to the transportation system in the state;
4. use of RS data in weather forecasting modeling;
5. using GIS/RS technologies to benefit development of agriculture in the state; and
6. development of the application of GIS technology in environmental health research.

The initial request for FY01 is for \$2.5 million from the National Oceanic and Atmospheric Administration (NOAA) account. Funding will go toward designing and equipping available space within the JSU School of Science and Technology (SST). The primary goal of the SST is to develop top quality scientists and engineers who can

advance knowledge and address the technical problems facing the nation. With the GIS/RS Center, JSU will be one step closer to achieving that goal.

JSU is committed to meeting the GIS/RS educational needs of the people of Mississippi and the nation. As an HBCU, JSU appreciates that far too few minorities are involved with GIS/RS technologies. Thus, this field has become one of the priority areas in advancing the mission of this university. The GIS/RS Center will make this specialized field of study more accessible to students of color, while helping the state of Mississippi with issues germane to its geographical region.

Note that the Administration also recognizes the value that Minority Serving Institutions (MSIs) play in technology advancement and the objectives of the Department of Commerce, particularly the National Oceanic and Atmospheric Administration (NOAA). In fact, in the President's budget, \$17 million has been requested, specifically targeting MSIs. Consistent with this broader objective, JSU has established this proposal for an Institute that will be consistent with the overall goals of the federal government.

Additionally, JSU fully supports the recommendations of the National Association for Equal Opportunity in Higher Education (NAFEO) for Department of Commerce initiatives. Specifically, The total amount of funding that NAFEO requests totals \$75 million, which breaks down to set-asides of 1) \$25 million for the NOAA Minority University Research Centers; 2) \$15 million for the NIST Centers of Excellence; 3) \$10 million for the ESA Joint Program in Survey Methodology; 4) \$10 million for the Telecommunications/Distance Education grants; and 5) \$15 million for the E-Commerce Research Centers. The requested funding will expand the scope of the Department's partnerships with Minority Serving Institutions (MSIs) by focusing on cooperative technology transfer, and the development of entrepreneurial capabilities to capitalize on scientific and technological applications.

This concludes my testimony for the record. I appreciate the opportunity to submit information about the new and innovative activities at Jackson State as well as new and upcoming program for which we are seeking federal funding. Again, on behalf of Jackson State University, I want to thank you.

TESTIMONY SUBMITTED BY**Dr. Robert Ballard****Founder & Chief Scientist of the JASON Foundation for Education &
President of the Institute for Exploration****To the Subcommittee on Commerce, Justice, State & Judiciary & Related Agencies
of the House Committee on Appropriations for FY 2000**

On behalf of the JASON Foundation for Education in Waltham, Massachusetts and the Institute for Exploration (IFE) in Mystic, Connecticut, I am pleased to submit this testimony to the chairman, ranking minority member and members of the House Commerce, Justice, State & Judiciary Appropriations Subcommittee. Both JASON and IFE are 501(c)(3) organizations. I am honored to be associated with both institutions.

Allow me first to thank all of you for your past support for JASON and its partnership with NOAA and the IFE. In FY 1998, FY 1999 and FY 2000 the House Commerce, Justice, State & Judiciary Subcommittee included \$2 million for the JASON Foundation for Education in the NOAA portion of its bill. The final version of the bill approved \$1.5 million for JASON in FY 1998, \$1.75 million for FY 1999 and \$2 million for FY 2000. This funding allows us to grow in a measured, orderly manner to create new classroom materials and extend the reach of JASON to tens of thousands of new students. The funding also facilitates some applied research at the IFE as well as the development of interactive exhibits that are internet-compatible. All of these activities are taking place in partnership with NOAA, initially with the National Undersea Research Program (NURP) and now with the National Ocean Service. We are truly grateful to Congress and the Subcommittee for its continuing support of NOAA, which is doing such a fine job in strengthening our knowledge about the oceans—the largest and most basic ecosystem on our planet.

Last year, I testified about the on-going efforts of JASON, IFE and NOAA to solidify an exciting and innovative plan for long-term collaboration. I am pleased to report that those efforts have borne fruit. For the first time, NOAA and the administration requested funding—\$2 million for FY 2001—in its annual budget request to Congress. NOAA Director Dr. James Baker had warm words for the JASON-IFE partnership during his annual briefing on the NOAA budget earlier this year at the National Press Club, and two NOAA officials participated in activities associated with the annual JASON Board meeting in Houston earlier this month. Above all, we see results in the enthusiastic response on the part of students and teachers to the JASON classroom curriculum, on-line instruction and annual field trips to Primary Interactive Network Sites (PINS).

On behalf of the students served by the partnership of NURP-JASON-IFE, we are therefore requesting that \$2.5 million for FY 2001 be directed toward the on-going work of the partnership. This would allow JASON to produce live broadcasts and related educational materials, including our award-winning Web site, expand our teacher training programs, and reach thousands more students. Funding would also permit IFE to complete our high resolution imaging technology project. These interactive imaging devices will have a wide variety of applications from the most sophisticated scientific research to on-line tourism, within the framework of various marine environments, including the National Marine Sanctuaries.

Based on the experience of the last three years, we can say with confidence that the NOAA-JASON-IFE Partnership, inspired by the International Year of the Ocean, is proving to be highly effective. NOAA is continuing its work compiling research and data about the oceans; IFE offers exciting science exhibitry to showcase NOAA's research; JASON provides outreach to classrooms all over the United States with live telepresence

broadcasts and curriculum-based internet programming to extend the reach and impact of NOAA's research to millions of students, their teachers and parents. This partnership taps the expertise of America's best scientists, educators and engineers, generating enthusiasm among a broad sector of elementary and secondary school children for science, mathematics and other disciplines.

JASON, which is now beginning its second decade, began as a response to the overwhelming enthusiasm I experienced from thousands of young people who contacted me after I discovered the wreck of the *Titanic* in the North Atlantic. They wanted to share the excitement and wonder of deep sea exploration. These children showed a strong desire to learn more about the process of discovery and research. The enthusiasm young people were showing for science and engineering-based endeavors clashed in my mind with the dismal results we were seeing among the same age group when it came to science education achievement. JASON, therefore, was born as a response both to the enthusiasm young people were showing for a science-based curriculum and to address the problem of poor achievement levels in this country in science and math. Using the latest in communications technology, we take children to exciting places around the globe in our "electronic school bus," to show them how science is generated, how it is relevant to our daily lives. We put them in direct contact with some of the most creative and articulate science researchers and teachers, including those who work in NOAA laboratories and other facilities. In 1999, for example, we worked out of NOAA's largest National Marine Sanctuary in Monterey Bay, California in a two-week 55-hour live telepresence broadcast that was augmented with archived as well as live internet broadcasts. The NOAA research ship, the *McArthur*, joined us on this expedition. This year, applying JASON's theme of "Extreme Environments," children learned about the

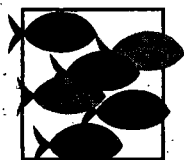
ecology of the coral reefs located off Key Largo, part of NOAA's Florida Keys Marine Sanctuary.

From the beginning, JASON has existed on mostly private and local support. We have a distinguished and active board of some of America's top CEO's. Through corporate sponsorship, we cover one-third of our annual program costs. Another third is provided by the fees collected from program participants. The support provided by this subcommittee covers another third and allows JASON to leverage our other funding sources, thereby extending the reach and impact of our programming.

America's prosperity is directly linked to our ability to compete in the global marketplace, a marketplace that is increasingly dependent on technology, engineering and ideas. We must reach young people with the message that science, math, engineering and technology are fun, relevant and accessible. The on-going partnership between the public and private sectors—between JASON and NOAA—is helping to generate enthusiasm for those disciplines that will be necessary for the next generation of Americans to maintain our competitive edge and to solve whatever problems they might confront.

I thank you for your consideration. Please contact Inabeth Miller, President of the JASON Foundation for Education (781 487-9995) or me at the Institute for Exploration (860 572-5955 ext. 601) if any of you or members of your staffs have any questions or would like additional information.

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**The
Marine
Fish
Conservation
Network**

"... To Protect, Restore, and Conserve Marine Fisheries."

March 31, 2000

The Honorable Harold Rogers
Chairman
House Subcommittee on Commerce, Justice, State, and the Judiciary
H-309 US Capitol
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing to provide you with the views of the Marine Fish Conservation Network (Network), on the FY 2001 budget request of the National Marine Fisheries Service (NMFS). The Network is a coalition of more than 90 leading environmental groups, sport and commercial fishermen, and marine scientists that came together six years ago with the purpose of seeking the reform of the nation's fisheries laws. Our efforts culminated with passage of the Sustainable Fisheries Act (SFA) in 1996.

The SFA represented a significant shift in focus for federal marine fisheries management from promoting fishing to conserving fish. Implementing this change has significantly increased the workload of both NMFS and the regional fishery management councils. Unfortunately, appropriations have not increased proportionately with this increased workload. A recent NMFS report clearly indicates the scope of the problem. NMFS lacks adequate scientific information to assess the status of 75% of the managed species, yet fishing on these species is still being allowed. To address this problem, more funds for fisheries data collection and stock assessments are desperately needed. Because of shortcomings like these, the Network strongly encourages you to significantly increase appropriations for NMFS and the councils. Our specific recommendations are contained in the attached statement.

Thank you for considering our request. If you or your staff has any questions, please feel free to contact me.

Sincerely,

Lee R. Crockett
Executive Director

Attachment

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PHONE: 202-543-5509 • FAX: 202-543-5774
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Marine Fish Conservation Network FY 2001 Appropriations Recommendations for the National Marine Fisheries Service

Resource Information (\$14 million increase over the President's request of \$101.989 million)

The Marine Fish Conservation Network (Network) recommends increasing the National Marine Fisheries Service (NMFS) request of \$101.989 million for resource information by \$14 million. Funds appropriated under this line item are used to collect the scientific data necessary to manage our fisheries. There is a critical need to improve the collection and analysis of fisheries data. Of the 904 managed fish stocks, fisheries managers are unable to determine the status of 674 (75%). This is primarily due to a lack of basic fisheries survey data. For others it is because managers have been unable to analyze existing data. Regardless the cause, we simply must do better. NMFS has requested an increase of \$2.705 million to improve the collection of fisheries data for stock assessments. This increase is a good start, but still inadequate. The Network recommends that funds for fisheries data collection be increased by \$14 million over the President's request, for a total increase of \$16.705 million. These additional funds will enable NMFS to put more vessels on the water collecting fisheries data. NMFS has also requested an increase of \$2.5 for fisheries oceanography. These funds will be used to improve stock assessments by, among other things, incorporating climate change into the models. The Network supports this increase.

Fish Statistics (\$11 million increase over the President's request of \$18.871 million)

The Agency must also improve its collection and analysis of economic information. NMFS recognizes this need and has requested an additional \$1 million to analyze the economic effects of management actions on fishing communities as required by National Standard 8. The Network supports this request. Additionally, NMFS has requested an increase of \$2.5 million for its core economic data collection program. This request should be increased by \$1 million for a total increase of \$3.5 million. Finally, NMFS has requested an increase of \$2.0 million to begin implementation of a National Fisheries Information System. This system will be implemented cooperatively with the fishing industry, states, and interstate commissions as outlined in section 401 of the Magnuson-Stevens Act. This request is not nearly enough to adequately institute this system. We recommend that the President's request to begin establishing this system be increased by \$10 million for a total increase of \$12 million.

Fisheries Management Programs (\$13.23 million increase over the President's request of \$40.325 million)

The Sustainable Fisheries Act amendments to the Magnuson-Stevens Act in 1996 significantly increased the management requirements of NMFS and the Regional Fishery Management Councils. Unfortunately, appropriations for fisheries management have not increased nearly enough to meet these requirements. Therefore, we recommend that NMFS' base fisheries

management programs be increased by \$2.5 million (\$500K per region) over the President's request. We also strongly feel that appropriations for the regional fisheries management councils must be increased significantly. We recommend an increase of \$6 million over the current appropriation of \$13.1 million for a total of \$19.1 million for council operations. We note that NMFS has requested an increase of \$770K to refined essential fish habitat (EFH) designations in fishery management plans and an increase of \$1 million to conduct research on the impacts of fishing gear on EFH. While a good start, both of these initiatives fall short of what is necessary. We recommend appropriations for research on fishing impacts to EFH be increased by \$2.3 million for a total increase of \$3 million over FY 2000 levels and funds to refine EFH designations be increased by \$1 million for a total increase of \$2 million over FY 2000 levels. The NMFS budget request does not contain any new funds to conduct EFH consultations. To ensure that this process runs smoothly and efficiently, we recommend that funds for EFH consultations are increased by \$1.5 million. Finally, NMFS has requested \$1.26 million to establish a national fisheries observer program. The Network strongly supports requiring that observers be carried on fishing vessels to collect reliable catch data. As such, we support the \$1.26 million request for the establishment of a national program.

Enforcement and Surveillance (\$3.2 million increase over the President's request of \$22.354 million)

NMFS requested an increase of \$2.5 million for cooperative enforcement agreements with states. NMFS currently has 16 cooperative agreements with states to enforce the requirements of the Magnuson-Stevens Act. The Network recommends that this request be increased by \$1.5 million for a total increase of \$4 million. NMFS has also requested an increase of \$1.3 million to establish and fund a national vessel management system (VMS). VMS is a satellite-based fishery enforcement system which has the ability to provide real time catch reporting. The Network believes that this program should be expanded further and supports increasing the request by \$1.7 million for a total increase of \$3 million for the VMS program.

State and Industry Assistance Programs (\$3 million increase over the President's request of \$17.018 million)

NMFS has requested an appropriation of \$4 million to assist the Atlantic States Marine Fisheries Commission in implementing its Atlantic Coastal Cooperative Statistics Program. This program will provide fisheries managers with state fisheries data for use in federal fisheries management. Given the significant need for more and better fisheries data, the Network recommends that appropriations for this program be increased by \$3 million so that appropriations for the program total \$7 million.

TESTIMONY OF

ROBERT E. BREESE

PRESIDENT OF THE MIDATLANTIC EMPLOYERS' ASSOCIATION

BEFORE THE

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE ON COMMERCE, JUSTICE, STATE, THE JUDICIARY

AND RELATED AGENCIES

March 31, 2000

This testimony is submitted on behalf of the Council of TAAC Sponsors regarding the **TRADE ADJUSTMENT ASSISTANCE FOR FIRMS (TAA)** program. I testify for the Council to encourage your support for an **\$18 million** Fiscal Year 2001 appropriation for the TAA for Firms program.

The Council of TAAC Sponsors consists of each of the twelve organizations across America that contract with the U.S. Department of Commerce through the Economic Development Administration (EDA) to operate and administer Trade Adjustment Assistance Centers (TAAC's) under the program. These Centers, created under the Trade Act of 1974, are the front line service providers of TAA resources. The Centers provide technical assistance to manufacturing firms and agricultural businesses negatively impacted by imports in order to retain and create employment and productivity at those firms and businesses.

I serve as the President of the MidAtlantic Employers' Association (MEA), a member services organization located in Valley Forge, Pennsylvania with 650 members in the Mid-Atlantic states. MEA is also a sponsor of one of the 12 TAAC's nationwide. I have previously appeared before this Committee on behalf of myself and the eleven other TAAC sponsors to discuss the TAA for Firms program. We deeply appreciate the past support of this Committee and your previous decisions to fund this program because.

those decisions have saved and created thousands of American jobs helping to maintain economic stability in communities across the nation.

In November, 1999, Congress granted a reauthorization of the TAA for Firms program based on its recognition of the program's effectiveness and efficiency. The reauthorization also represented Congress' acknowledgement of the need for the technical assistance offered by TAA and the demand that exists for those services because of the affects of imports. Congress prophetically recognized what is happening in the world economy and took, we believe, smart steps to help respond to the global impact on America's economy.

The U. S. trade deficit reached an all-time high in 1999 of \$271.3 billion, an increase of 65% over the previous year. While America generally enjoys a robust and thriving economy, certain manufacturing sectors and the agricultural sector are suffering due to imports. While it may be convenient to mask these underlying problems with a focus on overall economic prosperity, our record breaking trade deficits with Japan, China, the European Union, Canada, and Mexico in 1999 have highlighted why demand for TAA resources is greater now than ever. Today, federal TAA grant resources are being, or can be, allocated within the first two months of the twelve month contract year because demand is so high. TAA continues to service NAFTA-impacted clients with about 30% of our clientele eligible for assistance due to NAFTA related imports. With expanded African and Caribbean Basin trade resulting from the expected passage of the "Africa Growth and Opportunity Act", and with the imminent normalization of trade relations with China, and its entrance into the World Trade Organization, the 1999 trade deficit figures will likely be surpassed in the future.

The agricultural sector is often the first sector of the economy to feel the impact of trade because of its price sensitivity, and it is increasingly involved in the TAA for Firms program. Both growers and processors have been assisted. Much of the assistance involves marketing with a particular emphasis on product quality and value-added products. TAA has also helped numerous agricultural organizations with production issues that have allowed those businesses to be price competitive. Growers of pears, blueberries, peas, roses, hazelnuts, lamb, sheep, cattle, salmon, and trout are being, or have been, provided this type of assistance.

Interestingly, the Clinton Administration has proposed more funding in its FY '01 budget request for expanding the Department of Labor's TAA program for Displaced Workers and NAFTA impacted workers. These programs are targeted to receive \$459 million over 5 years while TAA for Firms receives no such increase. The Clinton Administration budget proposes a 26.5% increase in funding for export promotion, but no increase for the TAA for Firms program which introduces many client firms to exporting as an adjustment strategy to compete. Finally, the Clinton Administration's proposed budget includes \$35 million to pay for the start-up and creation of added bureaucracy to administer a new community adjustment program. TAA for Firms already saves companies and jobs in communities across the nation. Many of those towns and counties are small, often rural, and rely on one or two primary employers. Our clients are those

employers. By keeping these companies alive, TAA for Firms helps save and create the jobs that drive the local economy. TAA for Firms has engaged in community readjustment for over twenty five years! It should be funded as a conduit for community readjustment because it has been effective, successful, and requires no start up funding.

We recognize that the request for \$18 million in FY '01 for TAA for Firms is a significant increase from current funding and the Clinton budget proposal of \$10.5 million. The request reflects our belief that Congress needs to lead the Clinton Administration to adequately fund an existing program that requires no start-up costs, that helps communities adjust economically, and saves jobs. Our government will need to dedicate fewer resources to displaced workers, worker re-training, welfare, unemployment compensation, food stamps, and other individual assistance programs if TAA for Firms is adequately funded to save those jobs (and create new jobs) and keep those workers working before the tragedy of unemployment occurs.

As you may be aware, the Urban Institute conducted an independent analysis of TAA for Firms in 1998 and concluded that the program provided the federal government with a 261% - 348% return on investment. Each federal dollar appropriated by this Committee to TAA for Firms triggered a return in tax dollars to the government of between \$2.61 to \$3.48. Between 1994 and 1998 TAA for Firms saved or created 62,093 jobs nationwide. Additional funds are provided into the program through the matching requirement established in the Trade Act. The client companies contribute approximately 50% of the cost of implementing their readjustment plans. This is private sector funding matched with federal funds to create greater employment.

So what will be the result of an increase in FY '01 funding for TAA for Firms? On average, TAA for Firms has created one and a half (1 ½) jobs for \$862 in federal funds expended. This includes one direct manufacturing job, and one-half job resulting indirectly from the manufacturing job saved or created. For each \$1 million added to the TAA for Firms program in FY '01, an additional 1,738 jobs will be saved or created. Funding TAA for Firms at \$18 million next year will create or save approximately 31,284 jobs.

These jobs will allow the communities where they exist to remain economically viable and readjust where necessary. These jobs will be saved and created because of increased export activities of the companies involved. These jobs will allow companies to compete internationally, helping to reduce the burgeoning trade deficit. These jobs will pre-empt the need for dedicating more federal tax dollars to post-job-loss welfare programs. We continue to wonder if the various TAA programs for displaced workers and other Commerce Department (and EDA) programs can save or create over 31,000 jobs and provide the government with a 261% - 348% return on investment each year? That is why we believe an increase in funding for TAA for Firms is such a logical business decision, an important public policy statement, and a critical political decision.

In the Trade Act of 1974, Congress created TAA for Firms in order to save and create jobs and help American manufacturers and agricultural businesses contend with imports without creating artificial trade barriers or restricting the free flow of goods. Your wisdom in establishing this effective trade remedy is now obvious. The ancillary benefits of TAA for Firms, while perhaps unforeseen by Congress at the time, have resulted in saving economically threatened communities, mitigating the exploding trade deficit, and generating millions of dollars in tax revenues. This is why it is now time to recognize the value of this program and dedicate the type of adequate funding that will respond to the increasing need of the American manufacturing and agricultural sectors.

Thank you for your continued support of the TAA for Firms program.

TESTIMONY SUBMITTED BY
THE REGIONAL INFORMATION SHARING SYSTEMS (RISS) PROGRAM
FOR FISCAL YEAR 2001
BEFORE THE
SUBCOMMITTEE ON COMMERCE, JUSTICE, STATE, AND THE JUDICIARY
OF THE COMMITTEE ON APPROPRIATIONS

SUBMITTED BY
GERARD P. LYNCH, ESQ., EXECUTIVE DIRECTOR
MIDDLE ATLANTIC – GREAT LAKES ORGANIZED CRIME
LAW ENFORCEMENT NETWORK
ON BEHALF OF
THE REGIONAL INFORMATION SHARING SYSTEMS (RISS) PROGRAM

The Regional Information Sharing Systems (RISS) Program respectfully requests that Congress appropriate for Fiscal Year 2001, \$30 million as a line item, without matching funds, to continue their support in combating drug trafficking and organized crime.

These funds will enable RISS to continue identifying, targeting, and removing criminal conspiracies and activities spanning jurisdictional boundaries that involve drug trafficking, organized criminal activity, violent crime, and white collar crime. Funds will also allow RISS to continue assisting over 5,300 federal, state, and local criminal justice agencies across the nation comprising over 576,000 sworn law enforcement personnel. "Federal assistance is essential to support the effective exchange of high quality criminal justice record information among federal, state, and local justice agencies and, therefore, to effectively assist justice agencies in investigating, prosecuting, and adjudicating offenders."(1)

The Office of Justice Programs (OJP), Regional Information Sharing Systems (RISS), is a federally funded program supporting law enforcement efforts in combating drug trafficking, organized criminal activity, and white collar crime.

Oversight: The Bureau of Justice Assistance (BJA) administers the RISS Program and has established guidelines for provision of services to member agencies. The RISS regional intelligence centers are subject to oversight, monitoring, and auditing by the U.S. Congress, the General Accounting Office (GAO), a federally funded program evaluation office; the U.S. Department of Justice, Bureau of Justice Assistance; and local government units. The RISS centers are also monitored on a regular basis by the Intelligence Systems Policy Review Board (ISPRB) for 28 CFR Part 23 compliance. This 28 CFR Part 23 regulation places stricter controls on the RISS intelligence sharing function than those placed on federal, state, or local agencies. Evaluation of RISS center operation has been very positive. Nancy E. Gist, Director of the Bureau of Justice Assistance, at the 1999 *RISS National Gang Conference*, remarked that "BJA is extremely proud of the accomplishments of the RISS program and the rapid exchange and sharing of criminal information that has occurred because of its success."

Six regional intelligence centers provide criminal information exchange and other related operational support services to local, state, and federal law enforcement agencies located in all fifty states, the District of Columbia, U.S. territories, Canada, and Australia. These centers are:

Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLN): Delaware, District of Columbia, Indiana, Maryland, Michigan, Pennsylvania, Ohio, New Jersey, and New York, as well as Canada.

Mid-States Organized Crime Information Center (MOCIC): Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, as well as Canada.

New England State Police Information Network (NESPIN): Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, as well as Canada.

Regional Organized Crime Information Center (ROCIC): Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, as well as Puerto Rico and the Virgin Islands.

Rocky Mountain Information Network (RMIN): Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming, as well as Canada.

Western States Information Network (WSIN): Alaska, California, Hawaii, Oregon, and Washington, as well as Canada, Guam, and Australia.

The rise in violent criminal activity by street gangs, drug traffickers, and emerging criminal groups requires a cooperative effort by federal, state, and local law enforcement. The need for this type of inter-agency cooperation has proven to be the best method to combat the increasing criminal activity in these areas. The RISS centers are filling law enforcement's need for rapid, but controlled sharing of information and intelligence pertaining to known or suspected drug traffickers and criminals. Congress funded the RISS Program to address this need as evidenced by its authorization in the Anti-Drug Abuse Act of 1988. U.S. Senator Mike DeWine (Republican-Ohio), recognized RISS at the 1999 Bureau of Justice Assistance/Search Symposium, as one of the programs that supports information sharing. He stated, "By sharing information and decision making with other city and county agencies, as well as the community at large, in new and innovative ways, they are able to marshal vast resources in their efforts to combat crime..." (2) In addition, in the January 1999 issue of the *National Institute of Justice Journal* it was noted that it is critical to "acknowledge and encourage the network of communication among police organizations." (3)

The success of RISS has been acknowledged and vigorously endorsed by the International Association of Chiefs of Police (IACP), as well as other national law enforcement groups such as the National Sheriff's Association (NSA) and the National Fraternal Order of Police (NFOP). These groups have seen the value of this congressional program to law enforcement nationally and have worked with the National Association of Attorneys General (NAAG), the National District Attorneys Association (NDAA), and the National Criminal Justice Association (NCJA) to further strengthen the awareness of RISS. In fact, the National Association of Attorneys General passed a

resolution calling for full funding for RISS and increased funding for the Bureau of Justice Assistance.

According to the Executive Working Group for Federal-State-Local Prosecutorial Relations, in its publication titled, *Toward a Drug Free America: A Nationwide Blueprint for State and Local Drug Control Strategies*, "Each state should develop a computerized capacity to store, collate, and retrieve intelligence and historical information concerning drug offenders. Before initiating new computer projects, each state should take advantage of existing computerized information exchange and pointer systems, such as the Regional Information Sharing Systems (RISS). Each state should actively participate in multi-state, regional, and national information networking projects."

In FY 2000, Congress invested \$25 million in the RISS Program. During this same year, case specific support has been furnished to hundreds of local and state police, as well as sheriff departments through RISS. These investigations have had an unrivaled impact on the local jurisdictions of main street America, the grass roots of law enforcement in the nation. The National Drug Control Strategy recognizes that regular ongoing interagency and intergovernmental cooperation are elements necessary for the full utilization of the available intelligence resources and investigative experts. "Promoting inter-agency cooperation and cross-jurisdictional operations will make law enforcement more efficient. Agencies must be able to share relevant information and intelligence across jurisdictional boundaries without risk of compromise to intelligence and the operations that derive it." (4)

The ability of RISS to meet the increasing demands on our databases by the law enforcement community has been greatly enhanced and improved by the implementation of advanced computer technology. In December 1996, RISS achieved the electronic connection via wide area network of the six regional intelligence database pointer systems which allows inquiries to one or more or all six databases simultaneously. In 1997, funding from Congress permitted implementation of technology, which provides the capability for RISS member agencies to electronically access RISS databases and other service resources. This included implementation of the RISS secure private intranet (riss.net) utilizing Internet technology with smart cards, encryption, and multiple firewalls, to allow law enforcement to query or submit subject information directly to the RISS intelligence database pointer systems and the RISS National Gang Database (RISSGang). Nancy E. Gist, Director of the Bureau of Justice Assistance, noted at the 1999 *RISS National Gang Conference*, "The RISSGang database supports law enforcement efforts by improving coordination and information collection on gangs throughout the country." RISS member agencies must be enrolled and have security hardware and software provided by RISS to access riss.net. The RISS Intranet also provides access to the RISS Investigative Leads Bulletin Board (RISSLeads) for member agencies to post information about their case investigations or crime problems and receive responses from other agencies. Secure electronic mail (e-mail) is provided for member agencies to communicate with RISS center staff and other member agencies throughout the U.S. This technology is operational and provides an inexpensive method

for state and local law enforcement to gather the information they require to further their investigations.

During 2000, RISS continues to improve capabilities for member agencies to quickly and easily access RISS databases by expanding the enrollment of member agencies for access to riss.net through distribution of security hardware and software. Web browser technology has been implemented for use by member agencies in accessing the RISS intelligence database pointer systems and the RISS National Gang Database. At the direction of Congress, dial-up (800) access capability to the RISS secure intranet will be provided for member agencies in geographic areas where access to Internet Service Providers is not available.

In view of today's increasing demands on federal, state, and local law enforcement budgets, requests for RISS services have risen. The Institute for Intergovernmental Research (IIR) report on the RISS Program showed that as of December 31, 1999, the number of criminal subjects maintained in the RISSIntel intelligence databases for all centers combined was 675,322 with 145,920 new subjects being added in 1999. The combined databases of all six RISS centers also maintained data on 1,217,080 locations, vehicles, weapons, and telephone numbers for a grand total of 1,892,402 data entries available for search. For the twelve-month period January through December 1999, the total number of inquiries to the RISSIntel database for all six regional intelligence centers combined was 788,854. These inquiries resulted in hits or information to assist law enforcement agencies in their criminal cases. All RISS centers combined delivered 10,502 analytical products to member agencies in support of their investigative and prosecution efforts in 1999.

This support of law enforcement has had a dramatic impact on the success of their investigations. Over the three-year period 1997-1999, RISS generated a return by member agencies that resulted in 14,112 arrests, seizure of narcotics valued at nearly \$343 million, seizure of almost \$12 million in currency, and recovery or seizure of property valued at over \$37 million. In addition, more than \$17 million was seized through RICO civil procedures. In the 19-year period since 1980 when the Program was fully implemented, the RISS Program has assisted its member agencies with their investigations. Results of these investigations have amounted to well over \$12 billion dollars in recoveries at a total cost that approximates 2.23 percent of that amount, or a \$45 return for every dollar spent.

In addition to the RISS Program, the regional centers have also been able to enhance other worthwhile congressionally funded programs. The states of California, Connecticut, Illinois, Iowa, Massachusetts, New Jersey, North Dakota, Ohio, Oregon, Utah, Washington, Wisconsin, and others have, to varying extents, incorporated the RISS centers in their statewide narcotics programs that were designed to include RISS, as the states carry out their individual state or local narcotic initiatives.

As directed by Congress, RISS and the National Institute of Justice, Law and Technology Division, are continuing to work to establish a law enforcement technology

information network utilizing the RISS centers. Further, the National Drug Intelligence Center (NDIC) continues to utilize the RISS Program as a channel for state and local involvement in the center. Additionally, RISS is an integral part of the Southwest Border States Anti-Drug Information System initiative encompassing the states of Arizona, California, New Mexico, and Texas, as well as the High Intensity Drug Trafficking Area (HIDTA) projects operating in Alabama, Colorado, Florida, Georgia, Illinois, Indiana, Louisiana, Maryland, Michigan, Missouri, New Jersey, New York, Pennsylvania, Washington, and Wisconsin. Over the past year, RISS has continued its working relationship with the HIDTAs, establishing electronic connectivity between our databases.

During 1998, RISS implemented initiatives with the Federal Bureau of Investigation to assist in their efforts to facilitate the exchange of criminal intelligence with state and local law enforcement. Also, in 1998, similar initiatives were implemented with Bureau of Alcohol, Tobacco and Firearms, the U.S. Department of Treasury, and the National Drug Intelligence Center. In conjunction with the prison gang project, RISS, as directed by Congress, has implemented a national database on street gangs. RISS continues to work with federal and state corrections departments to strengthen cooperation and information sharing with the law enforcement community, and to maintain a national prison gang database to identify prison gang criminal activity, both within and outside the prison environment. We have established a working relationship with gang investigators across the nation to identify and maintain information on violent street gangs, as well as their membership, organization structure, migration trends, and their propensity for violence.

RISS has also assisted the Office of Juvenile Justice and Delinquency Prevention, and continues to work with federal, state, and local agencies in their efforts to combat the menace of drugs on our street, and the growing influence of youth gangs in the distribution and sale of drugs.

A new authorization and full funding of the RISS Program is necessary in order to permit membership growth and improve services capabilities to the membership nationwide. RISS membership has increased from approximately 1,000 members in 1982 to over 5,300 at present.

It is respectfully requested that the Congress fully fund the RISS Program as a line item in the congressional budget, in the requested amount of \$30 million, with no matching funds. Local and state law enforcement, who depend on the RISS centers for information sharing, training, analytical support, funding, and technical assistance, are anticipating increased competition for decreasing budget resources. It would be counterproductive to require the RISS members from state and local agencies to self-fund match requirements, as well as to reduce the amount of BJA discretionary funding. The state and local agencies require more, not less, funding to fight the nation's crime/drug problem. The RISS Program cannot make up the decrease in funding that a match would cause and it has no revenue source of its own. Cutting the RISS appropriation by requiring a match should not be imposed on the program.

We are grateful for this opportunity to provide the committee with this testimony and appreciate the support this committee has continuously provided to the RISS Program.

(1) "Letter to New Attorney General Discusses Partnership and Priorities." Interface: The Justice Newsletter of SEARCH

(2) DeWine, Mike (Senator, R-OH). *Integrated Justice Information Systems* BJA/Search 1999 Symposium 8 Feb. 1999.

(3) Weiss, Alexander. "Informal Information Sharing Among Police Agencies." National Institute of Justice Journal Jan. 1999.

(4) National Drug Control Strategy, 1999.

THE REGIONAL INFORMATION SHARING SYSTEMS

To assist the RISS centers in implementing this program, the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance worked with the centers to institute the following components.

1. Information Sharing Component: Every center will maintain and operate either a manual and/or automated information sharing component that is responsive to the needs of participating enforcement agencies in addressing multi-jurisdictional offenses and conspiracies. This component must be capable of providing controlled input, dissemination, rapid retrieval, and systematic updating of information to authorized agencies.
2. Analytical Component: Every center will establish and operate an analytical component to assist the center and participating agencies in the compilation, interpretation, and presentation of information provided to the center. This component must be capable of responding to participating agency requests for analysis of investigative data.
3. Telecommunications Component: Centers may establish and/or maintain a telecommunications system designed to directly support the operation of the information sharing component and analytical component, and to support center sponsored investigations and activities.
4. Investigative Support Component: Centers may establish and operate an investigative support component by providing financial assistance to participating agencies for their conduct of multi-jurisdictional investigations. Financial resources may include funds for the purchase of information, contraband that may be used as evidence, services, investigative travel and per diem, and overtime compensation. Funds expended and activities conducted under this component must directly support the operation of the information sharing and analytical components.
5. Specialized Equipment Component: Centers may establish and maintain a pool of special investigative equipment for loan to participating agencies. The loan of such equipment must directly support the operation of the information sharing and analytical components.

6. Technical Assistance Component: Centers may establish and maintain a component to provide technical assistance to member agencies. Through use of center personnel and others in participating agencies, consultation, advice, and information may be made available to member agencies concerning use of specialized equipment, investigative procedures, accounting of center funds if provided by the center in support of investigations, and information analysis. This component will emphasize use of technical resources among the centers as necessary and available. Technical assistance in the form of active participation by center personnel in member agency investigations is prohibited.
7. Training Component: Centers may establish and maintain a training component to upgrade investigative skills of personnel from participating agencies. Such training assistance may consist of financial support to send personnel to training courses, seminars, and conferences or, more commonly, design and delivery of special training courses by center staff. Training provided under this component must support the center goals and objectives.

To further enhance the coordination and exchange of information among member law enforcement agencies, the centers have initiated additional support service activities including distribution of center publications/digests and sponsorship of membership conferences.

**CHRISTOPHER M. COX
VICE PRESIDENT OF DEVELOPMENT & COMMUNICATIONS
MYSTIC SEAPORT MUSEUM
SUBMITTED TO
THE HOUSE COMMERCE, JUSTICE & STATE APPROPRIATIONS
SUBCOMMITTEE**

MARCH 31, 2000

Thank you Chairman Rogers, Mr. Serrano, and Members of the Subcommittee, for providing Mystic Seaport Museum with the opportunity to submit testimony to your Subcommittee regarding the American Maritime Education and Research Center.

Mystic Seaport, the Museum of America and the Sea, is one of America's leading history museums and the largest maritime history museum in the United States, and with approximately 450,000 people visiting our 42-acre site each year, the State of Connecticut's largest cultural attraction. Founded as the Marine Historical Association in 1929, the Museum's mission is "to create a broad, public understanding of the relationship of America and the sea," by collecting and preserving the watercraft, art, books and manuscripts, ship plans, still and moving images, oral histories, and skills associated with America's maritime heritage, and presenting these to diverse audiences, in the form of exhibits, publications, media productions, and formal and informal education programs. More than a traditional museum, Mystic Seaport is a unique combination of experiences where a world-renowned collection of seafaring vessels, maritime artifacts and a recreated 19th century seaport village come to life through exciting and informative exhibits, demonstrations and hands-on activities for all ages.

For the Museum to continue to serve as our nation's leading cultural institution devoted to maritime history and education, it must develop infrastructure and programs to support the increased demand for our programs and services. Like most museums across the country, Mystic Seaport is facing two major challenges: how to provide for the safe storage and care of our collections and how to make these same collections accessible to our growing audiences. Mystic Seaport is also wrestling with the additional challenge of balancing family-oriented programming with serious scholarship. Ideally, it should be possible for both the scholar (22,000 people contact Mystic Seaport Museum each year with research questions) and the general-interest visitor to use the Museum's collections as a broad-based information resource which is friendly, simple to use, information-rich, and which offers knowledgeable professionals to assist when needed.

We are addressing this three-part challenge through the establishment of the American Maritime Education and Research Center in the 150,000 square foot Rossie Velvet Mill on the Museum grounds. The Center will combine the traditional storage facility with the entertaining display of elements of the museum gallery, and the research and learning environment of the public library. The facility will enable Mystic Seaport to become an institution that bridges the gap between higher education and information learning, that invites the public to participate in the collection, preservation, and scholarship of museum work, as well as the appreciation of museum objects.

The American Maritime Education and Research Center will have three functions. Its most basic function is to consolidate the collections physically, in a secure environment. Yet, when designing a high-quality collections care facility, our architects did so with our visitors in mind. The public can come in to view the estimated 70% of the collection they never see on exhibit, and catch a glimpse of Mystic Seaport's inner workings. Our 480-plus watercraft will reside in an exhibition "hall" which will also serve as the nation's most comprehensive exhibit on American small craft. A "conservation corridor"

surrounding the storage area will be a continually changing exhibit on how and why museum collections are preserved for the public trust.

The second major function of the American Maritime Education and Research Center is to make its collections intellectually accessible to a broader public. Mystic Seaport has become a leader in this effort. We have developed a system of coordinated information management that creates a new, electronic entrance to the Museum, to its programs, exhibits, and collections. From this electronic entrance, people of all ages and learning levels will have immediate access to a treasure trove of information about America's maritime past in the form of catalog records and digital text, audio, and still and moving images from the museum's vast collections.

Finally, the American Maritime Education and Research Center will have public space dedicated to "hands on" learning for children and families, changing exhibits, and a museum theater. The public space will answer the third part of Mystic Seaport's challenge, which is to offer programs centered on the many ways people of all ages and abilities can use and appreciate museum collections. It will illustrate the relationship between preservation and public programming, and how Mystic Seaport balances both activities. This area, along with the rest of the facility, will provide the public with a much-needed indoor complement to the rest of museum grounds.

The American Maritime Education and Research Center is central to the museum's long-term strategy of remaining an attractive destination for tourists and researchers while continuing in its mission "to create a broad, public understanding of the relationship of America and the sea." In order to provide visitors with a year-round facility devoted solely to public education and research into the country's historic and ongoing relationship with the sea and America's waterways, Mystic Seaport asks that the Subcommittee urge the National Oceanic and Atmospheric Administration to work with us to complete the remaining federal share of the American Maritime Education and Research Center.

In September of 1999, the National Oceanic and Atmospheric Administration released a report, "Turning to the Sea: America's Ocean Future" recommending a coordinated, disciplined, long-term federal ocean policy. As the report stated, the "seas...are a natural treasure to be preserved." No institution tells the story of the sea with as much detail and enthusiasm as Mystic Seaport. No institution better lends itself to ensuring that the general public comprehends the crucial role the sea has played in our nation's history. After all, when studying how our nation came to be, economically, socially and politically, the story of our relationship to the sea must be fully understood.

"Turning to the Sea" recommends that our nation "sustain the economic benefits of the ocean" in any long-term federal ocean policy, but in order to sustain the economic benefits of the sea for future generations, we must understand the role the sea has played in contributing to our nation's long history of economic prosperity. Mystic Seaport Museum provides the essential knowledge that allows us to better understand our nation's long affiliation with and dependence on the sea so that we may better understand our

future relationship to it, economically and scientifically. With the assistance of the National Oceanic and Atmospheric Administration, the American Maritime Education and Research Center will ensure Mystic Seaport's future while allowing our institution to better meet the current public demand to tell the story of our historical tie to the sea.

Mr. Chairman, Mystic Seaport Museum thanks you for the opportunity to submit this testimony to your Subcommittee.

TESTIMONY

**Of Dr. Anthony Zeiss, President
Central Piedmont Community College
National Academy for Forensic Computing and Investigation**

Submitted to the Public Witness Hearing Record

**Of the House Appropriations Subcommittee
On Commerce, Justice, State, the Judiciary**

March 30, 2000

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to submit testimony to the hearing record regarding Central Piedmont Community College's (CPCC) efforts to meet a regional and national need for forensics technician training. By way of background, CPCC is the largest institution of higher education in the State of North Carolina, with over 60,000 students, and is the leading provider of career training and re-training in the State. This testimony is concerned with the College's recent efforts to establish a National Academy for Forensic Computing and Investigation in response to requests from North Carolina's law enforcement community, including the Federal Bureau of Investigation, as well as the Charlotte-Mecklenberg business community.

CPCC was specifically targeted to carry out this mission by virtue of a thirty-year history as the leading provider for criminal justice training in a 14 county area of North Carolina. The public safety program at CPCC has expanded quickly with the growth of the Charlotte-Mecklenberg region into a major regional criminal justice training center offering a comprehensive range of programs and services, including instruction in the high demand occupational skills area of forensics technology. This instruction is currently available to a variety of law enforcement and public agency officials who previously would have had to travel extensively for this type of current professional development and training.

Citing extreme inability to find skilled workers in the field, a consortium of local industry leaders, including the Charlotte Chamber of Commerce, the Federal Bureau of Investigation, and representatives from the banking, insurance, law enforcement, and legal industries, asked CPCC's Department of Health & Public Safety to develop a training program in forensic technology. These industries also seek assistance in retraining and upgrading skills of incumbent workers.

The challenge is to meet not only local public agency demand for criminal justice training, but also the increasing need from the private sector which is now requesting specialized skills training in criminal justice topics such as forensics technology. There are currently no forensic science degrees offered at the graduate or undergraduate levels at any of North Carolina's colleges and universities.

The need for forensics training can also be translated to the national level. According to the National Institute of Justice (1999), 49 percent of the cases prosecuted in the U.S.

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were successful solely because of the forensic sciences. Unfortunately, law enforcement, social services, and other governmental agencies, along with private corporations nationwide must search throughout the country to obtain forensic training. This translates into an investigative gap, particularly pronounced in the Southeast United States, costing reduced productivity, delayed justice, and loss of funds. Compounding this situation is the fact that the technology and science are changing so rapidly that ongoing training and skills upgrades are necessary.

The establishment of a National Academy for Forensic Computing and Investigation (NAFCI) at centrally located CPCC can help to bridge the investigative gap both regionally and nationally while providing high skill careers for North Carolina

CPCC's Public Safety facility at the North Campus is the home to the College's Criminal Justice Program. Today, the North Campus serves more than 12,000 citizens of the Charlotte-Mecklenberg region on an annual basis. In addition, the facility is the primary training site for ten local, two state, and three federal agencies, including the Federal Bureau of Investigation, the Secret Services, and Federal Probation.

There are currently three course areas under the umbrella term *public safety* at CPCC's North Campus -- police, fire, and rescue. Associates' degrees are available in Criminal Justice and in Fire Protection Technology, and in-service training for all three groups is available. An additional component within the criminal justice arena is a Regional Training Center, headquartered at CPCC that is responsible, in a 14-county area, for providing in-service training for criminal justice professionals in North Carolina. CPCC is also the primary training source for all Firefighter I and II level personnel with the Charlotte Fire Department and all volunteer firefighters in Mecklenberg County. Given this breadth of experience, CPCC is the institution best positioned to take on the responsibility of addressing the need for forensic training.

The development and implementation of the NAFCI will serve to increase the skills of the current workforce reliant upon and adversely affected by a lack of appropriate training in forensic science. These groups include law enforcement officers, fire service, prosecutors and criminal attorneys, investigators, crime laboratory personnel, medical examiners and coroners, correctional personnel, insurance investigators, agents, and claims adjusters, fraud examiners, social services professionals, and nurses.

The Academy's emphasis on Computer Forensics will demonstrate the value of the application of computer technologies in solving the information needs of anyone required to conduct forensic investigations. Each of the following topics represents a computer class; others will be developed as required:

Facial Reconstruction of Unknown Human Remains
Information Systems Security
Identifying and Locating the Cyber Criminal
Reconstruction of Damaged Computer Software
Using the Computer to Determine Time of Crime
Construction of new Evidence Tracking Systems
Computerized Collision Diagramming

Digital Imaging
Cyber Crime
Voice Recognition
Fingerprint Identification
Firearms Identification
Dental Identification
DNA Data Retrieval

The workforce development goals of this initiative are to train or retrain 2000 workers in the forensics field within the first 5 years. This timely response will result in a significant

change in the way that CPCC accomplishes workforce development. Through the creation of an effective bridge between industry and academia, CPCC hopes to become a national model for community colleges across the country not only in the field of forensic science but also in other fields where workforce gaps exist.

Given industry's need and the characteristics of the target audience, CPCC proposes innovative strategies for success. One of the most unique features of this initiative is that CPCC has bridged the gap between industry and academia by forming an Industry Advisory Panel charged with providing direct and substantial course input throughout the life of this initiative. The panel includes a diverse array of leading edge companies dependent upon forensics for the success of their business. Needs assessments will be conducted to determine skill areas that require further development, and special courses will be designed and implemented based on statements of need. NAFCI will then create intensive courses for faculty in the various fields as well as for current professionals in the various areas. For example, social services workers can be educated on the indicators of child abuse and correct use of the multidisciplinary approach to child abuse investigation. Courses in forensic computing, accounting, arson investigation, forensic accident reconstruction, and bodily injury can be offered to fraud investigators.

The NFTC seeks to develop curriculum strategies and educational materials that meet the needs of all the vast and varied types of life-long learners. Thus, in addition to the more standard educational materials, CPCC will develop and offer short-term training modules for the certificate seeker and on-line courses for the displaced or incumbent worker who is much better served by courseware unlimited by time or place. Opportunities for education in the field via service learning programs and/or internship experiences will also be utilized. NAFCI will also seek to provide state-of-the-art or "hands-on" training for the investigative professional along with continuing education approved by the appropriate certifying board of each state serviced.

NAFCI will increase the number of people who have the forensic skills to develop and support community-based investigations, especially in rural areas of the country. For example, the NAFCI will actively seek to train experienced Registered Nurses from rural areas to become forensic nurses by conducting advanced courses in forensic pathology, forensic dentistry, and forensic anthropology. These nurses may then assist rural law enforcement agencies with evidence collection from violent crimes. The Center will also promote public education concerning all disciplines in the forensic sciences, and serve as a major source for national certification by The American Board of Medicolegal Death Investigations.

Educational materials will be produced and widely disseminated via various means including, electronic media, CD-ROMS, conferences, journal articles, manuals, newsletters, on-line courses with interactive laboratory experiences, summer institutes, videos, and workshops

In addition, CPCC will liaison directly with the local high school populations via College Tech Prep, Upward Bound, and Talent Search programs to assist disadvantaged students prepare for forensics technology careers. Additional outreach to disadvantaged populations will take place via CPCC's collaborations with the local JOBSLINK (North Carolina's One- Stop Career Shop). JOBSLINK is a project sponsored by the State Employment Service Office, JTPA, the Department of Social Services, and Office of Vocational Rehabilitation. Although designed to meet the needs of everyone,

JOBSLINK has specific responsibilities for working with welfare recipients and the unemployed. Because CPCC provides staffing to JOBSLINK, faculty will have the opportunity to intimately recruit students from the local disadvantaged population.

CPCC will draw upon its experience in training Charlotte and Mecklenberg County's information technology specialists, law enforcement, fire service, and allied health professionals as well as the skills of its own Investigators and a team of nationally recognized forensic practitioners to establish the NAFCI. It will be necessary, however, given the rapid advances made in technology-related fields, to pursue immediately an aggressive faculty preparation and enhancement initiative. Specifically, faculty will receive knowledge of state-of-the-art developments and techniques in the field; instruction in modern teaching practices (including new instructional technologies); opportunities to synthesize knowledge that cuts across disciplines (computer science/engineering technologies); and opportunities to interact with industry.

Conferences, workshops, electronic networks, and journal articles will constitute the preferred methods of dissemination for program deliverables. In addition, during training sessions, time will be set aside for information exchange among participants. A written summary of these information sessions will be available by request to qualified agencies. Training schedules and summaries of training points will be made available to members of the American Academy of Forensic Sciences. A limited number of "train-the-trainer" workshops are proposed for specific techniques and for instructors with appropriate credentials.

There are no colleges or universities in North Carolina that currently offer degrees in forensic sciences at the graduate or undergraduate levels. There are, however, courses offered in various institutions, including University of North Carolina -Charlotte. There is potential for developing a "pipeline" between CPCC and 4-year institutions that allow students to specialize in areas of science related to forensics so that those students will be prepared to enter into laboratory work, field work or graduate forensic programs.

In addition, the North Carolina State Bureau of Investigation maintains a full-service laboratory in Raleigh and a limited-service laboratory in Asheville, for the purpose of examining all types of evidence related to criminal investigations. The establishment of a National Academy for Forensic Computing and Investigation at CPCC could provide a training link to these two institutions.

CPCC is seeking a federal partnership to assist with the development of the National Academy for Forensic Computing and Investigation (NAFCI) and its programs. The goal of the program is to upgrade the skills of North Carolina's criminal justice professionals and create, through training, thousands of needed sustainable skilled careers for the State.

To accomplish this goals CPCC is seeking a total of \$4 million in federal partnership assistance to establish the approximately \$7.2 million Center, which will include a state-of-the-art forensics laboratory. A federal investment in this initiative is warranted for the contribution that the NAFCI can make toward filling an investigative gap that exists in the region, for the new careers that will be established, and for the necessary upgrading of skill levels for the better functioning of North Carolina's criminal justice system.

Thank you.

**NATIONAL AMERICAN INDIAN
COURT JUDGES ASSOCIATION**
Established in 1969



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**TESTIMONY ON
FISCAL YEAR 2001 JUSTICE APPROPRIATIONS**

Submitted by
**The Honorable Mary T. Wynne, President,
National American Indian Court Judges Association (NAICJA),**

**To the
Subcommittee on Commerce, Justice, State, and Judiciary,
HOUSE APPROPRIATIONS COMMITTEE**

March 31, 2000

Mr. Chairman, and Members of the Subcommittee, on behalf of the **National American Indian Court Judges Association (NAICJA)**, I am pleased to submit this testimony on the proposed FY 2001 budget for the Justice Department's Indian Country Law Enforcement Initiative.

NAICJA is a voluntary national representative membership association (non-profit - incorporated in 1969) of current and former tribal court judges throughout the United States. NAICJA, which represents the more than 350 tribal justice systems nationwide, -has a thirty-year track record of providing quality training and technical assistance services for tribal justice systems.

**JUSTICE DEPARTMENT FUNDING
INDIAN COUNTRY LAW ENFORCEMENT INITIATIVE**

General Support for Indian Country Law Enforcement Initiative: NAICJA strongly supports the Justice Department's FY 2001 budget request for the Indian Country Law Enforcement Initiative. NAICJA supports full funding for the Justice Department's portion of this vital initiative - a total of \$173.3 million in FY 2001 funding.

Strong Support for Specific Sections of the Indian Country Law Enforcement Initiative: While NAICJA supports full funding for the entire Indian Country Law Enforcement Initiative, we would like to express our strongest support for the following provisions:

- **Tribal Court Enhancement:** \$15 million for grants to Indian tribes for the development, enhancement, and continued operation of tribal justice systems. Tribal justice systems have been historically underfunded. Substantially increased tribal court resources are vital to address the increased volume of tribal court cases resulting from increased law enforcement resources and rising crime rates throughout Indian country.
- **Tribal Criminal and Civil Legal Assistance Program:** \$6 million for criminal and civil legal assistance and to fund the development of a tribal college criminal and civil legal assistance curriculum. \$1million of this proposed funding would be used for tribal colleges to create, develop, and enhance tribal justice system curriculum which would benefit tribal justice systems due to enhanced community legal education resources.
- **Tribal Youth Crime Prevention Program:** \$20 million for grants to tribes to fund comprehensive tribal delinquency prevention, control, and juvenile justice system improvement for tribal youth. It is vital that tribes are provided with the resources needed to address rising juvenile crime rates.
- **Office of Tribal Justice:** \$932,000 for 8 positions to institutionalize the Office of Tribal Justice (OTJ), including the ability of OTJ to effectively address the vital needs of tribal justice systems. NAICJA recommends that one of these new positions be specifically devoted to addressing the needs of tribal justice systems.

Native American tribal courts must deal with a wide range of difficult criminal and civil justice problems on a daily basis, including the following:

- The number and complexity of tribal court civil caseloads have also been rapidly expanding.
- Congress recognized this need when it enacted the Indian Tribal Justice Act (Public Law 103-176) in 1993 and included specific Congressional findings that "tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring public health and safety and the political integrity of tribal governments" and "tribal justice systems are inadequately funded, and the lack of adequate funding impairs their operation".
- While the Indian Tribal Justice Act promised more than \$58 million per year in additional funding for tribal court systems starting in FY1994, tribal courts have yet to see any funding under this Act.
- Since Congress enacted the Indian Tribal Justice Act in 1993, the needs of tribal court systems have continued to increase, but there has been no increase in funding for tribal court systems. In fact, the Bureau of Indian Affairs funding for tribal courts has actually decreased.

As Attorney General Janet Reno stated in her testimony before the Senate Committee on Indian Affairs, it is vital to "better enable Indian tribal courts, historically under-funded and under-staffed, to meet the demands of burgeoning case loads". The Attorney General indicated that the "lack of a system of graduated sanctions through tribal court, that stems from severely inadequate tribal

justice support, directly contributes to the escalation of adult and juvenile criminal activity". She also decried the lack of availability of advanced technology for Indian country criminal justice agencies and the "lack of even rudimentary crime reporting hardware and software". In her testimony, the Attorney General requested substantial increases in funding for tribal law enforcement and indicated the need to "have tribal courts with the capacity to adjudicate resulting criminal cases and resolve disputes. As she indicated "one of the most meaningful steps the Department of Justice can take to combat crime in Indian country is to help Indian tribes to strengthen their own justice systems".

The vast majority of the approximately 350 tribal court systems function in isolated rural communities. These tribal justice systems face many of the same difficulties faced by other isolated rural communities, but these problems are greatly magnified by the many other complex problems that are unique to Indian country. These problems include high crime rates, high underage population with high rate of juvenile delinquency, lack of resources, lack of legal resources/assistance, lack of access to even the most basic law libraries and other resources, lack of jurisdiction over non-Indians, complex jurisdictional relationship with federal and state criminal justice systems, inadequate law enforcement, great distance from the few existing resources, lack of detention staff and facilities, lack of sentencing or disposition alternatives, lack of access to advanced technology, etc. It should also be noted that in most tribal justice systems, 80-90% of the cases are criminal case and 90% of these cases involve the difficult problems of alcohol and/or substance abuse.

It is difficult to overstate these problems. Many tribal court judges are lay judges. They often come to the job with extensive knowledge of their own communities, but without a formal legal education or access to legal resources and legal assistance. Yet they are required to serve on the front lines of the tribal criminal justice systems in systems that are grossly under-funded. Moreover, they have no one to turn to for assistance in dealing with these problems. Many of the most intractable problems concerning justice systems in Indian country occur when an overworked tribal justice system has no place to turn for assistance when problems arise.

State court judges generally have formal legal education, access to substantial legal resources and established systems for obtaining the necessary assistance and resources. Moreover, state court judges have a number of national resources that they can turn to when problems arise - including the National Center for State Courts, the State Justice Institute, and the National Judicial College. Tribal courts, however, do not have these resources.

NAICJA has repeatedly testified concerning the needs of tribal justice systems. For example, see the testimony of former NAICJA President (and current NAICJA First Vice President) Jill Shibles before the Senate Committee on Indian Affairs on June 3, 1998 and February 24, 1999. Many of Judge Shibles remarks are incorporated below.

IMPORTANCE OF TRIBAL COURTS

"Tribal courts constitute the frontline tribal institutions that most often confront issues of self-determination and sovereignty, while at the same time they are charged with providing reliable and equitable adjudication in the many and increasingly diverse matters that come before them. In addition, they constitute a key tribal entity for advancing and protecting the rights of self-government. . . . Tribal courts are of growing significance in Indian Country." (Professor of Law Frank Pommersheim, *Braid of Feathers: American Indian Law and Contemporary Tribal Law*, p. 57). Tribal justice systems are the primary and most appropriate institutions for maintaining order in tribal communities. Attorney General Janet Reno acknowledged that "With adequate resources and training, they are most capable of crime prevention and peacekeeping." ("A Federal Commitment to Tribal Justice Systems," 79 *Judicature* No. 7, November/December 1995, p. 114). It is her view that "Fulfilling the federal government's trust responsibility to Indian nations means not only adequate federal law enforcement in Indian Country, but enhancement of tribal justice systems as well." *Id.*

Tribal courts agonize over the very same issues state and federal courts confront in the criminal context, such as, child sexual abuse, alcohol and substance abuse, gang violence and violence against women. These courts, however, while striving to address these complex issues with far fewer financial resources than their federal and state counterparts must also "strive to respond competently and creatively to federal and state pressures coming from the outside, and to cultural values and imperatives from within." (Pommersheim, "Tribal Courts: Providers of Justice and Protectors of Sovereignty," 79 *Judicature* No. 7, November/December 1995, p. 111). Judicial training that addresses the present imperatives posed by the public safety crisis in Indian Country, while also being culturally sensitive, is essential if tribal courts are to be effective in deterring crime within their communities.

There is no federally supported institution to provide on-going, accessible tribal judicial training, similar the Federal Judicial Center, the National Judicial College or the National Center for State Courts. Even though NAICJA annually sponsors the National Tribal Judicial Conference, the three-day conference cannot provide the in-depth extensive judicial training necessary to make tribal justice systems strong and effective arms of tribal government. Other judicial trainings are offered by such Indian organizations as the National Indian Justice Center, but these trainings are sporadic because the Native organizations cannot afford to offer a full tribal judicial curriculum on an on-going basis. Both the Indian Country Law Enforcement Initiative and the Indian Tribal Justice Act, if fully implemented and funded, have the potential to address this critical and chronic need of tribal judges and court personnel.

INADEQUATE FUNDING OF TRIBAL JUSTICE SYSTEMS

There is no question that tribal justice systems are, and historically have been, underfunded. The 1991 United States Civil Rights Commission found that "the failure of the United States Government to provide proper funding for the operation of tribal judicial systems . . . has continued for more than 20 years." The Indian Civil Rights Act: A Report of the United States Civil Rights Commission, June 1991, p. 71. The Commission also noted that "[f]unding for

tribal judicial systems may be further hampered in some instances by the pressures of competing priorities within a tribe." Moreover, the Commission opined that "If the United States Government is to live up to its trust obligations, it must assist tribal governments in their development . . ." Almost ten years ago, the Commission "strongly support[ed] the pending and proposed congressional initiatives to authorize funding of tribal courts in an amount equal to that of an equivalent State court" and was "hopeful that this increased funding will allow for much needed increases in salaries for judges, the retention of law clerks for tribal judges, the funding of public defenders/defense counsel, and increased access to legal authorities."

As indicated by the Civil Rights Commission, the critical financial need of tribal courts has been well documented and ultimately lead to the passage of the Indian Tribal Justice Act [hereinafter "Act"]. Congress found that "[T]ribal justice systems are an essential part of tribal governments and serve as important forums for ensuring public health, safety and the political integrity of tribal governments." 25 U.S.C. '3601(5). Affirming the findings of the Civil Rights Commission, Congress further found that "tribal justice systems are inadequately funded, and the lack of adequate funding impairs their operation." 25 U.S.C. '3601(8). In order to remedy this lack of funding, the Act authorized appropriation base funding support for tribal justice systems in the amount of \$50,000,000 for each of the fiscal years 1994 through 2000. 25 U.S.C. '3621(b). An additional \$500,000 for each of the same fiscal years was authorized to be appropriated for the administration of Tribal Judicial Conferences for the "development, enhancement and continuing operation of tribal justice systems . . ." 25 U.S.C. '3614.

Seven years after the Act was enacted, how much funding has been appropriated? None. Not a single dollar was even requested under the Act for fiscal years 1994, 1995, 1997, 1998 or 1999. Only minimal funds were requested for fiscal year 1996 and 2000. Yet, even these minimal funds were deleted by the House Appropriations Committee with the consent of the Bureau of Indian Affairs ("BIA"). Even more appalling than the lack of appropriations under the Act is the fact that BIA funding for tribal courts has actually decreased following the enactment of the Act.

BIA-DOJ INDIAN COUNTRY LAW ENFORCEMENT INITIATIVE

The Final Report of the Executive Committee for Indian Country Law Enforcement Improvements documents the "stark contrast between public safety in Indian Country and the rest of the United States." (Final Report, p. 4.) "While law enforcement resources have been increased and deployed throughout the United States, BIA resources actually have been reduced in Indian Country during the past few years." Full funding is requested for the Joint BIA-DOJ Law Enforcement Initiative proposal to improve law enforcement in Indian Country. It is axiomatic that "as a consequence of improvements to law enforcement services, a corresponding increase in funds is needed for judicial services, especially tribal courts." (Final Report, p. 8).

The Initiative includes \$15 million in FY 2001 to continue the Department of Justice Indian Tribal Court Program. We urge the Committee to support full funding of the Tribal Court Program to assist in the development, enhancement and continued operation of tribal judicial systems. While

\$15 million falls far short of the \$58 million in annual funding promised by the Indian Tribal Justice Act, the Initiative will fail without it. Without well-staffed, competent tribal judiciaries to handle the influx of the new criminal prosecutions flowing from the Law Enforcement Initiative, the goal of providing to 1.4 million Native Americans who live on or near Indian lands the same "protection of their basic rights, a sense of justice, and freedom from fear" enjoyed by Americans at large, will not be attained. (Final Report p. 4).

TRIBAL JUDICIAL RESPONSE TO VIOLENT VICTIMIZATION

"American Indians are the victims of violent crimes at more than twice the rate of all U.S. residents," reported the Justice Department's Bureau of Justice Statistics last year. Not a surprising finding to tribal judges is that offender use of alcohol was a major factor in incidents of crime involving American Indians. The BJS found that Native Americans reported that in 46% of all violent victimizations that the offender had been drinking. Approximately 70% of jailed Native Americans convicted of violence reported that they had been drinking at the time they committed the offense. It would not be unreasonable to estimate that close to 90% of all Native Americans charged with offenses in tribal courts were either drinking at the time of the crime or are charged with an alcohol related offense. It is clear that alcohol has had a particularly toxic impact on Native communities. Almost 4 in 10 Native Americans held in local jails had been charged with a public order offense, most commonly, driving while intoxicated.

The BJS study results should come as no surprise to Congress. These latest statistics simply reaffirm the frighteningly high disproportionate rate of violent crime in Indian Country that triggered the Indian Country Law Enforcement Initiative. Native American communities across the country can look forward to increased law enforcement presence as a result of this Committee and Congress' commitment to addressing the public safety crisis on our reservations. While we applaud the increase in funding of Indian law enforcement to pay for new jails, patrol cars and up to 1,000 officers, the tribal courts are alarmed at the lack of corresponding Indian courts funding. Increased law enforcement will inevitably lead to an increase in tribal court caseloads in already overwhelmed systems, yet only \$15 million of the increase appropriated for law enforcement has been set aside for tribal courts. Given the number of tribal justice systems, that amount will not stretch very far. The ability of tribal courts to absorb this new caseload will, therefore be seriously jeopardized. Ever since 1993, the year the Indian Tribal Justice Act was enacted, tribal court base funding has decreased. Another factor compounding the chronic underfunding is the significant number of new tribal courts that have been established.

Tribal justice systems are already inadequately funded and the lack of adequate funding impairs their operation. With the addition of 1,000 new police officers, one can only imagine the potential impact on these stressed systems. We support the request to increase Tribal Court funding as it is an indispensable component to ensuring the success of the Initiative. Without adequately staffed and trained tribal judiciaries to handle the influx of new criminal prosecutions, the goal of providing Native Americans living on or near Indian lands the same "protection of their basic rights, a sense of justice, and freedom from fear" enjoyed by Americans at large, will not be attained.

ECONOMIC POTENTIAL RESTS ON THE TRIBAL JUDICIARY

During the 1990's, America has enjoyed a period of great economic prosperity. Unfortunately as of this date, economic success in Indian Country has not been achieved for the vast majority of tribal nations and their members. Rather, poverty levels for Native Americans have risen while Federal spending has dropped to about half of what it was twenty years ago. It is widely accepted that economic development is the future of self-sufficiency in Indian Country.

A developer and vendor of court case management computer software, in boasting about his company's international sales success, recently noted that when a developing country seeks to attract businesses to set up shop, the first step it takes is to establish a fair and capable judicial system. Tribes are realizing, just as are the former Soviet Republics, Haiti and many other nations throughout the world, that one cannot do business in a global economy without stability, certainty and efficiency in legal relationships. Tribal courts, therefore, are an integral part of the emerging economic development of Indian Country.

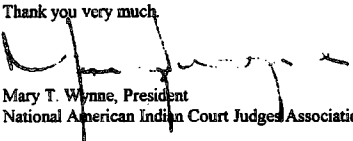
Effective and efficient resolution of disputes arising from commercial dealings is an essential component of the governance infrastructure that tribes must provide. Businesses are keenly aware of the need to have relative certainty in the outcome of commercial litigation. Such certainty is a part of the risk assessment businesses perform prior to siting business enterprises. They also take into account the availability of clear and detailed commercial laws that may be interpreted and enforced by competent judiciaries.

CONCLUSION

Tribal justice systems are the primary and most appropriate institutions for maintaining order in tribal communities. They are the keystone to tribal economic development and self-sufficiency. Any serious attempt to fulfill the federal government's trust responsibility to Indian nations, must include increased funding and enhancement of tribal justice systems.

We welcome the opportunity to comment on the Justice Department's Budget Request for the Indian Country Law Enforcement Initiative for FY2001, especially with respect to proposed modest funding for Tribal Courts.

Thank you very much.



Mary T. Wynne, President
National American Indian Court Judges Association



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**Statement for the Record
on the
Proposed Fiscal Year 2001 Budget
For the
Economic Development
Administration**

by

**Aliceann Wohlbruck,
Executive Director
of the
National Association
of Development Organizations**

submitted to the

**Appropriations Subcommittee
for Commerce, Justice, State, the Judiciary
and Related Agencies
of the
US House of Representatives**

**March 31, 2000
Washington, DC**

Statement submitted to the House Appropriations Subcommittee on Commerce, Justice, State and the Judiciary in support of a fiscal year 2001 funding level of \$29.67 million for the Economic Development Administration's planning program, as originally proposed in the president's fiscal year 2000 request.

Thank you, Mr. Chairman and members of the subcommittee, for the opportunity to submit a written statement for the record about the proposed fiscal year 2001 budget for the Economic Development Administration (EDA).

The members of the National Association of Development Organizations (NADO) are grateful to you and the members of this subcommittee for your unwavering commitment to providing annual appropriations for the agency prior to its reauthorization in November 1998. We also wish to recognize and extend our appreciation for your leadership and dedication to maintaining the traditional programs of the agency. Without your leadership and hard work, EDA would simply not exist today.

Founded in 1967 as a public interest group, the National Association of Development Organizations (NADO) provides training, information and representation for regional development professionals and local elected officials. The association is the leading advocate for a regional approach to community and economic development, and is dedicated to building communities and creating quality jobs for the 82 million people living in small metropolitan and rural America.

NADO's general members, known variously as area development districts, councils of government, economic development districts, planning and development districts, regional planning commissions and regional councils, provide professional and technical assistance to over 1,800 counties and 15,000 small towns and cities. They also deliver a myriad of federal and state programs on a regional basis, including aging, census, community and economic development, emergency management planning, small business financing, transportation planning and workforce development.

Mr. Chairman, we are strongly supportive of increasing EDA's planning program from \$24 million to \$29.67 million, as part of the fiscal year 2001 Commerce, Justice, State and the Judiciary Appropriations bill. Furthermore, we strongly believe the additional \$5.67 million for the planning program should be used to enhance the capacity of economic development districts.

NADO STATEMENT ON THE EDA PLANNING PROGRAM**MARCH 31, 2000**

There are three compelling reasons to increase federal assistance to economic development districts under EDA's planning program.

First, the EDA planning program provides direct support to 320 economic development districts that serve as the agency's local program delivery backbone. As multi-county public-private partnerships governed by local elected officials and private sector leaders, economic development districts help foster regional cooperation among local governments, develop comprehensive development strategies, and deliver a myriad of federal and state programs on a regional basis.

By combining the federal seed money with local contributions, economic development districts are also able to offer valuable professional and technical assistance to local elected officials and community leaders, particularly in small metropolitan and rural regions where local governments have minimal or no staff capacity.

Without the financial assistance from EDA, most of the nation's distressed rural and small local units of government would have difficulty accessing the complex system of federal and state programs. While larger cities and counties have fulltime engineers and planners to assist elected officials and community leaders, district employees are often the only professional staff for most of the nation's small and rural communities. According to the US Census Bureau, 33,000 of the nation's 39,000 local governments have populations below 3,000 and 11,500 have no employees.

A recent occurrence in the Western Upper Peninsula of Michigan offers a good example of the important role economic development districts play in rural communities. In the fall of 1995, the closure of the White Pine Mine resulted in over 1,100 people losing their jobs. The economic impact on rural Ontonagon County and the surrounding area was devastating.

Acting in its capacity as an economic development district, the Western Upper Peninsula Planning and Development Regional Commission (WUPPDR) was quick to assist the county in accessing both a \$100,000 state of Michigan grant to develop an economic impact and diversification strategy and a \$200,000 Title IX EDA sudden and severe impact grant. Without the EDA planning grant program, WUPPDR would not have been able to respond to this community altering event nor devote the staff time necessary to help rebuild this rural region.

Second, economic development districts have proven repeatedly over the years the indispensable value of these small but significant planning grants. Through the EDA planning program, economic development districts

are bringing elected officials and business leaders together to prepare and implement regional development strategies aimed at helping local communities become or remain full participants in the nation's economic mainstream. Whether a region is currently enjoying economic stability or coping with long-term challenges such as declines in traditional industries, they must plan for tomorrow, or face the risk of being passed by in today's competitive global and high-tech marketplace.

For over 30 years, economic development districts have leveraged and stretched these flexible planning grants to help distressed communities forge ahead by creating jobs and opportunities. For example, the Lower Savannah Council of Governments in South Carolina continues to help its six-county area rebound from the loss of over 10,000 jobs at a downsized Department of Energy facility.

In Oklahoma, the South Western Oklahoma Development Authority has successfully converted a former B-52 Strategic Air Command Base into a municipally owned industrial park that employs over 500 people and is competing to be a launch site for the next generation space shuttle. In Alaska, a new business assistance center established by the Juneau Economic Development Council is helping displaced workers from a local pulp mill start and operate their own businesses.

As an outcome of the strategic planning process, districts are also working with communities to ensure they remain competitive and on the cutting edge in today's rapidly changing technological age. In New York, the Southern Tier West Regional Planning and Development Board recently built the most technologically advanced telecommunications center in the region and is using the latest Geographic Information System (GIS) technology to improve local economic development decisions.

In Kentucky, the Purchase Area Development District is developing a regional fiber optic program that will link individual community networks, resulting in improved access to a variety of Internet providers and cable TV, electricity, water, gas and phone services. In west central Wisconsin, the local development district helped construct a technology-based manufacturing center that includes an advanced distance learning facility.

Districts are also using advanced technologies, such as GIS, to assess and provide basic infrastructure services. In eastern Kentucky, for example, seven development districts are working together to map areas with failing septic systems in order to identify areas where alternative treatment systems may be needed.

All of these projects, which are helping to revitalize distressed areas, are only a few examples of ways economic development districts are using EDA planning grants to develop the local capacity necessary to make a difference within a region.

Third, while most urban and suburban areas are currently enjoying unprecedented prosperity, the vast majority of small town and rural communities are struggling to keep pace. Therefore, it is essential for economic development districts to have the professional and technical capacity to help their communities develop and implement comprehensive development strategies to ensure they are not left behind.

For over thirty years, the districts have leveraged and stretched these small but significant EDA planning dollars to help thousands of distressed communities retain and create jobs. However, each year it becomes increasingly difficult for them to carry out 21st century programs with outdated grant levels from the 1960s.

According to the Corporation for Enterprise Development, "the absolute value of the EDA planning grant has declined steadily over many years to the point where it not longer provides the resources necessary to meet current demands." The average district planning grant is currently about \$54,000, the same as the 1966 average. Adjusted for inflation, the value of a 2000 grant is less than \$10,800, or 20 cents on the dollar. This amount is far below the average planning grant for local development districts and planning organizations supported by the Appalachian Regional Commission and US Department of Transportation.

EDA planning grantees are now engaged in comprehensive planning that incorporates far more than traditional infrastructure needs. Today's regional plans also encompass strategies for using technology as an economic development tool, building local capacity in distressed areas and enabling communities to carry out sustainable development practices and pre-disaster mitigation activities. All essential components to a region's economic and social future.

These growing demands have placed extraordinary burdens on the districts limited resources, as they work to expand participation in the planning processes beyond their traditional memberships and examine opportunities that reflect the economic realities of today rather than the geographic boundaries of yesterday.

For districts to continue building on their successful track records, they need a well-deserved funding increase to remain on the cutting edge, informed and

NADO STATEMENT ON THE EDA PLANNING PROGRAM**MARCH 31, 2000**

well versed in the latest planning techniques. It is unrealistic to ask any organization to lead our small metro and rural communities into the 21st century with mid-20th century resources.

In closing, Mr. Chairman, we strongly urge you to provide \$29.67 million for EDA's planning grant program as part of the fiscal year 2001 Commerce, Justice, State and the Judiciary Appropriation bill. We also offer our assistance in arranging field visits to several economic development districts so that you and your staff can see first hand the valuable work they perform on behalf of local communities.

Thank you again, Mr. Chairman and members of the subcommittee, for the opportunity to provide comments for the record on the proposed fiscal year 2001 budget for the Economic Development Administration.

Founded in 1967, the National Association of Development Organizations (NADO) provides training, information and representation for regional development organizations serving small metropolitan and rural America. NADO members provide professional and technical assistance to over 1,800 counties and 15,000 small cities and towns. For more information, contact NADO, 400 North Capitol Street, NW, Suite 390, Washington, DC 20001 • (202) 624-7806 • Fax (202) 624-8813 • Email info@nado.org • Home page www.nado.org

**Prepared Testimony for the Record
House Appropriations Committee
Subcommittee on Commerce, Justice, State and the
Judiciary**

**Dr. Henry Ponder
CEO & President**

**National Association for Equal Opportunity in Higher Education
8701 Georgia Avenue, Suite 200
Silver Spring, Maryland 20910**

**submitted
Friday, March 31, 2000**

Mr. Chairman and distinguished Members of the Subcommittee, I am Dr. Henry Ponder, Chief Executive Officer and President of the National Association for Equal Opportunity in Higher Education (NAFEO). I want to thank you for allowing me to appear before you today as you consider funding priorities relevant to the FY01 Commerce, Justice, State and the Judiciary Appropriations bill. In the time that I have, I would like to highlight many of the accomplishments of NAFEO as well as some of the initiatives that we support and are looking to begin in the new millennium.

NAFEO is the national umbrella organization representing the nation's 118 predominately and Historically Black Colleges and Universities (HBCUs). Our mission is to champion the interests of HBCUs through the executive, legislative and judicial branches of federal and state government and to articulate the need for a system of higher education where race, ethnicity, socio-economic status and previous educational attainment levels are not determinants of either the quantity or quality of higher education. The organization takes lead responsibility for the development and dissemination of public policy, programmatic efforts, and strategic and educational materials that: (1) enhance the role of HBCUs generally, and (2) promote minority student enrollment and attainment specifically. NAFEO is comprised of institutions of higher education that represent a broad spectrum of interests - public and private, large and small, urban and rural, liberal arts, agricultural, research, scientific and technology development. Of all of the HBCUs that belong to NAFEO, 46% are public and 54% are private. The organization's membership is comprised of 2-year and 4-year institutions, as well as schools that offer advanced and professional degrees.

Since the organization's inception in 1969, NAFEO has played an indelible and pivotal role in expanding access to higher education for a community whose greatest resource can be classified as an underutilized reservoir of talent and ingenuity. NAFEO institutions historically are responsible for educating the vast majority of African Americans. Today, while NAFEO institutions enroll approximately 18 percent of all African American college students, they confer about 40 percent of all bachelors degrees awarded to African Americans nationally. In some disciplines, such as engineering and teacher education, the number is significantly higher. Moreover, these schools produce the largest number of African American baccalaureate recipients who eventually go on to receive doctorate degrees, especially in the sciences. They are situated in every quarter of the country: in fourteen Southern states, six Northern states, three Midwestern states, one Western state, the District of Columbia and the Virgin Islands.

During the last two decades, many of the educational achievements African Americans have experienced are directly attributable to NAFEO and its member institutions. However, despite the progress, the increases in college-going rates for African American high school graduates have not kept pace with those of white population. Ten years ago, African American high school graduates enrolled in college at a rate that was only 5 percentage points below that of white graduates (28.0% vs. 33.0%). Today there is a difference of 8 percentage points (34.0% vs. 42.0%). Much of the responsibility for ensuring greater educational access for African Americans, and addressing emerging trends at the national level rests on the shoulders of NAFEO. Additional resources will be required from the federal government and the private sector if the organization is to succeed in this effort.

The Administration requests \$28 million for two initiatives for MSIs at the National Oceanic and Atmospheric Administration (NOAA) and the National Institute of Science and Technology

(NIST). However, NAFEO requests a total of \$75 million for new and more comprehensive effort that promotes diversity in the workforce, with a particular emphasis on the fields of science, statistics and technology. Because Minority Serving Institutions (MSIs) supply a significant proportion of minority science, economics, and engineering graduates to the American workforce, an investment in MSIs is a prudent course of action and will expand the pool of graduates to meet the challenges of the American economy in the 21st century. The recommendations are as follows:

- ***National Oceanic and Atmospheric Administration (NOAA) Minority University Research Centers***—NOAA currently operates eleven cooperative institutes with institutions of higher education that focus on oceanic, atmospheric and earth science research. These cooperative science centers are run in conjunction with NOAA's Environmental Research Laboratories under long-term memoranda of understanding with the Department. At present, none of the cooperative science centers are located at an HBCU, nor are any run in conjunction with faculty from HBCUs. NAFEO requests that \$25 million be dedicated to HBCUs would be exclusively dedicated to begin the process of large-scale capacity building at selected HBCUs that currently have the underpinnings of quality research and academic infrastructure in the atmospheric, earth and ocean sciences, including the establishment of three HBCU-based Cooperative Science Centers concentrating on Ocean, Atmospheric, and Environmental Sciences.
- ***National Institute of Standards and Technology (NIST) Centers of Excellence***—The MSI initiative in NIST will establish additional technology transfer offices, increased technology transfer agreements, and increased patent applications. Under a Center of Excellence model, NIST will build partnerships with universities and industry professionals to provide faculty and students of MSIs with access to state-of-the-art facilities and opportunities to produce technical publications and patents. An additional 65 NIST fellowships will be provided over a five-year period to graduate and undergraduate minority students seeking degrees in science and technology. NAFEO requests that \$15 million, at least half of the proposed \$30 million for the NIST MSI initiative goes to HBCUs to create up to five HBCU-based centers of excellence.
- ***Economic and Statistics Administration (ESA)***—As part of the MSI initiative, ESA will receive funding to expand its existing Joint Program in Survey Methodology to work in partnership with eight MSIs to build their capacity in social and economic statistics and survey methodology. These agreements will fund faculty salaries, research, and equipment. In addition, ESA will provide tuition assistance and fellowships to minority students in economics, statistics, and survey methodology. The requested funds will also be used to expand the White House Initiative on Tribal Colleges to include educational programs in statistics. The existing Joint Program in Survey Methodology should be expanded to work in partnership with eight MSIs to build their capacity in social and economic statistics and survey methodology. \$15 million, or half of the MSIs targeted should be set-aside for HBCUs.
- ***Minority University Telecommunications/Distance Education Grants***—NAFEO recommends \$10 million for long-term development grants to establish a link

between HBCU television/telecommunication facilities and academic programs. Initial grants should be \$2 million per HBCU.

- *HBCU Electronic Commerce Research Centers*—Of the nine Commerce initiatives for FY01, Accelerating the Transition to Electronic Commerce is an investment that focuses on ensuring that information technologies remain an engine of economic growth and that more steps are taken to close the “digital divide” in America. The Department recently released two reports documenting how the growth in the information technology industry is generating a gap between the technological “haves” and “have-nots.” NAFEO recommends that the Department allocated \$15 million from with the E-Commerce initiative to create 5-10 HBCU-based E-Commerce resource centers to help narrow the digital divide for small, disadvantaged businesses. The centers would provide infrastructure support, technical services, and business planning services to help minority- and women-owned businesses more readily compete in the digital age.

Each of these programs, although diverse in nature, collectively work toward addressing three areas of need:

- insufficient number of minority graduates in science and engineering;
- insufficient institutional capacity to offer high-quality graduate programs in science and engineering; and
- disproportionately meager share of grant and contract research awards from the Federal government.

The total amount of funding totals \$75 million, which breaks down to set-asides of 1) \$25 million for the NOAA Minority University Research Centers; 2) \$15 million for the NIST Centers of Excellence; 3) \$10 million for the ESA Joint Program in Survey Methodology; 4) \$10 million for the Telecommunications/Distance Education grants; and 5) \$15 million for the E-Commerce Research Centers. The requested funding will expand the scope of the Department’s partnerships with Minority Serving Institutions (MSIs) by focusing on cooperative technology transfer, and development of entrepreneurial capabilities to capitalize on scientific and technological applications.

This concludes my statement for the record. Again, on behalf of the National Association for Equal Opportunity in Higher Education, I want to thank you for the opportunity to submit testimony to this subcommittee.



NASULGC National Association of State Universities and Land-Grant Colleges

TESTIMONY

**United States House of Representatives
Committee on Appropriations**

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

**by Dr. D. Jay Grimes - Dean, Institute of Marine Sciences
University of Southern Mississippi**

For The National Association of State Universities and Land-Grant Colleges

FY 2001 APPROPRIATIONS FOR THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. Chairman, I very much appreciate the opportunity to present testimony on fiscal year 2001 appropriations for the National Oceanic and Atmospheric Administration. I want to commend you for all your efforts and outstanding leadership in ensuring that NOAA has the tools to carry out its mandate.

My name is Jay Grimes. I am the Dean, Institute of Marine Sciences, University of Southern Mississippi. I am providing this statement for the National Association of State Universities and Land-Grant Colleges (NASULGC). I currently serve as the chair of the Association's Board on Oceans and Atmosphere.

NASULGC MISSION

Founded in 1887, NASULGC is the nation's oldest higher education association. Currently the association has over 200 member institutions -- including the historically black Land Grant institutions -- located in all fifty states, with a total of 3 million students. 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 -- roles which reflect a strong social commitment to investing in the development of America's greatest resource, its people.

BOARD ON OCEANS AND ATMOSPHERE (BOA)

The Board on Oceans and Atmosphere is composed of leading educators and research scholars in the Association's universities. The Board works to ensure that the nation maintains and benefits from a strong and diverse academic capability in the marine (including Great Lakes) and atmospheric sciences. Many of its members have first-hand experience with NOAA, and have a basis to make valid assessments on the agency's programs and operations. The BOA believes that it is time for NOAA to revise its strategic plan, which is now more than 7 years old. The strategic plan needs to recognize research and development as a core element and to explain where NOAA believes its research is headed over the next decade, how it will fit into its mission, and how it will be the basis for initiatives in the other line offices. NOAA needs to retain a strong, active, and separate research office. The mission Line Offices simply cannot devote the necessary resources to research when faced with daily mission needs, such as daily forecasts, or

fish regulation. Research gets marginalized. NOAA's improvement in managing its environmental stewardship and environmental prediction portfolios will hinge to a large extent on maintaining a vibrant research capability. NASULGC continues to believe that NOAA would be better served by an institutional arrangement that features three line offices: one for monitoring, analysis and prediction of the marine and atmospheric environments; one for managing living marine resources and undertaking regulatory functions; and one for research and development.

IMPORTANCE OF EXTRAMURAL RESEARCH

Partnerships between the Federal agencies and universities have proven to be very cost-effective, and contribute significantly to national goals, including winning the cold War. Federally-sponsored research provides policy makers with higher quality research at lower costs to address society's most compelling issues. Competitive, peer-reviewed extramural research is fundamental to developing the technologies that ensure safe food and water supplies, a healthy environment, sufficient energy sources, better medical care, improved communications and transportation systems, a stronger national defense, and strategies and tools to mitigate natural hazards. Information from such research leads to improved management of natural resources and maintenance of conditions that contribute to a desired quality of life.

NOAA AND THE UNIVERSITIES

To carry out its mission most effectively and efficiently, NOAA must employ partnerships with universities for the best scientific talents of the nation. NOAA and the nation's universities have benefited for many years from a diverse array of working relationships. These vary substantially in scope and structure, including formal joint institute agreements and co-location of facilities, personnel exchanges and student internships, and major joint programs. NOAA is also planning to contribute to the National Ocean Partnership Program, which heavily engages universities, and we consider this a very important gesture. NOAA has involved universities in its Strategic Planning Process, and universities and NOAA worked together to establish a Science Advisory Board for the Agency. The importance of the SAB to NOAA's scientific mandate cannot be overstated. If given the requisite freedom to operate and the cooperation of the line offices, the SAB can help ensure the credibility and integrity of NOAA's science. We would urge this committee to ensure that the NOAA SAB has the resources to do its job, and to urge NOAA to make greater use of its university partners and the academic research enterprise.

IMPORTANCE OF SCIENCE TO NOAA'S MISSION

NOAA is responsible for programs that are critical to our society, including understanding the nation's ocean, Great Lakes, and coastal resources, protecting life and property from severe weather and describing and predicting changes in the Earth's environment. Many of NOAA's missions require a continuing investment in scientific research. As a mission agency, NOAA must ensure that its science is tied to its mission, herein, NOAA must be able to demonstrate that its policy is predicated on its support of sound science. Prudent use of ocean and coastal resources -- including Great Lakes -- requires sound research to ensure that the ecological health of coastlines is balanced with ongoing and planned development, to properly manage fish and marine mammal stocks, and to administer the protection of unique marine and estuarine habitats. In the atmospheric sciences, data retrieved by NOAA's satellites are used to study changes in the earth's global processes and predict near-term climate events. Weather forecasts are used by

farmers to make critical agricultural decisions to maximize crop production, and are of crucial importance to human safety.

OFFICE OF OCEANIC AND ATMOSPHERIC RESEARCH

OAR is the main research arm of NOAA and contributes to all other Line Offices and Strategic Plan goals and provides the scientific basis for national policy decisions in key areas. It supports a world-class network of scientists and environmental research laboratories and partnerships with academia and the private sector. An overarching issue for research is to ensure that cost increases due to inflation don't erode the long-term research capabilities. Over the past several years the Administration has proposed budgets for OAR which lag behind the requests for the other line offices. While the request for OAR is not as bleak this year as in past years, and contains some important elements, there is a lot to make up for previous austere budgets that have not kept up with inflation.

OAR Research Laboratories - The OAR Labs have not had an increase in base budgets in over 10 years and during that time the purchasing power of the Labs has decreased by over half. The request for FY 01 contains \$55 million across NOAA for adjustment to base, of which \$1.3M is included in the OAR line items. However, the FY 2001 pay need is \$4.2M, leaving a shortfall of \$2.9M. We would urge an additional \$4 million to cover pay costs in both FY 2001 and some of the base shortfall. The Labs, in many instances, work closely with our universities to perform some of the critical research we have described above. The erosion in the Labs' base budgets must be arrested if NOAA is to retain a sound research base and avoid further reductions in funding for federal and university staff.

Climate and Global Change Program - NASULGC recommends the President's request of \$67 million for Climate and Global Change. This competitive grants program is essential to improve NOAA's predictive and assessment capabilities. It provides critical information on patterns of climate variability and on the trends and probabilities of occurrence of extreme events such as floods, hurricanes, storms, and tornadoes. The slight increase in the request is necessary to implement a combination of observations, modeling, and process research to improve regional specificity.

U.S. Weather Research Program (USWRP) - NASULGC recommends that the NOAA contribution to the multiagency USWRP be \$10 million for FY 01. USWRP is currently under funded by a factor of about 5. The return on a \$10 million investment is almost incalculable because of the saved lives and economic costs from more accurate weather predictions for emergency preparedness. The hurricane season of 1999 clearly demonstrates the need for improved science for quantitative precipitation and lead-time hurricane landfall location and intensity.

Climate Observations and Services - NASULGC supports the \$28 million request for Climate Observations and Services (\$24 million for ORF and \$4 million for PAC). This program with its several components, will begin the critical transition of research and observations to application, from basic science and experimentation to practical products. These applications will provide important tools for mitigating economic vulnerability in climate sensitive sectors such as agriculture, energy and water resources.

National Sea Grant College Program - NASULGC recommends \$66.8 million for Sea Grant for FY 2001, the authorized amount. Specifically, we are asking for \$58 million for the Core program, \$3 million for oyster disease research, \$3 million for Harmful Algal Bloom research, and \$2.8 million for aquatic nuisance species research. Sea Grant, as the marine counterpart to the Land-Grant College system, combines research, education and public service. It is a fully peer-reviewed, highly leveraged program in which the universities, government, and the private sector share costs. It is a program that annually generates benefits many times the level of the Federal contribution, and involves over 200 universities. Sea Grant is virtually the only source of funding in the U.S. for activities in marine biotechnology. In addition, it has played a major role in promoting advances in fisheries management, hazards mitigation, coastal engineering, seafood safety, coastal environmental management, coastal economic development, and marine technology. Sea Grant has supported students at all educational levels. It has been responsible for educating many of the nation's leading marine scientists. Sea Grant is making some remarkable discoveries related to the anti-carcinogenic properties of marine organisms, which could have a profound effect on human health.

National Undersea Research Program (NURP) - NASULGC recommends \$18.2 million for NURP. The increase is necessary to sustain baseline operating funds for 6 national undersea research centers, direct science support to investigators, and maintenance of priority undersea investments such as the Aquarius habitat, LEO-15, ROVs, and submersibles. Funds also will support the NOAA contribution to operation of ALVIN, an information transfer program administered through the JASON foundation.

Sea Floor Observatories - NASULGC recommends the President's request of \$3.1 million for sea floor observatories. Sea floor observatories increase the understanding of important chemical, physical and biological process of the oceans. The data gathered from these stations will lead to more informed policy choices critical for sustaining coastal resources.

Aquaculture

NASULGC supports the request for an increase of \$3.6 million for the sustainable production of native commercial ocean species. The U.S. lags way behind many other coastal nations in realizing the vast potential of aquaculture. The funding increase will allow for the research to ensure responsible development of this industry.

Coastal Ocean Program (COP)

NASULGC endorses the FY 01 budget request of \$18.2 million for COP. COP occupies an important position in overseeing NOAA science capacity-building and extramural research as they relate to addressing coastal ocean and Great Lake issues. Via a partnership with OAR, COP enhances NOAA's stewardship of coastal waters by strengthening existing coastal programs, developing new and innovative strategies on priority issues, and coordinating with other agencies and the academic community. COP's mission is to ensure the nation's capacity for the highest quality science for coastal policy decisions.

Minority Outreach - NASULGC strongly supports the \$17 million request for the Minority Serving Institutions Initiative. The 35 NASULGC historically Black institutions are served by the Association's Office for the Advancement of Public Black Colleges. OAPBC is an information and advocacy office of NASULGC in cooperation with the American Association of State Colleges and Universities. In addition, NASULGC members include a number of Hispanic-serving universities and 29 tribally controlled institutions. The underrepresentation of minorities in the earth science disciplines continues to plague this nation. The NOAA plan contains important elements that will expand and strengthen NOAA's partnership with MSIs and, we believe, constitutes a good faith effort. The plan's Cooperative Science Centers have the potential to make a valuable contribution to the development of science excellence in MSIs. However, the Centers could be enhanced with an explicit capacity-building component, perhaps along the lines of the \$9 million Capacity Building Program at USDA. In addition, more centers or a more focused capacity building program will increase the potential for success. Capacity building addresses a fundamental need and is aimed at enabling MSIs to develop the infrastructure and institutional capability to successfully compete for Federal grants and private funding. We believe that the Graduate Scientist Program will broaden the pipeline in the sciences and ultimately create a more diverse workforce in NOAA and the nation's scientific enterprise. Similarly, the Student Fellowship Program will give minority students the institutional experience they need to complement their educational successes. We think the Environmental Entrepreneurship Program is dedicated to supporting the Department of Commerce mission. We are not familiar with such a model, but are willing to keep an open mind. We suggest that, should others have a similar reaction, NOAA might wish to re-work this program element or dedicate additional resources to the Centers and capacity building, but NOT eliminate its \$5 million allocation.

Coastal Services Center

NASULGC recommends the request of \$13.8 million for CSC. The center has worked collaboratively with universities in applied technology, training, and outreach and with other agencies on coastal hazards, coastal habitat, and data access and usability. CSC is providing support for the National Association of Marine Laboratories LABNET project to bring NAML member data bases on line in a thematically organized and user friendly interface. CSC also works collaboratively with a number of Sea Grant programs to offer coastal management fellowships for graduate students, and to provide technical and substantive training capabilities to state fisheries and coastal resource managers. CSC is engaged in active partnerships with a number of universities around the country to develop applied remote sensing products for coastal resource management and integrate remotely sensed imagery into desktop GIS applications.

Thank you for the opportunity to present this statement.

STATEMENT OF THE
NATIONAL BORDER PATROL COUNCIL
OF THE
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
AFL-CIO

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

COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES

APPROPRIATIONS FOR THE
IMMIGRATION AND NATURALIZATION SERVICE
FISCAL YEAR 2001

PRESENTED BY
T.J. BONNER
NATIONAL PRESIDENT

MARCH 8, 2000

The National Border Patrol Council, representing approximately 9,000 employees, appreciates the opportunity to present its views concerning appropriations for the U.S. Border Patrol for the forthcoming fiscal year.

New Border Patrol Agents

Illegal immigration remains out of control, and is a serious concern for most Americans. Unfortunately, the Administration's budget proposal for Fiscal Year 2001 fails to take this problem seriously, requesting only 430 additional Border Patrol Agent positions, even though the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 mandated the addition of 1,000 new agents for next fiscal year. The National Border Patrol Council urges that the full complement of new Border Patrol agent positions be funded.

Pay Reform

The Administration's pay reform package consists of four major parts:

- 1) *Upgrading the Border Patrol journeyman agent grade from General Schedule (GS) grade 9 to grade 11.*
- 2) *Replacing the current overtime system, Administratively Uncontrollable Overtime, with Law Enforcement Availability overtime, and the elimination of Fair Labor Standards Act overtime.*
- 3) *Paying Special Salary Rates to all Border Patrol agents in General Schedule grades 5 through 11 to supposedly offset the loss of FLSA overtime.*
- 4) *Paying a \$2,000 hiring bonus to new Border Patrol agents.*

The National Border Patrol Council supports upgrading the journeyman pay level for Border Patrol agents. Currently, only about one-third of the workforce is at the GS-11 level. Although the average agent currently achieves this level within three years after entering on duty, this time frame would be longer if attrition were not as high and if fewer new agents were being hired. The proposed accelerated and automatic promotion process should enhance retention. Serious consideration should also be given to upgrading other critical occupations within the Border Patrol, such as Detention Enforcement Officers and Law Enforcement Communications Assistants.

The payment of a hiring bonus is also supported by the National Border Patrol Council, although it believes that the I&NS should exercise the authority granted under 5 U.S.C. § 5754 to pay retention allowances of up to 25% of base pay to existing employees, who are leaving the Border Patrol at an alarming rate..

The National Border Patrol Council strongly opposes the overtime provisions of the Administration's pay reform proposal, which would increase the overtime hours and reduce the overtime earnings of all Border Patrol law enforcement personnel, greatly exacerbating an already unacceptably high attrition rate. Although labeled as "pay reform," certain provisions of the Administration's proposal represent a giant step backward, removing deserving employees from the coverage of the Fair Labor Standards Act and causing them to work more overtime hours for less pay. Although the proposal is being promoted as a benefit for such employees by placing their overtime pay on par with that of criminal investigators, it fails to mention that the provisions would not grant *basic pay* parity, leaving Border Patrol agents one to two grades (\$7,777 to \$16,659 per year) behind criminal investigators, and Detention Enforcement Officers even farther behind.

The current Administratively Uncontrollable Overtime (AUO) system is designed to compensate Border Patrol employees for all unscheduled overtime hours worked, and is paid at a rate of 25% of basic pay (assuming an employee averages 9 or more hours of AUO per week). This is augmented by Fair Labor Standards Act (FLSA) overtime, which roughly makes up the difference between the 25% and time and one-half. Overtime payments under the FLSA help reduce incentives for agencies to force employees to work large amounts of overtime by requiring them to fairly compensate employees for all overtime hours worked.

The proposed Law Enforcement Availability (LEA) overtime is also 25% of basic pay, and is designed to compensate employees for 2 hours of overtime per day, but provides absolutely no compensation for hours in excess of that amount. Under LEA, all overtime hours that are not scheduled in advance of the administrative workweek are considered unscheduled overtime. Unlike AUO, LEA allows agencies to *schedule* overtime that is within their administrative control. Even those overtime hours that are scheduled in advance of the administrative workweek under LEA are paid at a rate far below time and one-half, as such overtime payments are limited by statute at time and one-half the rate of a GS-10 step 1 (unless it would cause the employee to be compensated at less than their hourly rate of pay, in which case they are compensated at their hourly rate.) For employees receiving AUO, FLSA roughly makes up the difference between this amount and true time and one-half.

The proposed Special Salary Rate of about 10% would only result in parity with the current compensation of employees if they work 10 or fewer hours of overtime per week. Employees who work more than 10 hours of overtime per week would receive less money than they currently receive for working such hours. Most Border Patrol law enforcement personnel in fact currently work more than 10 hours of overtime per week. It is also

important to note that the Special Salary Rates would not apply to GS-12 Border Patrol pilots or to Detention Enforcement Officers at any pay grade. These employees would receive thousands of dollars less each year, yet would be required to work more overtime hours.

Furthermore, unless the Attorney General raises the Special Salary Rates every year by an amount equal to the locality increases received by other employees, Border Patrol employees receiving such pay would lose money, as employees can only receive the greater of a Special Salary Rate or locality pay increase, but not both. In light of the fact that the I&NS and Attorney General have failed and refused to provide a foreign language bonus of 5% to Border Patrol employees since the passage of the Federal Law Enforcement Pay Reform Act of 1990, it is highly unlikely that the Attorney General would provide annual Special Salary Rate increases.

It can readily be seen that the proposed overtime compensation system would provide a major incentive to managers to force employees to work large amounts of overtime. In fact, since the passage of the original LEA statute, Criminal Investigators assigned to the Border Patrol have seen a marked increase in the number of overtime hours they actually work, in addition to countless hours they are required to be available for work.

Foreign Language Differentials

Although the Federal Law Enforcement Pay Reform Act of 1990 (P.L. 101-105) authorized agencies to pay a foreign language differential of up to five percent of basic pay to any law enforcement officer who possesses and makes substantial use of one or more foreign languages in the performance of official duties, the I&NS continues to refuse to pay its employees for such skills. It should therefore be compelled to include such payments in its budget. Foreign language award payments should be directed to be included with regular

salary payments on a bi-weekly basis in order to ensure that the money is not diverted to other purposes.

Disciplinary Actions

The provision authorizing and directing the Attorney General to impose disciplinary action pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation for certain violations should not be applied to bargaining unit employees, who are covered under the Civil Service Reform Act of 1978. In this regard, it is noteworthy that the I&NS' proposed implementation of such policy for the current fiscal year excludes members of the Senior Executive Service, the very group whose actions gave rise to this language. Moreover, the proposed implementation also defines "department leadership" to include all members of the Senior Executive Service within the I&NS, which includes numerous field managers.

Transfer of Funds Between Programs

The proposal to allow the Attorney General to transfer funds between the "Enforcement and Border Affairs" and "Citizenship and Benefits, Immigration Support and Program Direction" programs is ill-advised, and should be eliminated.

Overtime Limitations

The National Border Patrol Council supports the proposal to leave the annual overtime cap at \$30,000, but allow for exceptions in circumstances where the Commissioner determines that enforcing the overtime cap would harm enforcement or service activities.

Vehicles

The National Border Patrol Council also supports the proposal to allow the use of funds without limitation (within the limits of the Enforcement and Border Affairs

appropriation) for equipping, maintaining, and making improvements to the infrastructure and the purchase of vehicles for police-type use.

Facilities

The \$51 million proposed for construction, repair, renovation and maintenance of Border Patrol facilities is inadequate, as many of the existing facilities were only designed to accommodate a fraction of the employees currently assigned to such offices.

Percentage of Supervisors

The I&NS continues to ignore the recommendation of the National Performance Review to reduce by half the percentage of its employees who are supervisors, and intends to expend significant amounts of money hiring large numbers of additional supervisors. This wasteful plan will considerably decrease the number of personnel available to actually enforce our nation's immigration laws. Accordingly, the I&NS should be directed to comply with the aforementioned recommendation.

**Investing in Indian Nations:
Building Tribal Self-Government and Economic Development**

**Prepared Statement on the FY2001 President's Budget Request
for Federal Indian Programs
to the House Appropriations Subcommittee on Commerce, Justice, State,
and Judiciary**

**Susan Masten, President
National Congress of American Indians**

March 24, 2000

I. INTRODUCTION

Good morning Chairman Rogers, Vice-Chairman Mollohan and distinguished members of the Appropriations Subcommittee on Commerce, Justice, State, and Judiciary. Thank you for the opportunity to present testimony regarding the President's Budget Request for Fiscal Year (FY) 2001 Indian programs and services in the Departments of Commerce and Justice. My name is Susan Masten. I am President of the National Congress of American Indians (NCAI) and Chair of the Yurok Tribe of Northern California.

The member tribal governments of NCAI are encouraged about this year's budget process. For the first time in a generation, the President has proposed a significant increase in the budget for programs that assist Indian people and Indian tribes. If preserved through the appropriations process, more than \$1.2 billion more will be provided to Indian programs. This commitment will better serve Indian communities and take a big step toward honoring the federal government's treaty and trust obligations to Indian nations. The news is out in Indian Country: this year the President is committed to meeting the acute needs in our communities.

NCAI urges Congress to increase the investment in Indian programs and tribal government infrastructure. We believe that the President's FY2001 budget request has taken a positive step in that direction. The following testimony provides NCAI's viewpoint on sections of the budget that are most critical to tribal governments in the Departments of Commerce and Justice.

II. DEPARTMENT OF COMMERCE

1. Minority Business Development Agency

For FY2001, the President's proposed budget includes an increase of \$500,000 over the

FY2000 budget of \$27.2 million for the expansion of the Phoenix Database. Unfortunately, Business Development Center funding was not requested in the FY2001 budget. Providing technology to minority business is essential, however Indian Country still faces the major disadvantage of the digital divide. Many of the businesses located on reservations are still in infant stages and need assistance with business plans and start up capital. Until the digital divide is bridged in Indian Country, existing Indian businesses and future start ups will not benefit from the Internet based programs and services the MBDA offers.

If the MBDA continues to increase its digitally-based business development services without providing the basic technical assistance that Native American businesses require, Native American businesses will continually be left behind. Therefore, NCAI continues to request additional funding for the MBDA to create additional NABDC which have operated at the same level of funding since 1987, despite an increase and growing need for tribal business assistance. In the last four fiscal years, congressional appropriations for the MBDA have been significantly reduced and threatened with total defunding.

2. Small Business Administration

In FY2000, NCAI requested funding for additional TBICs but none were appropriated. This year in the President's proposed budget, \$1.5 million is requested to fund operations of the existing 17 TBIC's over the zeroed out budget for FY2000. NCAI supports the Administrations request to continue operations of the existing TBIC's, but again requests funds for the establishment of additional TBICs.

In FY2001, the President has the first time proposed a request for \$3 million out of the proposed \$85 million SBDC budget to establish a Native American Small Business Development Center (NASBDC) network. This network will focus on providing assistance to Indian reservations. The establishment of a NASBDC would provide needed training; counseling, and technical assistance that the SBDC has historically failed to provide to Indian Country. NCAI supports this request and believes that it would provide the assistance that many Indian small businesses need to develop self-sufficiency.

Within the President's FY2001 SBA request of \$6.6 million, \$1.25 million has been specifically earmarked to serve Indian Country. NCAI supports this earmark and firmly believes that this type of program will continue to create interest from non-Indian business to invest and support new business in Indian Country.

In FY2000, \$3.1 million was appropriated to open four One-Stop Capital Shop (OSCS). Currently there are 18 OSCS in operation. In FY2001, the President is requesting an additional \$10 million to open 17 more locations which will provide coverage of all 31 EZ locations. The President's proposed budget also requests the establishment of 10 new EZ locations. NCAI supports this request and advocates for additional tribes to obtain the EZ status.

This year, the President's FY2001 proposed budget requests \$51.7 million to match equity investments and technical assistance funds to finance the 10-20 New Market Capital organizations. NCAI supports this program and proposed funding level and strongly urges language to be inserted for the specific assistance of Native American businesses.

For the Community Development Financial Institutions Fund (CDFI), the President's proposed budget requests \$125 million, an increase of \$30 million over FY2000 funding. For the first time, the President has requested a \$5 million set aside to establish a training and technical assistance program that is focused on eliminating barriers to capital access for Native Americans. NCAI supports this set aside and hopes that more financial institutions will become incubators to serve and develop Native American banking institutions.

3. National Telecommunications and Information Administration

In order to bridge the digital divide, the National Telecommunications and Information Administration (NTIA) has requested an increase of \$29.5 million for its Technology Opportunities Program (TOP). As the development of economic opportunities in Indian Country moves forward, NTIA and TOP are playing a significant role in the establishment of the information superhighway in tribal communities. Since the programs inception over 20 tribes or tribal organizations have received funding. NCAI supports the proposed increased funding level and believes that through the TOP program, tribes themselves can participate actively in bridging the digital divide.

In FY2000, \$24.7 million was allocated to the Public Telecommunications Facilities Program (PTFP). This year, the President is requesting in the proposed budget an increase of \$81.3 million bringing the total request to \$106 million. PTFP has assisted in the delivery of public radio and television to Indian Country. NCAI supports the President's FY2001 request to promote tribal telecommunications and economic development opportunities throughout this nation's rural and disadvantaged tribal communities.

III. DEPARTMENT OF JUSTICE

In his FY2001 budget proposal, the President makes a major commitment to improve law enforcement in Indian Country by requesting \$173 million to fund the "multi-year" joint DOJ and Department of Interior (DOI) initiative to fight crime and bolster judicial systems in Indian Country. The \$81.8 million in new and redirected DOJ funding and the \$18.8 million in additional DOI law enforcement funding will go far in addressing the current public safety crisis on tribal lands. NCAI fully endorses the Administration's commitment to increasing the number of police officers and improving the quality of detention facilities in Indian Country.

Within the DOJ, the Office of Tribal Justice (OTJ) and the Office of Justice Programs both

serve Indian Country in many ways, most notably, through the multitude of grant programs that have recently been extended to tribal governments. These grant programs cover areas such as Corrections Programs, Drug Courts, Violence Against Women, Domestic Violence, Child Victimization Enforcement, and Juvenile Justice and Delinquency Prevention, just to name a few. Although some discretionary grant programs provide funding for tribal needs, such as the STOP Violence Against Women Discretionary Grant Program's four percent set aside for tribes and tribal organizations, there are many other programs that do not. We seek support from this Subcommittee in obtaining similar direct funding initiatives for all programs that have a significant impact on tribal governments.

Further, we request the Subcommittee to support the President's FY2001 budget request of \$932,000 to make the Office of Tribal Justice (OTJ) a permanent office within the Justice Department. Since 1995, OTJ has had notable success in promoting government-to-government relations and has gained wide acceptance and support throughout the federal government and among tribes. It is critical that OTJ be made an independent component within the Justice Department because it has performs significant and wide-ranging responsibilities in Indian Country.

IV. CONCLUSION

Mr. Chairman, we urge the Congress to fulfill its fiduciary duty to American Indians and Alaska Natives and to uphold the trust responsibility, as well as preserve the Government-to-Government relationship with tribal governments, which includes the fulfillment of health, education and welfare needs of all Indian tribes in the United States. This responsibility should never be compromised or diminished because of any Congressional agenda or party platform. Tribes throughout the nation relinquished their lands as well as their rights to liberty and property in exchange for this trust responsibility. The President's FY2001 budget request acknowledges the fiduciary duty owed to tribes. We ask that the Congress maintain the federal trust responsibility to Indian Country and continue to aid tribes on our journey toward self-sufficiency. Thank you for allowing me to present for the record the National Congress of American Indians' comments regarding the President's FY2001 Budget request for the Departments of Commerce and Justice.

SEARCH*The National Consortium for Justice Information and Statistics*Kenneth E. Bischoff
ChairmanGary R. Cooper
Executive Director

March 24, 2000

Representative Harold Rogers, Chairman
 Subcommittee on the Departments of Commerce, Justice
 State, the Judiciary and Related Agencies
 Committee on Appropriations, H-128, The Capitol
 Washington, D.C. 20515

Dear Chairman Rogers:

The Membership Group of SEARCH submits this testimony seeking appropriation support for our National Technical Assistance and Training Program in the Fiscal Year 2001 Byrne discretionary program appropriation for the Bureau of Justice Assistance (BJA), U.S. Department of Justice. The National Technical Assistance and Training Program received an appropriations earmark in FY 2000 in the amount of \$1.5 million. We respectfully submit this testimony to request funding at the \$2.0 million level for FY 2001.

SEARCH is a nonprofit criminal justice organization governed by a Membership Group comprised of one gubernatorial appointee from each of the 50 states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands. For over 30 years, we have dedicated our efforts to assisting state and local justice agencies combat crime and administer justice through the effective and responsible use of information and identification technologies.

SEARCH's National Technical Assistance and Training Program is unique — it provides no-cost assistance to all components of the state and local criminal justice system with respect to the development, operation, improvement and/or integration of all types of justice information systems. This significant program not only helps state and local agencies work more efficiently and effectively through the use of advanced information technology, but it also creates the foundation for a national information infrastructure for justice systems.

SEARCH is experiencing an explosive growth in demand for the program. In calendar year 1999, we provided a 30 percent increase in the number of technical assistance efforts as compared to 1998. We expect to experience at least an *additional* 30 percent increase in technical assistance provided in 2000. There are a number of reasons for this demand, including the success of grant programs such as the Edward Byrne Memorial State and Local Law Enforcement Assistance Program and the Local Law Enforcement Block Grant Program, which have provided seed money for justice

*National Technical Assistance
and Training Program
March 24, 2000*

information systems automation and integration. Also impacting the demand for SEARCH technical assistance and training services is the critical need of the nation's criminal justice agencies to share complete and accurate information quickly, which is manifested in their efforts to integrate and connect justice information systems.

We want to commend BJA and its fine, professional staff. Working in partnership with SEARCH, BJA has provided strong, national leadership to create opportunities for information systems training and technical assistance for state and local criminal justice officials.

Because SEARCH's Technical Assistance and Training Program is national in scope, SEARCH is able to replicate successful computer implementation strategies in one state or locality and disseminate and transfer those strategies to other states and localities. SEARCH is also able to provide its assistance in a manner that promotes the interstate compatibility of criminal justice information systems. The beneficiaries are many: numerous state and local criminal justice agencies throughout the nation; the Federal government, which is the largest single consumer of arrest and conviction and other criminal justice information; and the public.

This year, the National Technical Assistance and Training Program will:

- Provide on-site technical assistance to scores of state and local criminal justice agencies;
- Provide technical assistance by telephone and via the Internet to officials from literally hundreds of criminal justice agencies in virtually every state in the union;
- Provide in-depth technical assistance at SEARCH's National Criminal Justice Computer Laboratory and Training Center to representatives from state and local criminal justice agencies;
- Provide training to more than 2,000 criminal justice officials nationally on computer technology issues with a criminal justice application; and
- Continue to develop and publish practical criminal justice information system technical bulletins and reference guides.

SEARCH's information support program for state and local criminal justice agencies makes a unique and vital contribution. Through a comprehensive program of technical assistance and training, SEARCH facilitates the operation of the criminal justice system in a cost-effective, efficient and fair manner.

*National Technical Assistance
and Training Program
March 24, 2000*

Benefits of the National Program

SEARCH's National Technical Assistance and Training Program:

- Facilitates the development and implementation of state-of-the-art computer and networking capabilities among state and local criminal justice agencies with an emphasis on compatibility throughout the nation.
- Improves the accuracy, completeness and reliability of arrest, conviction and other criminal justice information.
- Increases the information capabilities of criminal justice agencies, particularly small- and medium-sized agencies that often lack financial resources and specialized computer personnel to operate computer systems in a cost-efficient and effective manner.
- Improves the information system proficiency of criminal justice officials, resulting in a nationwide cadre of law enforcement officials trained in microcomputer technology and its application to law enforcement.
- Provides assistance and training based upon a national perspective and strategy that promotes a consistent nationwide approach to managing criminal justice information and integrating information systems. A nationwide approach is essential because the processing of individuals and cases through the justice system depends on the sharing of information among scores of agencies.
- Facilitates the effective and targeted expenditures of other federal justice assistance monies.
- Leverages state and local monies. Services provided by the Program act as "seed" monies, establishing a foundation that the state and local monies then build upon.
- Identifies state and local criminal justice information management problems nationwide, and develops solutions that benefit individual agencies and promote compatibility and consistency with other state, local and federal systems.
- Replicates and disseminates successful information management strategies on a national basis, emphasizing the efficient and timely sharing of high-quality information, thus improving the effectiveness of the administration of justice.
- Provides assistance and training to improve criminal justice information system security and reduce vulnerability to cybercrime.

SEARCH's National Technical Assistance and Training Program assists agencies in developing the information resources that are critical to the reliable and timely identification of suspects and offenders; the effective prosecution and adjudication of offenders, including drug-related offenders; the efficient use of criminal justice resources; and the production of comprehensive and compatible criminal justice statistics and research information. The program also provides essential infrastructure support to targeted block and discretionary grant anti-crime and anti-drug initiatives.

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Technical Assistance Program

SEARCH provides technical assistance via written correspondence, telephone consultations, electronic mail, and/or through an Internet Web site. When the needs of agencies require, SEARCH provides technical assistance on-site or at its National Criminal Justice Computer Laboratory and Training Center in Sacramento, California.

— In-house Technical Assistance

SEARCH's program of in-house technical assistance provides access to a unique, centralized source of data about information management systems and related technologies that would otherwise be beyond the reach of most criminal justice agencies, in particular, small- and medium-sized agencies. Simply by placing a telephone call or sending electronic mail, state and local criminal justice agencies have immediate access to the specialized knowledge of SEARCH's professional staff. Under FY 2000 funding, SEARCH will respond to hundreds of telephone calls and e-mails requesting technical assistance. The nature and scope of in-house technical assistance varies considerably, but can involve the following: providing technical consultations on the planning, implementation or operation of automated systems, such as network configurations, software installations and technical innovations; conducting in-depth research; making referrals to other appropriate resource providers; and answering questions on a wide range of topics related to justice automation.

SEARCH has also taken advantage of the Internet to expand the reach of its technical assistance program to justice agencies. SEARCH's Web sites are specifically designed so that justice agencies can immediately access information on a variety of technical issues related to justice information management. The Web sites offer virtual libraries of information to justice practitioners, including published articles, documents and white papers; references to other justice agencies using particular technologies; interactive discussion forums where practitioners can share information with peers and experts on particular technologies; databases of technology acquisition documents such as requests for proposals; and links to other justice technology resources and information.

— On-site Technical Assistance

The Technical Assistance Program provides on-site assistance to agencies throughout the nation that are predominantly nonautomated or lagging in automation, or that have special needs in automating their information systems. Priority for technical assistance is given to block grant recipients and, among them, to grantees planning for and/or implementing multijurisdictional or statewide information systems. Since the program's inception, SEARCH has provided technical assistance to scores of agencies in every state, representing all components of the criminal justice system. The majority of technical assistance is completed within one month, consists of site visit(s) by staff, and concludes with the issuance of a formal report setting forth findings and recommendations.

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— *Selected Examples of Assistance*

The following illustrates just a few examples of SEARCH technical assistance in the past year and the broad range of agencies receiving assistance.

Kentucky. SEARCH is working with state agencies in Kentucky on planning for statewide integrated justice information systems. At the request of Kentucky's Chief Information Officer and state justice officials, SEARCH met with the Uniform Criminal Justice Information System Committee to develop the concept for statewide integrated justice systems and is establishing project "next steps." At the local level, SEARCH provided information to the Jefferson County and Louisville police departments regarding their efforts to plan for a new records management information system that is integrated between the departments and with other city and county agencies. Staff also provided guidance to the State Police on Internet crime investigation issues.

Arizona. In a regional integration effort, SEARCH provided on-site assistance to Maricopa County's Integrated Justice and Law Enforcement System Initiative, which was in its early planning and development stages. SEARCH participated in planning meetings with the county's Provisional Board of Directors and Business Integration Team. SEARCH also facilitated a meeting of a statewide group that is in the early stages of state- and local-level integration systems planning and development. Representatives of Maricopa County, the state Government Information Technology Agency, the state Administrative Office of the Courts, and the Phoenix Police Department attended. At the local level, SEARCH assisted the Phoenix Police Department on issues relating to conducting a data quality and technology needs assessment; the department wants to use operational information to target high-crime areas. SEARCH was asked to help develop a strategy to improve the accuracy, completeness, accessibility and reliability of the department's information.

California. SEARCH has worked with numerous agencies in California over the course of the last year, and is working on several long-term assistance efforts, including regional integration plans. SEARCH is working with the City of Sacramento and Sacramento County to integrate their automated systems; the effort involves working with the Sacramento Criminal Justice Cabinet, Office of Information Technology, county CIO's office, courts, and the sheriff's and probation departments. SEARCH also worked with law enforcement officials from Sacramento and Placer counties to determine the feasibility of sharing law enforcement information; this involved facilitating meetings of county committees working to define the mission, goals, objectives and functional requirements for the regional information-sharing system, which will include records management, computer-aided dispatch, fingerprint, mugshot and mobile data applications. Other on-site assistances were provided to the Glenn County Sheriff's Office to assist in systems implementation issues; to the Stanislaus County Sheriff's Department to assist in developing a high-tech crime-fighting task force; to the San Diego Community

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College District Police Department to assist in new information systems planning and integration issues; and to a substation of the Sacramento County Sheriff's Department to assist with software issues.

Shorter-term assistances were provided to more than 75 local and state justice agencies on a variety of issues relating to justice technology; there were nearly 30 separate assistances to 19 agencies in the Southern California region alone. Five dozen investigators from city and county justice agencies in the greater Los Angeles area also attended weeklong training courses on investigating Internet crimes.

Florida. SEARCH assisted a variety of agencies in Florida with technology-related problems and issues. The Cape Coral Police Department sought help in the proper procedures for seizing and examining a microcomputer used in the commission of a crime. SEARCH helped the Sebastian Police Department resolve incompatibility problems it was having in newly installed hardware and software products. The Jacksonville County Sheriff's Department requested that SEARCH review the operational and technical specifications for a new jail information management and inmate classification system it is considering. Staff reviewed the documents, interviewed jail staff, and made recommendations regarding system specifications and key features. The 19th District U.S. Court of Appeals, located in Tampa, sought help in investigating and reacting to a computer infection. SEARCH made a presentation on economic fraud issues to a district attorneys' group meeting in Orlando. And SEARCH provided advice and direction on email tracing issues to the Tampa Police Department and the FBI's Tampa Field Office.

Iowa. SEARCH is working with the State of Iowa on its project to integrate the justice information systems throughout the state. The project involves the courts, public safety and the Department of Corrections.

New York. SEARCH has been a resource at both the local and state levels, and has provided assistance to: the Suffolk County Sheriff's Department on Internet child pornography issues; the New York Police Department with email tracing issues; and the State Division of Criminal Justice Services with information on criminal justice use of the Internet for distance learning applications. A SEARCH training course, "The Investigation of Computer Crime," was held twice — in Rome and in New York City — and was attended by over five dozen law enforcement investigators from throughout the state.

North Carolina. SEARCH helped Charlotte-Mecklenburg County with the regional integration of its justice information systems. During an on-site visit, SEARCH staff reviewed a variety of comprehensive documents prepared by the county, including a needs assessment, functional requirements, and business process documents. SEARCH made recommendations on the content and direction of these studies.

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Ohio. SEARCH provided assistance to the Asheville County Sheriff's Office with a case involving Internet commerce and fraud issues. A SEARCH training course, "The Investigation of Computer Crime," was held in Cleveland, and was attended by 35 law enforcement investigators from throughout the state.

Tennessee. SEARCH assisted the Tennessee Department of Corrections by providing information on the use of biometric technology — such as retinal and iris scanning — and single-print identifiers as a means to identify visitors entering the state's correctional institutions. SEARCH also helped the Tennessee District Public Defenders Conference by providing information on information systems standards and advice on how to plan for and implement integrated justice information systems.

West Virginia. Representatives of the West Virginia State Police and Department of Corrections received SEARCH training on strategies for successfully planning and implementing integrated justice information systems.

— *Integration Technical Assistance*

There is a pressing need to provide more extensive, long-term technical assistance to states and/or agencies within states to address the technically complex and sophisticated planning, design and implementation issues associated with developing integrated or consolidated information systems within and among justice agencies; and to assist these jurisdictions in developing state-, county- or citywide plans for justice information systems and technology and improvements in criminal records.

In response, SEARCH provides a limited number of agencies with technical support for extended periods of time, including multiple on-site visits, research and, oftentimes, complementary training sessions. During such a project, SEARCH often works with a variety of justice agencies, including police departments, courts, and prosecutor, probation, parole, corrections and other case management agencies. In our experience, this type of project often produces knowledge and products suitable for transfer to other jurisdictions. Indeed, the vast majority of SEARCH's on-site technical assistance is multijurisdictional in scope.

This type of on-site assistance typically involves helping a state or agency establish an automated justice information system; evaluate and plan for statewide integration of existing automated justice information systems; or enhance, expand or implement a computerized criminal history repository program.

SEARCH is providing long-term technical assistance to agencies in Arkansas, Hawaii, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, Texas, Virginia and Wisconsin and, as previously noted, in Arizona, California, Iowa, Kentucky and North Carolina. This assistance specifically focuses on the integration of justice information systems at the state and regional levels. In FY 2001, SEARCH expects to provide on-site technical assistance to more than 40 criminal justice agencies.

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National Training Program

Since its inception, SEARCH's National Technical Assistance and Training Program has trained more than 22,500 criminal justice officials, representing every state in the union, in the use of computers and other information technologies. In FY 2000, SEARCH will train more than 2,000 state and local criminal justice officials across the nation, whether on-site at agencies; at SEARCH's National Criminal Justice Computer Laboratory and Training Center in Sacramento, California; or at training conferences nationwide.

SEARCH's Training Center in Sacramento serves as a hands-on resource for criminal justice practitioners to learn about and evaluate computer technology. The Center is configured with 20 microcomputers using various operating systems and is equipped with state-of-the-art training technology. It is critical that this technology be maintained and updated on a regular basis. In addition, in Spring 2000, SEARCH will implement a mobile training center that uses a variety of laptops and other mobile equipment to provide our training at more sites nationally.

Training sessions are customarily three to five days in length and are normally limited to 25 students, thus affording a high instructor-to-student ratio. Courses focus on the development, use and implementation of information technology in justice agencies, including such topics as investigating computer crime; techniques for seizing and examining microcomputers as evidence; and conducting Internet crime investigations (both introductory and advanced courses). During FY 2000, SEARCH developed two new courses: The Investigation of On-line Child Exploitation and Basic Local Area Network Investigation.

SEARCH training in a particular state attracts participants from various state, federal and local agencies; often, agencies in neighboring states attend. Staff from justice agencies in Arizona, California, Florida, Iowa, New York, North Carolina and Ohio were among those who attended our training this fiscal year. SEARCH conducted our "Investigation of Computer Crime" course on-site in a number of states, including Rome, New York; New York, New York; and Cleveland, Ohio. The course instructs participants on how to properly investigate and prosecute crimes involving the use of a computer, such as espionage, narcotics trafficking, gambling, telecommunications fraud and child pornography. SEARCH also conducted our "Introduction to Internet Crime Investigations" course in Norwalk, California, twice; this course trained more than five dozen investigators representing city and county justice agencies throughout the greater Los Angeles area. In this course, investigators learn the basic techniques for successfully cracking Internet-based crime such as child exploitation and computer intrusions.

In addition, in FY 2000, SEARCH held a first-of-its-kind combined technical assistance/training exercise for attendees of an "Advanced Internet Investigations" training course. During the exercise, attendees undertook a full penetration attack to

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test the security of a large state automated justice system. The purpose was two-fold: to train attendees on Internet investigative techniques, and to document any security weaknesses discovered during the test, which would then be reported to the host agency. Representatives of justice agencies in San Diego, Long Beach, Modesto and Los Angeles, California, and Tallahassee and Sarasota, Florida, attended the training.

National Cybercrime Training Partnership

During the past four years, the Computer Crime Unit of the U.S. Department of Justice, in conjunction with the National White Collar Crime Center, has conducted a federal-level project to define how to best train and equip the nation's criminal justice investigators and prosecutors to deal with computer crime in the information age. The organizing agencies invited SEARCH and other key justice agency training organizations to participate in a series of meetings to discuss the mission and functional objectives of computer crime training for state and local justice practitioners.

The Partnership continues to identify needs; develop new, advanced training courses; and set standards for national justice training courses in the area of curbing computer crime. Other organizations in the group with which SEARCH works include: the U.S. Department of Defense, Drug Enforcement Administration, Federal Bureau of Investigation, Federal Law Enforcement Training Center, National Security Agency, U.S. Postal Service, U.S. Secret Service, Canadian Police College, Forensic Association of Computer Technologists, National Aeronautics and Space Administration, National Association of Attorneys General, National College of District Attorneys, International Association of Chiefs of Police, and the International Association of Computer Investigative Specialists.

Technical Assistance and Training Program Materials

SEARCH's National Technical Assistance and Training Program also includes the preparation, publication and national dissemination of materials and reports that assist criminal justice agencies in acquiring and using computers and other information technology. SEARCH publishes *Technical Bulletins* that identify and evaluate information systems and technologies that have existing or potential application in criminal justice management. The *Bulletins* are a vital resource for criminal justice practitioners who receive them and help to identify and encourage potential markets for private sector development. The *Bulletins* are mailed to more than 2,000 criminal justice practitioners, and are also made available electronically via the Internet.

Other types of SEARCH technical publications have included reports on such topical issues as: countywide justice integration, the implementation of the FBI's Integrated Automated Fingerprint Identification System (IAFIS); biometric technologies; directories that identify existing information systems for potential transfer; program briefs, which guide agencies in implementing automated systems; and comprehensive documentation for SEARCH-authored public domain software.

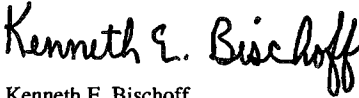
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Conclusion

Without question, federal support for the National Technical Assistance and Training Program makes a vital contribution to the war on crime. For a modest federal investment, leveraged many times over by state and local funds, a critical contribution is made to the ability of state and local criminal justice agencies to provide — and to share — timely, accurate and compatible information for use in apprehending, prosecuting and sentencing offenders.

Accordingly, we respectfully request that the Subcommittee act to ensure Fiscal Year 2001 funding of SEARCH's National Technical Assistance and Training Program. We thank you, Mr. Chairman, the members of your Subcommittee and the Subcommittee staff for your continued support.

Respectfully,

A handwritten signature in black ink that reads "Kenneth E. Bischoff". The signature is written in a cursive, flowing style.

Kenneth E. Bischoff
Director, Administrative Services
Alaska Department of Public Safety
Chairman, SEARCH Board of Directors

NATIONAL, COORDINATED LAW-RELATED EDUCATION PROGRAM

A Non-Profit Coordinated National Consortium to Foster Citizenship and Reduce Juvenile Delinquency

March 29, 2000

*Lee Arbetman
Coordinator*

Representative Harold Rogers, Chairman
Subcommittee on the Departments of Commerce, Justice, and State, the Judiciary,
and Related Agencies
Committee on Appropriations, H-218, The Capitol
Washington, D.C. 20515

Dear Mr. Chairman:

I am Lee Arbetman, the Coordinator of the National, Coordinated Law-Related Education Program. I am submitting this testimony on behalf of Youth for Justice, the National, Coordinated Law-Related Education Program (LRE). We respectfully request the Subcommittee's appropriations support for Fiscal Year 2001 at a level of \$1.9 million, the same level of funding that LRE received for FY 2000.

LRE/Youth for Justice is committed to involving young people in each state directly in identifying and implementing solutions to this nation's epidemic of violence. The program's approach is to teach young people about the law so that they can lead their lives within the law. In the last decade, the National Program has reached millions of at-risk children and trained thousands of teachers, juvenile justice counselors and law enforcement officials.

Law-Related Education, despite its name, has nothing whatsoever to do with legal or pre-legal training. The National, Coordinated Law-Related Education Program has a proven record of success in juvenile delinquency and violence prevention. Law-related lessons reach at-risk children and juvenile offenders in school and juvenile justice settings in both urban and rural

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environments. Youth for Justice meets its goals by developing and maintaining strong, viable LRE centers in each state. The National Program leverages a tiny federal investment, \$1.9 million in Fiscal Year 2000, many times over in private sector and state and local money and in in-kind support from the criminal justice and juvenile justice communities.

The program has two components. The first component of the program is INTERVENTION. This part of the program operates primarily in various kinds of juvenile justice facilities. In settings ranging from detention centers to training schools and after-care, Law-Related Education Programs help youth develop problem-solving, conflict resolution, and communication skills in the context of engaging lessons that focus on personal responsibility.

The second component, PREVENTION, operates primarily in elementary and secondary schools. When you visit a school involved in this program, you are very likely to see a teacher, a judge, a lawyer, the town's police chief, a law student or a probation officer working with a class of students. In some of the best Youth for Justice classrooms, police officers co-teach with classroom teachers on a daily basis.

The State of Kentucky is a national leader in the adoption of LRE programs. During the last fiscal year, approximately 89,500 juveniles from the Kentucky juvenile justice system and the Kentucky school system participated in LRE programs. Of the approximately 46,000 juveniles entering the Kentucky juvenile justice system during the last fiscal year, half of those juveniles participated in Law-Related Education programs. In addition, every judicial district in Kentucky has a fully operational LRE court diversion program.

California also has a very active mock trial program. The California Mock Trial competition takes place in 32 California counties and involves 350 high schools and over 7,500

students. In Los Angeles County, 98 secondary schools, many from the central city, participate in the largest single county competition. In addition, nearly 50 Los Angeles County high schools will send delegations to a youth summit in May, to be held on the campus of Occidental College, for the purpose of identifying key issues facing America that are of concern to youth. Classroom materials on issues of law and justice are also distributed to every secondary school social studies department four times each school year.

North Carolina's Students Against Violence Everywhere (S.A.V.E.) program has 446 elementary, middle and high school chapters involving 44,226 students. S.A.V.E. chapters participated in a statewide Youth for Justice Youth Summit in April, 1999 where students discussed what they had done and what may be done in the future to prevent violence.

The Ohio Center for Law-Related Education (OCLRE) coordinates the Ohio LRE program including the Ohio high school Mock Trial Program. Ohio's Mock Trial Program is the second largest competition in the state. OCLRE is also developing a middle school mock trial program. Another major student-oriented program is Youth for Justice. This program gives over 1,600 middle school students the opportunity to conduct a violence prevention program in their communities and showcase their work to their peers, Ohio policymakers, legislators, and business and community leaders at the Youth Summit each Spring. This year, the Youth Summit will be held on April 11th.

In West Virginia, lawyers, teachers, judges, and police work closely together through the state's Law-Related Education program to teach young people about their rights and responsibilities under the law. For the past couple of years, West Virginia has held a Youth Against Violence Summit. Hundreds of students from throughout the state have participated in this

excellent program. Last Spring, two Youth Summits were held in West Virginia.

Mr. Chairman, thanks to the continued commitment of this Subcommittee, Youth for Justice, the National, Coordinated Law-Related Education Program has built a vital, cost effective program serving the needs of youth throughout our nation. This program:

- Involves young people in every state in identifying and implementing solutions to the nation's epidemic of violence;
- Promotes research-based educational programs that strive for safe, disciplined and drug-free schools and communities;
- Teaches young people acceptable ways to resolve conflicts;
- Fosters constructive attitudes towards authority figures, such as parents, teachers and police officers;
- Provides young people with meaningful opportunities to serve their communities;
- Promotes understanding of and reasoned commitment to the rule of law along with tolerance for varied points of view in a free and diverse society; and
- Helps young people understand the democratic process and develop the critical thinking, decision-making, and problem solving skills to enable their full participation in that process.

LRE/Youth for Justice uses technology as a cost-effective way to expand its reach by providing up-to-date information to the LRE field. For example, LRE has posted a planning guide for its Youth Summits on the World Wide Web as well as free competition mock trials. The National LRE Program also provides technical assistance to state LRE centers to demonstrate how they can use technology to link teachers and community volunteers throughout

the state.

Youth for Justice is committed to providing leadership in the national effort to stop the outrage of violence committed by and perpetrated against this nation's youth. We have the capacity to involve young people directly in helping to identify and implement solutions. With the support of Congress, Youth for Justice is refocusing all programs to reflect the nation's growing concern about violence committed by and against young people in our schools and communities.

- Law-Related Education focuses on violence prevention. Last Spring, thousands of young people from both the school and juvenile justice settings again gathered with public officials to participate in Youth Summits designed to help develop public policy to help prevent violence by and against youth. During this fifth season of summits, thousands of young people are taking a close look at the problem of violence by and against youth.
- Law-Related Education is an extraordinarily effective prevention program, but it is also an extraordinarily effective **intervention** program - Law-Related Education reaches juvenile offenders in school settings as well as halfway houses, detention centers, and other non-school settings.
- While Law-Related Education targets at-risk children, it does so not just in urban settings but also in suburban and rural environments.

THE NATIONAL LAW-RELATED EDUCATION PROGRAM

The National, Coordinated Law-Related Education Program is comprised of five not-for-profit corporations, each of which is recognized nationally and internationally as a leader in the

field of law and civic education: The American Bar Association's Special Committee on Youth Education for Citizenship; the Center for Civic Education; the Constitutional Rights Foundation; Street Law, Inc.; and the Phi Alpha Delta Public Service Center. By combining their expertise and experience as teachers, school administrators, juvenile justice professionals, attorneys and professors, these five organizations have successfully administered a nationwide program in which they have:

- Established and maintained an effective network of delinquency prevention law and citizenship projects in all fifty states, the District of Columbia and Puerto Rico, so that accurate information and effective materials can be efficiently distributed and widely used without costly replication of research and development efforts;
- Provided training and technical assistance to the state projects in this network so that federal funding effectively leverages public and private funding appropriate to each state;
- Established innovative law and citizenship programs for at-risk youth in urban, rural and suburban communities;
- Developed and field-tested quality, research-based curricular materials for children - kindergarten through grade twelve - in public and private schools, juvenile detention centers, after-school programs and court-related diversion programs;
- Organized special initiatives on violence prevention, drug prevention, juvenile justice and urban education, publishing materials and sponsoring training events nationwide; and
- Mobilized thousands of volunteers with expertise in law, public policy, drug and alcohol abuse prevention, juvenile justice and other areas.

We at the National, Coordinated Law-Related Education Program acknowledge with pride the participation of dozens of organizations and thousands of individuals from the education, legal, law enforcement, judicial and juvenile justice fields. The Program has had assistance from the executive branch and strong bipartisan support in Congress for the outstanding delinquency prevention programs and materials it has developed and implemented.

In addition, it is a particular source of satisfaction to note that similar partnerships have been developed in most of the states participating in this network. A small amount of federal support has provided the impetus to attract funding from local organizations, agencies and foundations as well as large numbers of volunteer hours. One important goal of this Program is to continue to provide the support and technical assistance necessary to enable all of the states to build their own public/private partnership networks, effectively leveraging a small amount of federal assistance to build strong, well-funded local and state programs.

EVALUATIONS OF LAW-RELATED EDUCATION

For the past two decades, researchers have consistently reported that law-related curricula and instruction make a positive impact on youth, when compared with traditional approaches to teaching and learning law, civics and government.

The Office of Juvenile Justice and Delinquency Prevention has noted that evaluations of Law-Related Education Program have been "encouraging...confirming the previous findings that such education serves as a significant deterrent to delinquent behavior". Eighth Analysis and Evaluation of Federal Juvenile Delinquency Programs, U.S. Department of Justice, OJJDP, p. 60 (1985). The Twelfth Analysis and Evaluation of Federal Juvenile Delinquency Programs

published in 1988 similarly states, "[A] national study suggests that Law-Related Education, when properly implemented, can reduce the tendency to engage in delinquent behavior."

A 1993 study of a Law-Related Education diversion alternative in Kentucky's Designated Court Worker Program showed both improved perceptions of the police and a low recidivism rate (10.5% after one year).

A review of the research in Law-Related Education and related fields (including scholarly papers, dissertations, journal articles and book chapters) conducted by Dr. Jeffery W. Cornett and published on April 1, 1997 in monograph form concludes that LRE programs have a positive effect on student knowledge about law and legal processes, and about individual rights and responsibilities. In addition, the report concludes that there is evidence that LRE programs have a positive influence on student attitudes and behavior. Research studies indicate that effective LRE programs have improved juveniles' attitudes toward the justice system and toward authorities. Research findings also indicate a link between particular LRE programs and youth who, as a result of Law-Related Education, exhibit more law-abiding behavior and commit fewer delinquent acts.

In Santa Clara, California, the Fresh Lifelines for Youth (FLY) program, which incorporates Law-Related Education, Mentoring, and Social Needs Assessment, has been found in a 1999 survey to have a significant impact on the behaviors of at-risk youth. At-risk youth, ages 12-17, are referred to the program by a probation officer, juvenile court, school officials, or a neighborhood accountability board. The program strives to improve knowledge, problem-solving skills, attitudes, and behaviors. A recent evaluation of forty FLY participants found that the participants' negative behaviors decreased by 75% while their positive behaviors increased

by 32%. Participants' skills regarding problem solving, critical thinking, and managing conflict also significantly improved.

The National Program has a unique and remarkable record of achievement. Continued support for the National, Coordinated Law-Related Education Program is crucial for the following reasons:

- First, the federal government and, in particular, the Congress, has made a substantial investment over more than a decade in the creation of a National, Coordinated Law-Related Education network and infrastructure including coordinating organizations in every state.
- Second, only a national program will undertake national initiatives that benefit the entire country, such as national training; national technical assistance; state financial assistance; new program and curriculum development such as Law-Related Education's highly successful and acclaimed Youth Summits; and the replication of successful state programs and the avoidance of unsuccessful pilot programs.
- Third, federal money is seed money used to sustain a national program which raises approximately seven times the federal support through state legislative support, private donations and in-kind support.

For all of these reasons, the National, Coordinated Law-Related Education Program is seeking earmark support at the 1.9 million dollar level.

We thank you, Mr. Chairman and the members of this Subcommittee, for your support
;
over all these many years and we ask for your continued support.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'L. Arbetman', with a long horizontal flourish extending to the right.

Lee Arbetman, Coordinator
Street Law, Inc.
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**Statement of John A. Calhoun
President and CEO
National Crime Prevention Council**

**Submitted to the House Appropriations
Subcommittee on Commerce, Justice, State,
The Judiciary and Related Agencies**

March 31, 2000

**1700 K Street, NW
2nd Floor
Washington, DC 20006**

Thank you, Mr. Chairman and Members of the Subcommittee, for taking into consideration my testimony on behalf the National Crime Prevention Council (NCPC).

I am delighted to report to you that during the past year NCPC has assisted in many successful crime prevention initiatives that have helped to reduce crime across America to its lowest level in decades. Your investment in NCPC, the nation's focal point for crime prevention, has produced tremendous results.

A 501(c)(3) organization, NCPC is a public-private partnership, receiving approximately 60% of its operating resources from federal agencies and the remainder from individuals, foundations, and corporations.

The National Citizens' Crime Prevention Campaign -- conducted through a partnership among the National Crime Prevention Council, the Department of Justice's Bureau of Justice Assistance, and The Advertising Council, Inc. -- spurs citizen participation in crime prevention at the individual, family, and community levels. To do this, the Campaign spearheads a public service advertising campaign, provides technical assistance and training to citizen and law enforcement organizations throughout the nation, runs demonstration programs, and develops and distributes publications and materials. Our Campaign annually reaches tens of millions of Americans -- teachers, children, teens, parents, youth workers, police, elected officials, corporations, and foundations with crime prevention information that aims to spur individual and collective action.

NCPC serves as a crime prevention lab for the country, helping to test various ideas, such as Teens, Crime and the Community; Community Responses to Drug Abuse; Texas City Action Plan To Prevent Crime; and Comprehensive Community Planning, in 16 cities, the results of which we disseminate widely.

The Campaign operates in tough neighborhoods, mobilizes entire cities, and works with youth groups and in schools across the country. We communicate with all segments of the population using every possible vehicle, much of it featuring McGruff the Crime Dog®, to build capacity, helping to customize programs to meet community needs, and bolstering frameworks for local efforts. Our success over the last 20 years has been stunning as we have:

- conducted the single most successful public service advertising campaign in America's history (a record-setting \$128 million in donated advertising time and space in 1998; almost \$1 billion since the beginning);
- created what may be America's most recognized and trusted character/icon -- McGruff®;
- pioneered comprehensive neighborhood crime prevention strategies in crime-besieged neighborhoods (Community Responses to Drug Abuse, 1986; followed by trainings and technical assistance to Weed and Seed communities in 1999);
- developed new ways to communicate crime prevention information such as reproducibles (e.g., Crime Prevention Month Kit), the Web site, Topics in Crime Prevention series, nationwide mailings and much more;

- o expanded the original crime prevention coalition of state and national organizations (Crime Prevention Coalition of America) to include citywide and grass roots organization;•
- o leveraged contributions enormously - for every \$1.00 spent on media, NCPC has generated \$120 worth of free advertising; for every \$1.00 spent on publications, NCPC has generated roughly \$500 worth of material reprinted and disseminated by others;
- o pioneered novel approaches to the youth issue, namely, involving youth as partners in addressing social problems (Teens, Crime and the Community begun in 1985 and Youth as Resources in 1986); helped with the creation of Youth Service America and AmeriCorps.
- o administered an agency that has never been in the red, always passed annual audits, and received topmost "stars" for management from the prestigious National Charities Information Bureau;

We also completed and released in October the *1999 National Crime Prevention Survey* to help Americans learn how safe we believe we are, how much each of us is doing to prevent crime, and how much more each of us can do personally, in our neighborhoods and communities. Distributed to the over 10,000 local citizen and law enforcement organizations we work with each year, this survey offered an awareness of how crime prevention activities are benefiting communities across America, and with insights into areas which need heightened attention.

The 1999 Survey, the first of what will be an annual series of reports, produced startling results, including several findings that tell us that fear is pervasive:

- o One in eight of us is more fearful of walking in our neighborhood than a year ago. That's 26 million people.
- o One in five (nearly 50 million) of us curbed our activities during the past year because of fear of crime. This dangerous statistic means that millions of us were less involved, which could increase isolation and in turn increase crime.
- o More than three in ten people said violence was a major problem or something of a problem where they live, work and shop. That means 64 million people face some worry about violence in their everyday lives - ranging from fear to disquiet and unease.
- o A sobering one in four said gun violence is a problem in their neighborhoods.
- o Six in ten adults worry more this year than last about the safety of children.

The survey also documented the individual and collective action Americans take to prevent crime:

- o Many of us take fundamental precautions, but far too many of us simply do not do the basics, such as having sufficient lighting or protective devices in the home or always locking the car whether driving or parked.
- o When our kids get out of the elementary grades, we monitor their use of the Internet less closely though we talk to them more about the dangers.

- Though three in ten of us say we always ask other parents about gun and alcohol storage before letting our children visit their homes, an equal share say they never ask.
- About half of parents think bullying is no problem (or only a tiny one), but studies show that three out of four kids have been bullied at some time in their lives.
- In the neighborhood, 75% of us feel we can ask a neighbor to look after our homes if we're away. Two out of three of us can count on a neighbor to lend us money in an emergency or to run an errand for us if we're sick. But only half agree that they and neighbors work together to improve neighborhood conditions. So the more personal and passive interactions are more likely than the messier and harder work that takes more time.
- A heartening 23 % of us actively volunteer in programs that prevent crime. What is *most* heartening is that people broadened the definition of crime prevention to include, in addition to Neighborhood Watch, working with schools, youth groups, and church groups.
- One in five, or 44 million of us, don't volunteer simply because we don't know where to go or whom to call. Those of us in crime prevention have a challenge and a marvelous opportunity to reach out and enlist these folks.
- When asked to name one thing they could do to reduce crime, one third of the respondents (representing more than 66 million people) said they needed to become more active in the community. *This is incredible news!* Twenty years ago, even fifteen years ago, most of them would have said they needed to *protect themselves* more. While self-protection is important, ultimately, a healthy community, which requires a community of involved people, is the best antidote against crime.

In summary, Americans are more frightened where we live and work and shop, and we are much more scared about children's safety. A number of us need to work on crime prevention basics, although a majority of us seem to have gotten at least some of these messages. On the other hand, many are involved in crime prevention activities, including working with youth, and many more are willing to get involved.

With over two decades' experience in crime prevention, NCPC is both encouraged and challenged by the results of our first annual survey. Fear is too high, especially given declining crime rates. Yet the Council remains confident about the efficacy of our mission and work. As we continue to forge a nationwide commitment by people acting individually and together to prevent crime and build safer, more caring communities, we salute the millions of Americans who have helped make crime prevention a community and neighborhood priority, and we invite everyone else to join in.

In Fiscal Year 2000, the Campaign received \$4.3 million from the Bureau of Justice Assistance, which spurred crime prevention action by individuals, agencies, government entities, and policymakers at all levels across the nation. The demand keeps growing — recall the one third of those surveyed in "*Are We Safe*" said they needed to become more active in the neighborhood and community.

For Fiscal Year 2001, the Council requests an appropriation of \$4.5 million for the National Citizens' Crime Prevention Campaign. The additional \$200,000 will enable the Campaign

to meet enormous and ever-increasing demand from citizens, community groups, schools, and local law enforcement organizations for information on effective crime prevention practices for people and communities. We also request level funding -- \$1.25 million -- for the highly successful Teens, Crime, and the Community program.

Your investment is multiplied enormously -- as in past years we will continue to augment your federal support with funds raised from corporations, foundations, our board and other individuals and private foundations. Additionally, our licensees continue to risk their capital to put prevention messages into the hands of millions of Americans, and the royalties from licensed sales are invested in the McGruff "Take A Bite Out Of Crime" advertising campaign.

The answer to our survey's question "*Are We Safe*" is "not as safe as we *could* be and not as safe as we *will* be." We greatly appreciate the Subcommittee's recognition of the importance of sustaining our work. Finally, we encourage you to employ NCPC as a resource on crime issues pending before Congress and your constituents.

Again, on behalf of the National Crime Prevention Council, the National Citizens' Crime Prevention Campaign, the thousands of community and law enforcement organizations we work with, and the millions of individuals we reach each year, please accept my deepest gratitude for your ongoing recognition and support for our work on behalf of the American people.



NFCB

National Federation of Community Broadcasters

National Federation of Community Broadcasters

**Testimony of Carol Pierson
President and CEO**

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

Chairman, Harold Rogers

**Regarding the Fiscal Year 2001 Appropriations for the
Public Telecommunications Facilities Program**

March 24, 2000

**The National Federation of Community Broadcasters
Fort Mason Center, Building D, San Francisco, California 94123
Tel: 415 771-1160 Fax: 415 771-4343 E-mail: cpnfcb@aol.com**

**Testimony of Carol Pierson
President and CEO, National Federation of Community Broadcasters
March 24, 2000**

Thank you for providing me the opportunity to submit testimony to this Subcommittee regarding the appropriation for the Public Telecommunications Facilities Program (PTFP). As the President and CEO of the National Federation of Community Broadcasters I speak on behalf of 150 community radio stations across the country. NFCB is the sole national organization representing this group of stations which provide service in the smallest communities of this country as well as the largest metropolitan areas. Nearly half of our members are rural stations and half are minority controlled stations.

In summary, the points we wish to make to this Subcommittee are that NFCB:

- Supports funding for PTFP that will cover the on-going needs of public radio and television stations.
- Supports funding for conversion of public radio and television to digital broadcasting.
- Requests that the Subcommittee ensures that PTFP utilizes any digital funds it receives for radio as well as television needs.

Community radio supports \$110 million in funding for the Public Telecommunications Facilities Program in FY 2001. Federal support distributed through the PTFP is essential to continuing and expanding the public broadcasting service throughout the United States. It is particularly critical for rural stations and for those stations serving minority communities. PTFP funds new stations, expanding the reach of public broadcasting to rural areas and to audiences that are not presently served by existing stations. In addition, it replaces obsolete and worn out equipment so that the current stations can continue to broadcast high quality programming. Finally, with the advent of digital broadcasting, PTFP funding will help with the conversion to this new technology.

We support \$110 million in funding to ensure that both the on-going program, currently funded in FY 2000 at \$26.5 million, will be continued and the increase to \$110 million will be available to help cover the cost of radio and television converting to digital transmission.

Federal funding is particularly critical to stations serving rural and underserved audiences which have limited potential for fundraising because of sparse populations, limited number of local businesses, and low income levels. Even so, PTFP funding is a matching program so that the federal money is leveraged with a local commitment of

funds. This program is a strong motivating factor in raising the significant money necessary to replace, upgrade and purchase expensive broadcast equipment.

Community radio supports funding for conversion to digital broadcasting for public radio and television. While public television's needs are more immediate, the Federal Communications Commission is now in the process of identifying a standard for digital radio transmission. We expect that there will be funds available for radio conversion as well as television conversion. More immediately, the television conversion process is already having an impact on public radio stations. As television stations increase the space they need on their towers to accommodate both analog and digital signals, radio stations that rent space on TV towers are losing their leases and being forced to move to other towers—sometimes with very short notice. This situation will only get worse over the next three years as we approach the FCC deadline for television conversion. We would like enough money in the PTFP to help public radio stations who lose their tower space do the necessary engineering studies and move to new tower locations.

We appreciate Congress' direction to the Corporation for Public Broadcasting that it utilize its digital conversion fund for both radio and television and ask that you ensure that the PTFP funds are used for both media. Congress stated, with regard to the FY 2001 digital conversion funds:

The required (digital) conversion will impose enormous costs on both individual stations and the public broadcasting system as a whole. Because television and radio infrastructures are closely linked, the conversion of television to digital will create immediate costs not only for television, but also for public radio stations (emphasis added). Therefore, the Committee has included \$15,000,000 to assist radio stations and television stations in the conversion to digitization (S. Rpt. 105-300)

NFCB requests that the funding for digital conversion be committed in advance to facilitate the orderly transition of a very individualized process—a process that will be different at each station. We agree with the Administrations request for advance appropriations for a multi-year program to “allow advance planning and certainty in the public broadcasting system's transition to digital broadcasting.” Advanced funding will give the system time to raise the substantial matching funds that will be necessary and to know what additional funds will be needed to complete the process.

Finally, we are also concerned that independent producers' conversion needs be addressed in some way so that this important source of programming is not locked out of the public broadcasting system.

Thank you for your consideration of our testimony. If the Subcommittee has any questions or needs to follow-up on any of the points expressed above, please contact:

Carol Pierson, President and CEO
 National Federation of Community Broadcasters
 Telephone: 415 771-1160
 Fax: 415 771-4343
 E-mail: cpnfcb@aol.com

The NFCB is a twenty-five year old grassroots organization which was established by, and continues to be supported by our member stations. Large and small, rural and urban, the NFCB member stations are distinguished by their commitment to local programming, community participation and support. NFCB's 83 Participant members and 107 Associates come from across the United States, from Alaska to Florida; from every major market to the smallest Native American reservation. While the urban member stations provide alternative programming to communities that include New York, Minneapolis, San Francisco and other major markets, the 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 the members serve rural communities and 46% are minority radio services.

On community radio stations' airwaves examples of localism abound: on KILI in Porcupine, South Dakota you will hear morning drive programs in their Native language; throughout the California farming areas around Fresno, Radio Bilingüe programs five stations targeting low-income farm workers; in Barrow, Alaska, on KBRW you will hear the local news and fishing reports in English and Yupik Eskimo; in Dunmore, West Virginia, you will hear coverage of the local school board and county commission meetings; KABR in Alamo, New Mexico serves its small isolated Native American population with programming almost exclusively in Navajo; and on WWOZ you can hear the sounds and culture of New Orleans throughout the day and night.

In 1949 the first community radio station went on the air. From that day forward, community radio stations have been reliant on their local community for support through listener contributions. Today, many stations are partially funded through the Corporation for Public Broadcasting grant programs. CPB funds represent under 10% of the larger stations' budgets, but can represent up to 50% of the budget of the smallest rural stations. PTFP funding is also an essential source of matching funds for these essential community resources.



**NATIONAL
FISHERIES
INSTITUTE**

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March 10, 2000

The Honorable Harold Rogers
Chairman
Commerce, Justice, State
and the Judiciary
House Appropriations Committee
Washington, DC 20515

The Honorable Jose Serrano
Ranking Member
Commerce, Justice, State
and the Judiciary
House Appropriations Committee
Washington, DC 20515

Dear Chairman Rogers and Representative Serrano:

As the subcommittee begins its consideration of the Administration's budget submission and fiscal year 2001 appropriations, the National Fisheries Institute (NFI) would like to take this opportunity to share with you our priorities and concerns regarding the budget proposal for the National Oceanic and Atmospheric Administration (NOAA) and the National Marine Fisheries Service (NMFS). The NFI is the nation's leading trade association for the fish and seafood industry. Our members represent all aspects of the fish and seafood industry: harvesters, aquaculturalists, processors, importers, exporters, food service operators, and restaurants. The NFI appreciates your consideration of these requests.

NATIONAL MARINE FISHERIES SERVICE (NMFS)

Consolidating Seafood Inspections

The FY'01 Food and Drug Administration budget proposes for the second year in a row that \$13 million in user fees be collected by transferring the NMFS Voluntary Seafood Inspection Program to the FDA as a Performance-Based Organization. The NFI opposes this transfer. We feel it is inappropriate to combine the voluntary marketing and quality assurance program of the NMFS with the mandatory seafood HACCP program at the FDA. As suggested by the National Academy of Sciences, such a combination could create conflicts of interest that would undermine the objectivity and credibility of FDA's seafood HACCP program.

The needs of the industry for the services of the voluntary inspection program have changes as a result of the FDA's HACCP program. However, the program has never consulted with its customer base on services and program would be useful as we move into the future. We urge the subcommittee to oppose this transfer and to instead direct the NMFS to convene a stakeholder's meeting to discuss the future of the Voluntary Inspection Program.

Information, Collection and Analyses

The NMFS management of marine fisheries is vital to providing a healthy economy for many coastal areas. In 1998, landings of commercially harvested marine fish were valued at over \$3 billion and, in total, contributed over \$25 billion to the Gross National Product. In many areas, such as Alaska, the fishing industry is the largest employer. Recognizing the economic importance of our marine fisheries, the Congress in late 1996 overwhelmingly passed the Sustainable Fisheries Act (SFA). The SFA included several significant new requirements aimed at better management of the resource. At the forefront of these requirements was a call for better scientific information, additional data collection, and increased analysis of the economic effects of management actions. Below are comments on the FY 2001 NMFS budget request relevant to these requirements. To ensure the future of this important industry, we strongly support the following items in the request and recommend that an additional \$39.3 million be provided for several specific items.

Resource Information (+\$25.5 million over the FY 2000 level): The future of the fishing industry is hinged on the availability of adequate scientific data upon which the sustainable management of these fish stocks can be based. While the NMFS request includes modest increases for expanding stock assessments (\$2.7 million) and improving methodologies (\$2.5 million) used in these assessments, it falls far short of the amount needed to adequately manage our Nation's marine fisheries. Of 900 or so identified fish stocks, there is inadequate information available for three-quarters of them upon which to determine the status of the stock. While these stocks make up less than 10 percent of the total value of our fisheries, they are critical components of the marine ecosystem and provided a significant source of income to thousands of fishermen. For those stocks for which adequate data is available, the increased need for additional and improved stock assessments is overwhelmingly evident. As a number of the Nation's most important fisheries are rebuilt, we must carefully monitor their status and the effect of ever increasingly complex management programs. We suggest that funding within the NMFS Resource Information line be increased by at least 25 percent to meet these sizable needs. An increase of this magnitude would provide badly needed additional stock assessment information for commercial and recreational species such as red snapper in the Gulf of Mexico, Alaskan groundfish, Atlantic herring and mackerel, west coast groundfish, pelagic fish off the Southeastern U.S., and highly migratory species in the western Pacific. In addition, much additional research regarding essential fish habitat and Steller sea lions in the North Pacific is also needed.

Fish Statistics (+\$15.5 million over the FY 2000 level): Similarly, the agency must expand its data collection capabilities and its coordination with its constituency and state partners. The NMFS request recognizes this need by including an additional \$1.0 million to implement the requirements of the SFA's National Standard 8 which requires an analysis of the economic effect of management actions on fishing communities. In addition, \$2.5 million is requested to provide a core economic data collection program. The economic effect of needed regulations is increasing becoming a major concern of the fishing industry, as noted by the House Appropriations Committee noted last year. We

recommend an increase of \$10.0 million to allow NMFS to begin coordination with coastal states, the interstate fisheries commissions, and the fisheries commissions, and the fishing industry to address the requirements of National Standard 8 of the Magnuson-Stevens Act.

Fisheries Vessel Replacement (+\$8.3 million): We strongly endorse the requested funding to complete the construction of the first of a series of new state-of-the-art fisheries research vessels. The growing need for additional information has out paced the abilities of NOAA's current fleet. Construction of a new vessel will greatly improve NMFS' ability to collect additional and more accurate information on the status of marine fish stocks.

Adjustment-to-base (+\$7.2 million): It is critical that the agency receive its full request for adjustment-to-base. NMFS had not received these adjustments in several years and the effect of increased costs is beginning to erode ongoing programs that have not received additional appropriated funds. Without these adjustments, funding for NMFS current base programs will effectively erode, leading to reduced services across all programs.

Office of Industry and Trade

The primary objective of NOAA Fisheries' Office of Industry and Trade is to increase the long-term economic benefits to the national from living marine resources through the expansion of international markets for U.S. seafood products and investigation of opportunities for emerging markets. A staff of 12 international trade specialists and contractors located at headquarters, the five regions, Japan and Europe, assist the U.S. seafood industry with domestic and international market concerns. They analyze and conduct limited market research, monitor and address barriers to trade, provide expert counseling and liaison for solving problem issues involving foreign governments, the acceptance of U.S. fisheries products, and dissemination of trade leads.

The United States runs a seafood trade deficit exceeding \$6 billion per year. We import three times as much seafood as we export. The Office of Industry and Trade is the only government advocate the U.S. fish and seafood industry has in the global marketplace. We urge you to increase funding for this Office by \$300,000 to provide the resources necessary to advocate for U.S. fish and seafood around the world.

Fisheries Habitat Restoration

The NFI has long recognized the direct relationship between fisheries habitat and fisheries productivity. The NFI strongly supports the proposed \$2 million increase for fisheries habitat restoration. We are particularly supportive of the Community-Based Restoration Program. The NFI has recently entered into a Joint Project Agreement with the Community-Based Restoration Program to implement habitat restoration projects on a cost share basis. For every dollar an NFI member pledges to a specific habitat project in

their community, NMFS will match a dollar, thereby leveraging federal monies to achieve our shared goals and objectives.

National Oceanic and Atmospheric Administration

Fisheries Assistance Fund

The NFI strongly supports the \$10 million proposal to establish a Fisheries Assistance Fund to address fisheries disasters and the serious overcapitalization of many of our fisheries. However, \$10 million is woefully insufficient to address the urgent needs for capacity reduction programs in several fisheries. The North Pacific crab fleet, faced with the collapse of the North Pacific crab stocks due to environmental conditions, estimates the cost of a capacity reduction program at \$100 million. The West Coast groundfish fleet faced with a 40% reduction in the Total Allowable Catch estimates a \$60 million buy-back program. The Atlantic Highly Migratory Species pelagic longline fleet is seeking a \$25 million buy-back program that is partially federal-funded. While NFI recognizes the extreme challenge to funding all of these programs completely during the current fiscal year, in order to move forward on these imperative programs, the Fisheries Assistance Fund should be increased by an order of magnitude to \$100 million.

Gulf Oyster Industry Initiative (GOII)

Since 1997, Congress has appropriated \$1 million annually for the GOII within the NOAA budget. The GOII is an oyster research program coordinated by the National Sea Grant College Program. The initiative develops methods to strengthen and meet the research needs of the Gulf of Mexico oyster industry. The NFI urges you to continue funding this important research initiative.

Interstate Shellfish Sanitation Conference (ISSC)

Since 1994, Congress has appropriated \$250,000 of Saltonstall-Kennedy funds to the ISSC for a *Vibrio vulnificus* (v.v.) Education Program to inform sensitive subpopulations of the potential health issues related to raw shellfish consumption. *Vibrio vulnificus* only poses a health threat to people with liver damage or otherwise compromised immune systems. This education program ensures that these people are educated to avoid raw shellfish consumption while allowing the vast majority of Americans for which v.v. poses no health threat to enjoy raw shellfish. We urge you to continue funding this important program.

Swordfish Certificate of Eligibility Program

Last year, the NMFS implemented a certificate of eligibility program to prevent the importation of illegally harvested juvenile swordfish into the United States. We request \$300,000 to continue the existing contract with the U.S. Customs Service to monitor, enforce, and maintain this important conservation program.

Cooperative Research Information Institute

NFI has worked with the National Ocean Service and academic institutions on a series of projects addressing the relationships between water quality, fisheries productivity, and human health through the Cooperative Research Information Institute (CRII) formerly of the University of Maryland and now at Virginia Polytechnical Institute. To date, projects have focused on the health benefits of Omega-3 fatty acids and shellfish pathogens. Present funding for this innovative public/private partnership should be continued. We urge the subcommittee to encourage the NOS to support CRII.

The NFI appreciates the opportunity to submit these requests with regard to the FY'01 NMFS budget. Thank you for your consideration of these requests.

Sincerely,


 Justin LeBlanc
 Vice President
 Government Relations

Cc: Senate Commerce, Justice, State and the Judiciary Appropriations Subcommittee,
 NMFS Administrator Penny Dalton

Conservation International * Environmental Defense * National Environmental Trust
 Oceanwatch * Project AWARE Foundation * Sierra Club * The Cousteau Society
 Wildlife Conservation Society * CORALations * REEF * Coalition of Reef Lovers

March 10, 2000

Senator Ted Stevens, Chairman
 Senator Robert C. Byrd, Ranking Minority Member
 Senate Appropriations Committee

Representative C.W. Bill Young, Chair
 Representative David R. Obey, Ranking
 Minority Member
 House Appropriations Committee

Senator Judd Gregg, Chairman
 Senator Ernest Hollings, Ranking Minority Member
 Senate Appropriations Subcommittee on
 Commerce, State and Judiciary

Representative Harold Rogers, Chair
 Representative Jose Serrano, Ranking
 Minority Member
 House Appropriations Subcommittee on
 Commerce, State and Judiciary

Senator Slade Gorton, Chairman
 Senator Robert C. Byrd, Ranking Minority Member
 Senate Appropriations Subcommittee on Interior

Representative Ralph Regula, Chair
 Representative Norman Dicks, Ranking
 Minority Member
 House Appropriations Subcommittee
 on Interior

Dear Sirs:

We are writing to express our strong support for increased Federal funding for coral reefs.

The U.S. Coral Reef Task Force recently released a National Action Plan to Conserve Coral Reefs, a comprehensive state, Federal and territorial strategy to save our precious and endangered reefs. This Action Plan clearly articulates the tremendous economic, biological and cultural value of reefs, and calls on every level of government to address the wide range of urgent threats confronting them.

We are very concerned, however, that the Administration's \$26 million budget request to Congress is seriously inadequate to manage and protect thousands of square miles of U.S. reefs in Florida, the Caribbean and Pacific. \$26 million is entirely insufficient to enable the Department of Interior and the National Oceanic and Atmospheric Administration (NOAA) to address vital coral reef mapping, research, monitoring, protection and management under the Coral Reef Action Plan. The Interior Department's budget request for \$10 million falls far short of the funds needed in the National Park Service, Fish and Wildlife Service, U.S. Geological Survey, and Office of Insular Affairs. We also are concerned that NOAA's \$16 million request provides scant support for the National Ocean Service and National Marine Fisheries Service to monitor, map, restore and protect coral reef ecosystems and the important fisheries they sustain.

To ensure that both agencies are adequately funded, we respectfully request that Congress appropriate \$36 million for coral reef initiatives in NOAA and the Interior Department, including a \$26 million increase in FY 2001. \$36 million more accurately reflects the higher priority and funding that coral reefs deserve in these agencies. We support \$16 million for the Interior Department, including \$3 million for the Office of Insular Affairs. These levels would just begin to meet the Department's needs and

Letter in Support of Coral Reefs
Page 2

responsibilities. In addition, we support \$20 million to fund NOAA's wide-ranging scientific and resource management responsibilities.

Although not a part of our \$36 million coral reef request, NOAA's 12 National Marine Sanctuaries include the Florida Keys and three other Sanctuaries with important coral reef habitat that must be protected. We strongly support the Administration's request for a \$10 million increase to bring the Program's operating budget to \$32 million, an austere yet sufficient budget to keep the Sanctuaries operating at baseline levels. We also support the Administration's \$3 million request for constructing Sanctuary visitor facilities.

Approximately 10 percent of the world's reefs have already been destroyed, and an additional 60% are endangered by a variety of threats, including ship groundings, anchoring, dynamite and cyanide fishing, sewage and nonpoint pollution, overfishing, rising sea surface temperatures, diseases and other threats. Many of the most threatened reefs occur in U.S. waters.

Clearly, Congress must appropriate substantially higher levels in FY2001 and the years ahead to effectively manage our precious reefs. Without a stronger commitment of Federal resources, these two agencies responsible for reef management and research cannot viably fulfill their important roles. Congress can ensure that the Interior Department and NOAA, working with the U.S. Environmental Protection Agency, Agency for International Development, the Department of Defense, the states, territories, and other Task Force members, will have sufficient resources in FY 2001 to begin the important work of protecting coral reefs for future generations.

Respectfully submitted,

Judith C. Lang, PhD
 Center for Marine Conservation,
 RECON Program

Mike King
 Coalition of Reef Lovers

Tundi Agardy, PhD
 Conservation International

Mary Ann Lucking
 CORALations

Rod Fujita
 Environmental Defense

Garry Leape
 National Environmental Trust

Cliff McCready
 Oceanwatch

Kristin Valetto
 Project AWARE Foundation

Laddie Akins
 Reef Environmental Education
 Foundation

Dave Roney
 Sierra Club

Philip Dustan, PhD
 The Cousteau Society

Andrew Baker, PhD
 Wildlife Conservation Society

William E. Kiese, PhD
 Yale University

Charles S. Yentsch, PhD
 Clarice M. Yentsch, PhD

STATEMENT OF

CHARLES J. MURPHY

PRESIDENT

NATIONAL IMMIGRATION AND NATURALIZATION SERVICE COUNCIL
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

BEFORE THE

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

UNITED STATES HOUSE OF REPRESENTATIVES

FY 2001 APPROPRIATIONS

March 8, 2000

On behalf of the members of the American Federation of Government Employees, and its National Immigration & Naturalization Service Council, and on behalf of my 16,000 colleagues in the Immigration and Naturalization Service (I&NS) I would like to thank you for scheduling this hearing. I am pleased to be able to provide testimony regarding the proposed FY 2001 budget for the Immigration & Naturalization Service.

INS' law enforcement and service responsibilities continue to grow more complex. The Service continues to process ever more quickly the increasing numbers of applicants for admission to the United States. We have reduced backlogs and adjudicated more applications for benefits under the Immigration & Nationality Act, and we arrest and deport more criminal aliens, and make more drug seizures every year. We perform all these missions in an environment growing ever more dangerous and contentious with a workforce that is not growing as fast as the workload it faces. Despite these facts the men and women of the I&NS care deeply for the country they serve and the mission they are charged to perform.

We have a number of concerns regarding the Administration's budget proposal for the I&NS. We believe that insufficient resources are directed toward enforcement of the I&NA in the interior and at the ports of entry, and that additional Inspectors need to be hired to insure Inspector safety especially on the land borders where officers are frequently forced to work alone.

We are also concerned because the Administration seeks no additional funding for its interior enforcement programs. Interior enforcement is the Service's red headed stepchild. INS is presently filling only one of every two vacancies in its Investigations Program. The Administration seems to see no need for additional Investigations resources. The Administration

also proposes no increases in resources for its Deportation Program. The Administration is proposing steps to address its inability to hire sufficient Border Patrol Agents. We applaud those actions. But the need for increased staff does not end at the border. We must remember Immigration enforcement does not end at the Border, and effective enforcement and service programs demand that sufficient support personnel also be hired. We also believe that additional adjudicators needed to be hired to continue eliminate backlogs in the adjudications programs and insure the appropriate care is taken in the exercise of the Service's adjudications functions.

I&NS faces great difficulty in filling certain positions, particularly in the Border Patrol. Similarly, I&NS Inspections is not properly graded and many Inspectors seek positions in other branches of the Service. The Administration is now attempting to address pay disparities and while we fully support the Administration's proposal to provide funding to increase the full performance grade level for Immigration Inspectors and Border Patrol Agents to GS 11 we have concerns regarding certain aspects of the Service's other Pay Reform Proposals. We have analyzed the agency's other pay reform proposals as they will impact Border Patrol Agents, Pilots, Deportation Officers and Detention and Deportation Officers and we find that they are flawed. We oppose the Administration's overtime pay reform proposals. While the grade related proposals improve pay for entry level Border Patrol Agents and Inspectors the overtime related proposals will decrease pay for more senior pilots, deportation officers and Border Patrol Agents. Cutting the pay of senior officers will not make these occupations more attractive.

The loss of income will average some \$4,500 for Deportation Officers and Detention and Deportation Officers, who I represent, for example. The negative impact on other officers will

be similar or greater. Clearly, the Administration's "pay reform" proposals need to be reworked lest they totally demoralize INS' law enforcement workforce. It makes no sense to offer some employees a hiring bonus while cutting compensation for overtime others are required to work as a result of staffing shortages.

We know that the Congress is concerned about improving morale and training for all of INS' officers and in improving INS overall effectiveness. Nonetheless we believe it counterproductive to reduce compensation provided employees because they are required to work overtime. The administration's proposals to change the way employees are compensated for overtime work amount to nothing more than asking them to work more hours for less money.

One important aspect of pay reform not addressed in the Administration's budget proposal is the law enforcement officer status of Immigration Inspectors. In addition to the pay reform proposal for Immigration Inspectors now proposed by the Administration, we urge the Committee to support extension of law enforcement retirement coverage to Immigration Inspectors, as part of Inspections Pay Reform.. A proposal now pending before the Congress would accomplish this.

Briefly, H.R. 1228 would expand the provisions of Section 8336(c), Title 5, U. S. Code to cover Immigration Inspectors. The hazardous duty retirement provisions of that statute provide that officers working in certain occupations may retire at age 50 with twenty years of service under the Civil Service Retirement System, or at any age after 25 years of service if they are covered under the Federal Employee Retirement System. The early retirement provisions are intended to promote the maintenance of a young and vigorous workforce in the covered occupations. Employees covered under the statute contribute toward their pensions at rates

higher than do non law enforcement employees. The law also provides for mandatory retirement at age 57 for employees who have completed twenty years of covered law enforcement service. Real pay reform for INS Inspectors must address both pay and retirement issues, as the Administration itself now recognizes.

Thank you for this opportunity to submit this testimony for the record.



FY2000 FUNDING FOR THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

MARCH 28, 2000

Message The Department of Commerce's National Institute of Standards and Technology (NIST) ensures America's technological superiority and economic prosperity through myriad achievements that have advanced the measurements, standards, and technology needed by U.S. industry to make world-class products. NIST's Measurement and Standards Laboratories address basic technology needs that are vital throughout the product development cycle, from research and development to manufacture and quality assurance, and after-sale support. The Advanced Technology Program is a cost-effective means of promoting research to strengthen U.S. industries in high-risk technologies that hold promise for broad economic impact. By encouraging the adoption of performance and quality management practices, the National Quality Program and the Malcolm Baldrige National Quality Award are catalysts for continuously improving the competitiveness and productivity of U.S. business.

Position

The Council for Chemical Research (CCR) supports continued and increased levels of funding for NIST. Specifically, CCR urges the adoption of the Administration's FY 2001 budget request - \$713 million, an increase of about 12% over the FY 2000 budget of \$636 million. The support of the Measurement and Standards Laboratories is particularly important to maintaining the global competitiveness and health of U.S. industry. CCR also continues to strongly support increased funding levels for the Advanced Technology Program.

Rationale

Over the past century, NIST has promoted the growth of U.S. industry by working with business to develop and apply measurements, standards, and technology. A variety of reasons makes this work increasingly important to the United States in the coming years. Globalization of markets is creating an urgent need to harmonize divergent national systems of measurement, standards, and methods of assessment of how products and services conform to the standards. In addition, rapid technological change is increasing the need for new standards in emerging industries and ever more precise measurements in all sectors. Given the breadth of scientific and technical competencies required in technology development today, industry must rely on external sources of measurement and standards technology, and expertise. Although U.S. firms invest heavily in R&D, they seldom focus on infrastructure or multi-use technology or projects requiring long-term investments. Collaboration and risk sharing, as promoted by the Advanced Technology Program, help to address this issue.

NIST programs are rigorously evaluated to ensure that industry and taxpayers are receiving the greatest possible return on their investment. Also, NIST compares its capabilities with those of other national metrology institutes. The most recent benchmarking effort shows that NIST is the best in the world in measuring impedance, voltage, amounts of substances, temperature, humidity, air speed, ultrasonic power, and certain ranges of length, mass, force, pressure, and vacuum - all fundamental to leading edge scientific and industrial pursuits. Quantitative performance measures reflect the value of the Laboratories' technology transfer activities and the usefulness of their products and services to industry. In addition, economic impact studies of NIST's laboratory programs show high rates of return and important benefits to industry.

The importance of science and technology to our nation's economic well-being has been amply documented. Some authorities have estimated that more than 50% of the nation's economic growth since the WW II is attributable to technology and innovation. The Council for Chemical Research appreciates the commitment of the Administration and Congress to focus on strengthening our national competitiveness through investments in R&D. CCR believes a critical part of this investment, one that is well cost justified, is the continued support of the valuable programs at NIST.

The Council for Chemical Research (CCR) is a nonprofit organization dedicated to advancing multi-sector, multi-disciplinary research in the chemical sciences and engineering. Its member organizations - companies, universities, and government laboratories that conduct research in the chemical sciences and engineering - are represented in CCR by their top research executives.

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March 1, 2000

The Honorable Hal Rogers
Chairman, Commerce-Justice-State Subcommittee
House Appropriations Committee
H - 309 Capitol Building
Washington, DC 20515

Dear Chairman Rogers:

Thank you for the opportunity to comment on a Fiscal Year 2001 appropriation for the Public Telecommunications Facilities Program (PTFP) at the National Telecommunications and Information Administration (NTIA), part of the U.S. Commerce Department. On behalf of National Public Radio (NPR) and the hundreds of public radio stations it represents, I respectfully submit this letter and attached statement for the hearing record.

Each week, nearly 20 million Americans listen to the programming offered by public radio stations. Since its founding exactly 30 years ago this week, NPR and its Member stations have become an indispensable source of news, information, cultural and educational programming in this country. Critical to the success of public radio is the PTFP program.

With sufficient resources, public radio stations nationwide will be able to enhance their technical infrastructure, thus enabling stations to better serve the American public. Furthermore, as public broadcasting expands into the digital universe, NPR and its Member stations are eager to work with you to encourage the continued growth and survival of public radio and television. But without active support by Subcommittee Members, those resources may remain beyond the grasp of our Member stations. The time for reinvestment in public broadcasting is now.

Public broadcasters support the Administration's request for a \$110 million federal appropriation for PTFP. This recommendation is further outlined in the attached supporting statement.

Public broadcasters seek a Fiscal Year 2001 \$110 million PTFP funding level to maintain and expand existing service. PTFP support is essential to the vital role public stations play in their communities. PTFP is a matching grants program for public broadcasting stations, radio reading services for the blind and other non-profit telecommunications entities. All PTFP dollars go directly to local stations,

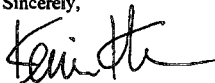
assisting them in the purchase of equipment to extend their signals into un-served and under-served areas, replacement of outmoded equipment and upgrade of facilities. It is an excellent public-private partnership.

Public broadcasters urge the Subcommittee to appropriate \$110 million to PTFP for the conversion to digital broadcasting. Public broadcasting faces a daunting challenge in its conversion to digital technology. The estimated cost to the entire public broadcasting industry is \$1.7 billion. Public radio stations are facing an estimated \$70 million in digital broadcast-related costs: an estimated \$11 million to help stations defray tower dislocation costs and *maintain analog broadcasts* and \$60 million to assist in public radio's own conversion to digital transmission standards.

With additional funding for PTFP, public broadcasters nationwide will be supported in their efforts to sustain local programming, encourage community discourse, and present ideas while adapting to the rapidly evolving digital world. Public radio is one of the best sources of local programming in light of the consolidation in the radio marketplace.

Again, thank you for your long-standing commitment to our nation's public broadcasters and the citizens and communities they serve.

Sincerely,



Kevin Klose
President and CEO

cc: The Honorable Jose Serrano

**National Public Radio Supporting Statement to the
House Commerce-Justice-State Subcommittee, House Appropriations Committee
Regarding the Public Telecommunications Facilities Program
March 1, 2000**

INTRODUCTION

NPR is a private, non-profit corporation that produces and distributes award-winning programming such as *Morning Edition*®, *All Things Considered*®, *Performance Today*®, *Car Talk*® and *Jazz Profiles*®. NPR is also a membership organization comprised of noncommercial, educational radio stations that are locally licensed and controlled. Moreover, Member stations design their own formats — combining locally produced programming with offerings from NPR and other programming sources. Each station's format is crafted to provide the best service for its respective community.

Thank you for the opportunity to comment on the Public Telecommunications Facilities Program (PTFP). PTFP distributes federal grants to public stations that must be matched by the local community. Congress has invested in the construction and upgrade of local public broadcast facilities through PTFP since 1962 and it is the only capital grants program for public broadcasting stations. The fundamental element underlying federal support is the importance Americans place on public broadcasting programming and services.

PUBLIC BROADCASTING ACCOMPLISHMENTS THROUGH PTFP

The Program Links Under-served and Un-served Areas With the Greater Community:

PTFP especially benefits rural areas and states like Kentucky, North Carolina, West Virginia and Iowa where topography or sheer size makes it difficult for people to receive a public radio signal. Translator/booster facilities, or auxiliary broadcast facilities, typically serve sparsely populated areas that often lack a sufficient economic base to support a full service station. These facilities are usually established only as a result of the community's desire to receive first or additional public radio service, and are funded through federal and/or state grants or as a result of modest capital campaigns funded by the future listeners. In rural and other under-served areas, with relatively fewer radio and television signals available, translators have a heightened meaning to public radio listeners.

According to the Commerce Department, the 1998 and 1999 grants to public radio stations included projects expanding American's access to public radio to more than 628,000 people who presently do not receive any such signal. Communities to receive a first public radio service because of the 1999 grants include Cape May, New Jersey; Jackpot, Nevada; and Mojave, California.

For instance, KNAU-FM in Flagstaff, Arizona and the Grand Canyon Association (a private, nonprofit group dedicated to providing information about the Grand Canyon) received a 1999 PTFP grant to bring service to Grand Canyon, Arizona. A 3,000-watt station will be established, capable of producing local programming. The new station will cover an 8,000 square mile area, including part of a Native American reservation, and bring public radio service to 4,300 permanent residents and nearly five million visitors each year. The community does not have the economic base to support a full station. The 3,000-watt

station will bring the outside world to Grand Canyon via KNAU-FM, as well as provide an outlet for local programming.

PTFP Will Permit Replacement of Translators with Full Powered Origination Service:

As expressed by the Subcommittee and the Congress, there is a need to better serve rural and other under-served areas as well as un-served communities. PTFP funding can assist stations in converting their secondary translator/booster facilities to primary full powered facilities capable of local producing programming. As a result of these upgrades, rural and under-served communities will be able both to receive and to produce locally responsive programming.

PTFP Assists in Maintaining and Upgrading the Existing Infrastructure: Sustaining the public broadcasting system is a key PTFP goal, and the replacement of aging, obsolete equipment is a critical concern for stations. Public radio is in need of continued financial support because the infrastructure is aging and in many cases obsolete. Much of the equipment must be replaced. For instance, WNYC Radio in New York City was awarded a 1998 grant for \$59,700 to replace aging and unreliable analog cart machines with a hard-drive based digital audio system that will enable the station to produce radio programming for national distribution.

WKSU-FM in Kent, Ohio was awarded a 1999 grant for \$37,800 to construct a satellite interconnection system. This system will improve WKSU-FM's service and the reliability of program delivery through its repeater stations in northeast Ohio.

The PTFP program also support radio reading services that help combat the isolation of blind and elderly disabled people nationally. The radio reading services predominantly rely on public radio's FM subcarrier channels. In 1999, a grant was made to extend the service area of the Iowa Radio Reading Information Service (IRRIS) in Des Moines, Iowa. The project will acquire satellite up-link and down-link equipment to enable IRRIS to provide its service to Iowa City, Cedar Falls, and Sioux City, Iowa. The grant will also purchase a supply of the special receivers needed by the visually handicapped in those communities to utilize the service. About 1,000 visually handicapped people will receive service in the added communities.

A significant increase in the PTFP appropriation is necessary to enable public radio to meet the challenges posed by an aging infrastructure and expanding service to un-served and under-served areas.

DIGITAL CONVERSION

Today's new technology will soon become tomorrow's standard operating equipment. Public radio and television can realize its future through the assistance of a \$110 million PTFP appropriation. In fact, this increase in federal support through PTFP will greatly enhance the success of local stations to attract state and private funders necessary to convert radio and television stations to a digital standard.

Public Radio's Digital Future: Digital radio *transmission* technology promises to deliver compact-disc-quality sound free of interference to listeners. Digital production and transmission conversion will enable public radio stations to produce and deliver programming using a far more efficient process than exists today. It may allow listeners and

users to experience a variety of new services such as the ability to search program formats, scan selective programs as well as read music lyrics and song titles.

The FCC has initiated a rulemaking to permit public comment on the various digital radio standards being proposed. The frontrunner standard in the U.S. is In-Band, On-Channel (IBOC). This conversion is expected to take place in the near future.

Public radio stations are already converting their *production* facilities to digital because analog equipment and parts are being phased out in the radio industry. Digitizing stations increases operational efficiency and decreases operating costs. For instance, WKYU-FM in Bowling Green, Kentucky has four personal computer-based digital workstations, digital editors and DAT machines. The digital workstations allow for a more efficient and money-saving process to edit programming.

Also, PTFP funding for digital production equipment mean that stations will not have to rely as heavily on real-time evening, weekend and overnight staff. Stations can eliminate the need to purchase and store audio-tape. In sum, these efficiencies are realized through PTFP.

PTFP Will Ameliorate Impact Of DTV Transition On Public Radio: Public radio stations face significant challenges and opportunities afforded by the digital revolution. A federal mandate directing television stations to convert to digital will affect public radio stations as well.

Nearly 40% of NPR member stations lease space on television-owned towers. As television stations convert to digital, they are adding new digital transmitting antennas to their existing towers that enable them to launch digital broadcasts. Meanwhile, television is also required to maintain their existing transmission equipment on towers so as to continue an analog service. In many cases, the additional television equipment will force public radio stations off shared towers.

DTV-related costs to radio are estimated to exceed \$11 million. In large part, the actual costs will depend on the actions of other commercial and public television and radio stations. Nevertheless, PTFP grants act as critical catalysts, helping stations raise the matching funds from their communities to pay for new towers and other capital needs.

Public Television Must Meet A Year 2003 Digital Deadline: Public television is currently making the transition to digital television (DTV). It is a daunting challenge to meet the congressionally mandated conversion to DTV by 2003. The stakes are high for public television: any station that does not make the conversion deadline will be forced to surrender its license — essentially to go off the air. PTFP will assist television in its digital conversion.

CONCLUSION

A \$110 million PTFP appropriation is critical to public broadcasting and its listeners. Public radio needs Subcommittee Members' support for PTFP to address the myriad analog and digital needs of both public radio and television. Again, your support will ensure that PTFP is adequately prepared to meet present and future challenges.



National Recreation and Park Association

22377 Belmont Ridge Road • Ashburn, Virginia 20148 • (703) 858-0784 • Fax (703) 858-0794

March 31, 2000

The Honorable Harold Rogers, Chairman
 Subcommittee on the Departments of Commerce,
 Justice, State, the Judiciary, and Related Agencies
 Committee on Appropriations
 U.S. House of Representatives
 H-218, The Capitol
 Washington, DC 20515

Dear Mr. Chairman:

We write to share the views of the National Recreation and Park Association on selected Fiscal Year 2001 appropriations for the U.S. Department of Justice. We respectfully request that this statement be included in the record.

The National Recreation and Park Association is a not-for-profit organization of some 25,000 citizens, professionals and public and private institutions involved primarily with public park and recreation systems and services. These individuals and agencies provide an array of prevention and intervention discretionary time activities for children and youth from all backgrounds and circumstances, including those in particularly high-risk environments. Many recreation services also emphasize specialized programs that focus on gang and substance abuse prevention, development of employment skills, and tutoring and mentoring, in addition to basic recreation services. Because of their multidisciplinary, community-based approach, recreation services reach many individuals often alienated from other settings or providers.

The Department of Justice, particularly the Office of Juvenile Justice and Delinquency Prevention (OJJDP), administers several authorities that aid local park and recreation agencies and collaborators in efforts to deter youth from behaviors or circumstances that put them at risk. For example, local park and recreation agencies, whose principal mission is creative programming during non-school hours and vacation periods, are generally eligible for OJJDP funds and use Title II B and Title V grants to expand and innovate with *recreation-as-prevention* initiatives. With the reauthorization of the Juvenile Justice and Delinquency Prevention Act still undetermined, the continued availability of these funds through the appropriations process is critical.

Recommendations

We urge increased national investment in public community-based crime prevention efforts that support positive involvement of children and youth. Further, we encourage the Subcommittee to give priority to competitive funding to discover and support the most innovative and effective prevention initiatives. While local public park and recreation services are supported principally by local general funds, many public *recreation-as-prevention* programs are stronger today because of activities aided by federal and state funds.

Because the JJDPA has expired, "authority" for funds and the setting of priorities rests principally with the respective appropriation committees. This circumstance encourages the earmarking of funds for specific organizations or projects, at least some of which have narrow impact and serve a limited number of youth at high cost. Earmarks for the Office of Juvenile Justice and Delinquency Prevention escalated from \$18 million in fiscal year 1999 to some \$38 million in fiscal year 2000. This practice makes it increasingly difficult to fund the most innovative programs that are typically discovered in competitive processes. The department and OJJDP should be given discretion to support projects with the highest probability of success. Assistance should be sufficiently flexible to allow states and localities to address conditions specific to their environments.

We recommend that the Congress invest at least \$250 million in Title V programs. The President's budget request for fiscal year 2001 includes \$272 million for juvenile justice programs, including level funding for Title II B formula grants to the states—\$89 million—and for Title V incentive grants for local delinquency prevention programs—\$95 million. We urge the Subcommittee to consider additional funds for prevention and formula grants to reflect the growing understanding that prevention is a key element of a balanced approach to reduce crime. Fiscal Year 2001 appropriations for discretionary grants and formula grants should be commensurate with documented needs. As with reauthorization, funding for prevention programs should be given priority and not diminished in favor of punitive programs and initiatives. We also recommend that programs funded by *public* fiscal resources be available principally through competitive public processes, with local public recipients having the authority to pass funds through to private providers when the scope and quality of services will be enhanced and when program efficiencies will result.

Why Invest in Public Recreation?

Recreation-as-prevention services, activities and sites are often central components of local crime prevention strategies. Public recreation policymakers, professionals and citizen volunteers have access to over 85,000 public park and recreation sites in over 5,000 municipal and county systems, and another 20,000 state and interstate sites. Services typically focus on the age cohort most prone to crime—youth ages 10 to 17—during the hours when crime peaks—between 3 and 8 p.m.

These services and sites counter the combined impact of boredom and the too-frequent absence of positive, caring role models. They are effective alternatives to more costly actions typically associated with adjudication and incarceration, and often lead to many positive

secondary benefits (i.e. health promotion, community building and social development). Notwithstanding this record of achievement, many public programs cannot be expanded or go unfunded because of financial constraints. In these situations, federal assistance and support are critical.

The following examples illustrate how principally local and state public funds have been invested in resources and services yielding direct community benefits.

- In Bowling Green, Kentucky, the Parker Bennett Community Center has partnered with the local housing authority to serve high-risk youth ages 6-16. Students at Parker Bennett Elementary School who have participated in the community center's supervised programs have increased their state aptitude (KERA) scores 45 percent.
- In 1997, the recidivism rate for all of the diversion programs offered through the Phoenix, Arizona, Parks, Recreation and Library Department's At Risk Youth Division was 14.2 percent (six months) and 22.4 percent (one year). Program administrators anticipate further reductions with changes to the city's recreation-based Curfew Diversion Program.
- In 1993, the City of Charlotte and Mecklenburg County, North Carolina, Park and Recreation Department developed an array of programs and activities for people who reside in various shelters and others referred from Travelers Aid. Since July 1993, more than 9,000 people have participated in the programs and activities, 30 percent of who have been children.
- In Cincinnati, Ohio, city and federal officials directly attribute a 24 percent drop in the number of criminal incidents to the Winton Hills late-evening recreation initiative.
- Project PRIDE in Santa Ana, California, supplements education and human services with traditional recreation activities to "teach young people the skills they need to remain gang free, drug free and in school." City administrators estimate the annual cost per person at \$41.67, based on an average of 12,000 participants in five programs.
- Some 8-10 youth each month are diverted from the juvenile court system through the Street Outreach Program in Olympia, Washington. The success of the program relies heavily on the public recreation agency's staff.
- The KIDCO Program in Tucson, Arizona, responds to the growing number of "latchkey" kids. It serves over 3,000 children and youth and has recently contributed to a 52 percent decrease in reported crime.

We believe our recommendations are sound and well within the nation's fiscal capacity to address. I have asked Barry Tindall, director of Public Policy, to be available to you to provide additional information or to answer questions. He may be reached at 202/887-0290.

Sincerely,


for R. Dean Tice
Executive Director

Cc: The Honorable José Serrano, Ranking Member

STATEMENT OF MAGGIE B. COON
DIRECTOR OF GOVERNMENT RELATIONS, THE NATURE CONSERVANCY
Before the Subcommittee on Commerce, Justice, State, and Judiciary
Committee on Appropriations
United States House of Representatives
March 30, 2000

Mr. Chairman, I appreciate the opportunity to submit testimony on the fiscal year 2001 budget for the National Oceanic and Atmospheric Administration (NOAA).

The Nature Conservancy is an international, non-profit organization dedicated to conserving biological diversity. Our mission is to preserve the plants, animals, and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. We have more than a million individual members, over 1,500 corporate members, and programs in every state and in 20 nations. We have protected more than 11 million acres within the United States and Canada, and have helped local partner organizations preserve millions more overseas. Additionally, we own the largest private system of nature preserves in the world.

Since 1950, The Nature Conservancy has maintained a strong focus on land-based habitats. However, in the past decade, we have recognized the gap created in our mission by not focusing on critically important and productive marine habitats, particularly shallow-water habitats such as estuaries, coral reefs, mangroves, and seagrass beds that are heavily affected by human activities. We are aware that coastal areas and oceans contain biodiversity rivaling tropical rain forests. Yet as a nation we have focused little attention on their conservation.

As a result, The Nature Conservancy is escalating its focus on near-shore marine sites using the sound science, strong public and private partnerships, ecosystem approach, and site-based conservation that has proven effective throughout our fifty-year history of working on the land. We are cooperating with public and private partners to develop a "conservation blueprint" that will identify the terrestrial and marine sites, at several scales, that if conserved will protect the nation's full array of plants, animals, and natural communities for the long-term.

Several NOAA programs have proven especially successful at combining effective management, good science, and community involvement to achieve tangible and lasting conservation results. These programs will also facilitate the process of conserving many sites identified by the Conservancy's conservation blueprint. These programs include:

- National Estuarine Research Reserve System
- National Marine Sanctuaries
- Habitat Restoration
- Coral Reef Conservation
- Salmon Recovery

National Estuarine Research Reserve System

National Estuarine Research Reserves exist in Alabama, Alaska, California, Delaware, Florida, Georgia, Maine, Massachusetts, Maryland, Mississippi, New Hampshire, New York, New Jersey, North Carolina, Ohio, Oregon, Rhode Island, South Carolina, Texas, Virginia, Washington, and Puerto Rico. These twenty-five "living laboratories" have achieved success on a modest budget. However, National Estuarine Research Reserve System (NERRS) funding levels have not kept up with needs created by additional sites, acres, and responsibilities.

Appropriate funding for the NERRS (\$12 million for operation; \$8 million for procurement, acquisition, and construction) will ensure that the system continues to receive national-level coordination and vision. It will also permit reserves to implement baseline management, research, education, and stewardship activities within surrounding communities; acquire land and conservation easements to buffer impacts of development; and expand the number of sites in the future. Finally, the funding will enable each reserve to update ecological profiles, establish graduate fellowships, and provide technical training to coastal decision-makers.

As manager of more than 1,300 preserves across the nation, we appreciate and support the request to increase NERRS funding to strengthen management, improve research, and increase community involvement. Estuaries serve as "nature's water treatment system," providing flood control, storm damage protection, recreation, and habitat for species to spawn, nurse and live. The Conservancy is actively working in several reserves from Great Bay in New Hampshire to Apalachicola Bay in Florida and Kachemak Bay in Alaska. We know first hand that the NERRS has successfully implemented science programs to inform communities about how coastal ecosystems function, how humans affect them, and methods for improving their condition.

National Marine Sanctuaries

The Nature Conservancy supports NOAA's request for \$35 million to fund the National Marine Sanctuary Program. The \$10 million increase in funding would build upon baseline operational improvements made at sanctuaries over the past several years – and would guarantee continuity and enhancement of the program's successful educational, community outreach, research and monitoring, cultural resource management, and resource damage response efforts. Additional funding would also expand enforcement and technical capacity. Management plans could be updated and science programs would be improved at existing sanctuaries, and "new frontiers" in the deep ocean would be explored. Finally, part of the increase would fund a nationwide study to better understand the socioeconomic importance of marine sanctuaries.

National Marine Sanctuaries embody some of the world's most diverse and extraordinary ecosystems. The twelve sanctuaries established since 1972 protect 18,000 square miles of ocean waters. They aid in the recovery of endangered marine animals; increase knowledge of the ocean through research; and enlarge a stewardship ethic among citizens. Where appropriate, uses such as recreation, commercial fishing, and shipping are also often encouraged.

The Conservancy's most extensive experience with this program has been with the Florida Keys National Marine Sanctuary, established to stem threats to the ecological health of the coral reef

ecosystem. In cooperation with the state of Florida and an Advisory Council (representatives from commercial and recreational fishing; the dive and boating industries; public interest organizations; scientific and educational organizations; and the public) the Sanctuary developed and is implementing a comprehensive management plan. The plan focuses on solutions for problems related to stormwater runoff, inadequate sewage treatment, marinas, live-a-boards, landfills, hazardous spills, and pesticides. In just two years, it is showing promising results.

Habitat Restoration

Coastal ecosystems are powerful drivers of the United States economy, with more than 180 million people visiting the coasts annually. Tourism, recreation, fishing, and other industries require healthy coastal habitats and clean waters. Yet harmful algal blooms, polluted beaches and waters, contaminated shellfish beds, and diseased coral reefs are signs that human activities are degrading valuable coastal resources.

The Nature Conservancy strongly supports NOAA's coastal habitat restoration and conservation efforts. \$4 million for Fishery Habitat Restoration would ensure continued work with communities, in partnership with public and private organizations, to restore vital coastal habitats including wetlands, salt marshes, seagrass beds, mangroves, anadromous fish spawning areas, and coastal rivers. Much of the \$2 million increase in funding would strengthen NOAA's Community-Based Restoration Program that together with national partners, has reached out and funded local habitat restoration projects that are developed, implemented, monitored, and maintained by communities. This program not only has leveraged funds through national-level partnerships, but has also leveraged a conservation ethic across the nation.

Additionally, \$11.8 million for Habitat Conservation would ensure the NOAA Restoration Center's continued effectiveness at restoring estuaries, anadromous fish habitat, and other natural resources injured by human activity and hazardous materials. The Center has also advanced the science and technology of coastal habitat restoration and transferred it to the public and private sectors. The additional funding of \$1.9 million would enable the Center to implement more restoration; increase and improve technical assistance to stakeholders; develop duplicable "best practices"; improve monitoring; and meet a growing demand for habitat restoration nationwide.

Coral Reef Conservation

Coral reef ecosystem health has declined severely all over the world in recent decades. The combined effects of global climate changes and human activities have put coral reefs at great risk. Now is a critical time for taking action to protect the world's coral reefs before the tragedy becomes irreversible. As a result, the Conservancy's programs in the Florida Keys, the United States Virgin Islands, and other Caribbean Basin and Pacific Islands have been working actively with governmental and non-governmental partners to protect these fragile systems.

The Nature Conservancy supports the critical and time sensitive activities that a \$10 million increase in funding for coral reefs would enable. These activities are also supported by the United States Coral Reef Task Force (22 federal agencies, Governors of 7 states, territories, or commonwealths with coral reef responsibility, and many non-governmental organizations) and

include comprehensive mapping and monitoring of coral reefs; research into ecological processes upon which reefs depend; expansion and strengthening of federal, state, and territorial coral reef Marine Protected areas and no-take ecological reserves; regulation of coral reef species trade; enhanced international activities; integration of human activities; and public education.

The Nature Conservancy strongly supports implementation of the National Action Plan for Coral Reef Conservation. If funded adequately, this comprehensive scientifically-based program will protect and restore coral reefs in the United States and its territories. It will also serve as a model in coral reef protection as well as in intergovernmental coordination, and will set an example for promoting similar initiatives in the rest of the world.

Salmon Recovery

Because salmon travel from the sea to a stream's headwaters -- passing cities, developments, farms, and forests before they spawn and die -- focusing on what they need to survive forces us to take on a landscape approach that benefits many other species dependent upon cool, clear water. This approach also helps forests and free-flowing rivers that prevent flooding, clean the air and water, stop erosion, and provide places to hike, fish, and experience nature.

Habitat destruction, over-appropriation of water rights, pollution, stream blockages from hydropower and other developments, and over-harvesting have all played a role in the precipitous decline of many salmon species from historic levels. Adequate funding to conserve and recover salmon (\$55.4 million for Endangered Species Act Recovery Planning; \$100 million for the Pacific Coastal Salmon Recovery Program; \$60 million for the Pacific Salmon Agreement) would further critical scientific research and monitoring, spur new partnerships and cooperative efforts, enable more recovery plans, and enforce protections under the Endangered Species Act. It would also create significant opportunities for the states, local and tribal authorities, and private landowners to accelerate protection efforts.

Finally, history has demonstrated that vast amounts of money can be spent on restoration and recovery of habitat that could have been protected at significantly less cost to the taxpayer, and with better environmental results, before the systems were altered and degraded. It is time to make tough choices about where fish can be successfully recovered, but it is even more important to focus on functioning systems with healthy habitats and salmon populations. These decisions should be based on the existing watershed analyses and plans, and connected to the priorities emerging from NOAA's essential fish habitat work.

CONCLUSION

Thank you for the opportunity to submit these remarks. Conservation of coastal waters is challenging. Many marine habitats cannot be purchased and set aside for conservation. Instead, we must conserve, restore, and acquire critical coastal areas; research stresses to systems; improve water quality; maintain freshwater inflows; and sustainably manage marine resources and habitat. The Nature Conservancy looks forward to working with NOAA, other federal agencies, state and local governments, non-governmental organizations, and the private sector to ensure the long-term protection and sustainable use of our productive and diverse coastal waters.



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**Testimony Submitted to the House Appropriations
 Subcommittee on Commerce, Justice, State and Independent Agencies
 By Prof. Dennis Smith, Ph.D., Director of the International Initiative of the
 Robert F. Wagner Graduate School of Public Service at New York University
 March 31, 2000**

After the Allies' victory in World War II the United States faced an enormous challenge of rebuilding in Europe and Asia. Through the Marshall Plan and other creative public policies and programs a foundation was laid for the peace and prosperity that has developed in the second half the 20th-century. Now having defended its democratic system and won the Cold War the United States faces a new challenge of encouraging the development of democratic political systems and market economies around the world. The struggle for democracy and economic freedom will require new weapons, but success in this battle may depend as much on American ingenuity and technological superiority as did our previous victories.

Today, the United States government has many programs that support democratic and market economy capacity building. Through its direct aid programs, its Fulbright and other scholar exchange programs, the Muskie and Ron Brown fellows programs, and through various foreign visitor programs, our government is making a strategic investment in developing leadership around the world. Indirectly, America's investment in higher education has paid off in international dividends: American universities are the destination of choice of more students who leave home to study than any other education system to the world. During their stay and time of study in U.S. these international students are exposed to American institutions, American values, American freedom, which they can take with them when they return to their homes.

Preparing professionals to design, plan and manage the delivery of public services in such fields as health and other social services, housing, education, public safety, transportation, the environment is central to the mission of the Robert F. Wagner Graduate School of Public Service at New York University. And, we are seeing a significant increase in interest from other countries in American approaches to public service delivery and public policy. One of the most diverse graduate schools of public service in the country, Wagner's growing international student population comes from 43 countries, including Argentina, Azerbaijan, Belgium, China, Colombia, Denmark, France, Indonesia, Italy, Mexico, Russia, South Korea, Spain and Thailand. And Wagner's presence, in turn, through programs and exchanges, has reached countries like Colombia and Chile and former Communist countries like the Ukraine and Albania.

Building on its strong presence throughout the world and its reputation as a premier center for the training of public service professionals, Wagner is ready to launch a new initiative – the International Center for Democratic Public Service. The aim is simple yet profound: to help strengthen democracy throughout the world. We have a proven track record in doing just that.

Programs and Activities of the Wagner School

Reflecting the increasingly global connection among governments at all levels, the Wagner School's International Initiative has allowed students, scholars, policymakers, and officials—here and around the world—the opportunity to deepen their understanding of public administration, health policy management and urban planning. The Wagner School curriculum is continually evaluated in order to incorporate a global perspective, and thus better address the ever-changing professional needs of our students. We also have a series of international academic partnerships with the National Institutes of Public Administration/University programs in Public Administration to develop capability for “in-country” executive development and faculty and student exchange programs.

In addition, we have formal degree granting programs with École Nationale des Travaux Publics de L'État (ENTPE), Lyon, France; Escola Superior d'Administració i Direcció d'Empreses (ESADE), Barcelona, Spain; Instituto Tecnológico Autónomo de México (ITAM), Mexico City, Mexico; Korea University, Seoul, Korea; and Universidad de Santiago de Chile, Santiago, Chile.

We are using the Internet and telecommunications technologies extensively in our partnerships with universities around the world. Building on our experience using teleconferencing in courses with Europe, Latin America, and Asia, we are now introducing this technology in our work with Mozambique. By substantially avoiding the time and money costs of faculty and student travel in educational partnerships, we believe modern distance learning technologies will enable the Wagner School to dramatically widen and deepen the reach of its professional educational programs committed to building capacity for democratic public service in the nations of the world and for the international organizations serving the people of those nations.

Masters of Science in Management of International Public Service Organizations

A big part of the load of responding to humanitarian crises around the world and of civil society capacity building in support of health, education, social services, human rights protection, and electoral reform is carried by a wide range of international public service organizations. International NGOs, many based in the United States, had become major players on the world scene. Over the past decade these organizations have grown in scope and scale at a remarkable pace. In the same period of time the service delivery parts of the United Nations system, such as UNICEF and the Department of Peacekeeping Operations, have been given new and more complex assignments. At the same time funders are demanding greater evidence of successful performance and imposing more rigorous standards of accountability. Drawn from all regions of the world, managers of these organizations need to be equipped with the intellectual and professional tools that allow them to respond flexibly, sensitively and creatively to rapidly evolving demands to manage the delivery of services, sometimes in emergency or crisis situations. For this, they will need intellectual and professional tools of the highest caliber.

Building on its well-established program of management education for professionals in the public and non-profit sector, the Wagner School offers a Masters of Science in Management of International Public Service Organizations – the only one of its kind in the country – designed to address the need of the international community for well-trained managers. This year's class includes students from 17 countries in Asia, Africa, Latin America, the Middle East, Central Europe and the former Soviet Union, as well as staff from United Nations agencies such as UNICEF, UNHCR, UNDP, and UNIDO.

The MS program incorporates the best of the Wagner management curriculum, including strategic management, information management and financial management, with international perspectives and examples that will prepare students to become effective and efficient managers of global organizations that must understand and respond to the needs of local populations. Our clinical approach and New York location allow participants to immediately apply their knowledge, either through part-time work with their own organization or through internships with the UN and New York based international NGOs.

American International Public Affairs Institute (AIPAI)

To prepare international university students interested in public administration in the United States, Wagner's American International Public Affairs Institute (AIPAI) offers a one-month intensive program to introduce these students to American culture and institutions at the local, state and federal level so that they can gain a greater understanding of the role of public policy and public service management in the U.S. and, in some instances, prepare them for graduate studies in public service in the U.S. service. Serving 25-30 students per summer, AIPAI is designed to prepare international students coming to the United States to study public administration, public policy analysis, management, urban planning and international affairs at the graduate level.

The program involves total immersion in English through lectures by distinguished faculty and public officials as well as discussion sessions, presentations, debates, negotiation exercises, extensive writing experiences, and social activities. Students benefit from the wide array of political and cultural organizations available in New York City and get a first hand view of American governmental institutions through a study week in Washington D.C.

Capacity Building

The Wagner School faculty is contributing to a range of public service capacity building projects worldwide. For example, Wagner faculty have worked with the University of Tirana, Albania, to establish a graduate program in health administration, and with the Albanian Ministry of Health to develop a policy analysis unit. We have helped identify, encourage, and support successful efforts of public management innovation in Colombia.

Our leadership development program in Ukraine will bring 50 government leaders to the United States and to the European Union over the next year, and our faculty development partnership with Edouard Mondlane University in Maputo will introduce a new curriculum in public policy analysis of the next two years. Our Muskie and Freedom Support Act Fellowship programs provide scholarships for graduate students from Central and Eastern Europe who aim to pursue careers in the public, private, and nonprofit sectors. These fellowship programs, administered by the Soros Foundation, support highly qualified men

and women pursuing a Master of Science degree in management in all three of Wagner's principal programs. For the 1999-2000 academic year, the School is hosting five fellows from Estonia, Georgia, Kazakhstan and Latvia.

The Institute for Public Administration

Wagner is affiliated with the Institute for Public Administration, an organization that for over 90 years has provided technical expertise to governments worldwide. IPA's recent projects include: An Infrastructure Study of four metropolitan cities: Tokyo, London, Paris and Los Angeles for the New York/New Jersey Port Authority, and Urban Land Use and Management in China, in which IPA helped formulate recommendations concerning China's transformation of a communal system of urban land ownership to a market system.

NYU – A Global University

Wagner's strong links internationally fit well within the overall direction of New York University, which has fully established itself as a global university. With academic programs in Athens, Dublin, Florence, London, Madrid, Nanjing, Paris and Prague, NYU is also the founding institutional member of the League of World Universities, an organization that brings together the leaders of 47 great urban universities from all five continents to address issues of higher learning worldwide. More international students enroll in NYU than any other University in the country. NYU Law School has a Global Law Program, NYU/Mt. Sinai Medical School has a Global Health Center, and the international business department of the Stern School of Business is world-renowned.

Finally, location is destiny. NYU is located in a heart of what is arguably the capital city of the world. New York is the international center for media, commerce, banking, NGOs and home to the United Nations. We use these real world resources to prepare future leaders and managers for real world situations.

International Center for Democratic Public Service

Building on the Wagner School's existing programs and seeking to bring together its expertise and resources in one enterprise, we are proposing to create an **International Center for Democratic Public Service**. Through the establishment of this Center, Wagner will strengthen its own educational and research programs and seek to play a catalyzing role by bringing together major actors and stakeholders including academics, business leaders, public servants, NGO leaders and students to focus on the major health and social issues facing the global scene today. The International Center for Democratic Public Service will offer a constellation of activities and programs, designed to foster debate, dialogue, creative exploration of solutions and sharing of research and field experience in a pro-active setting designed for learning and doing. Under the auspices of such a Center, Wagner intends to undertake the following types of activities and programs described below:

- **Capitalize on distance learning and communication technology capabilities, to form academic partnerships with selected academic and research institutions around the world.** This provides another means to facilitate dialogue and exchange and to engage in capacity building across national borders. This collaboration with other academic institutions will strengthen and build upon the current knowledge and the various global perspectives of each institution. Such partnerships will

allow Wagner to develop new curricula, to explore and test distance learning and to increase the capacity of partners to prepare students for public management internationally and within their own countries.

- Expand the MS degree in the **Management of International Public Service Organizations** in response to growing demands for managerial efficiencies and accountability for the UN system and the growing NGO sector that is taking on increasing responsibility in the provision of services to populations worldwide. Already a large number of staff from UN agencies and NGOs have enrolled in the MS program. Under the Center, we will be able to better serve greater numbers of these individuals, teaching them how to meet the growing demands of the United States and the international community for more effective and transparent management.
- Offer a wide range of intensive executive development courses varying in duration to meet the specific needs of managers of programs, heads of departments and divisions, such as health professional managers, senior international staff from the UN system and other executives in the public service domain. The advanced management program provides management skills in any or all of the following: managing people, resources, finance, assets, information, programs and strategic management. The program can lead to an MS degree or advanced professional certificate in finance management or policy analysis in health, the nonprofit or governmental sectors and understanding. Alternatively, managers can select from over 100 courses to meet their specific needs.
- Sponsor for thematic issues to bring together leading thinkers and practitioners in the health and social sectors with the goal of strengthening strategy and practice on social sector development in the face of the pressures of the market and economic mandates. These will include major stakeholders in the global arena and, through televideo hookups with locations across the globe, students, the next generation of leaders, as well as academics from partner universities. It will provide these practitioners and researchers with reliable information on social trends, give access to the most up-to-date research and literature on social development and relevant public service activities, and enable a dialogue with social innovators and entrepreneurs from around the world. It will aim to create the networks and alliances to foster sustainable social development.
- Bring distinguished visiting scholars and practitioners to New York University to address the most pressing and contemporary issues of the day through master classes, short programs, seminars and semester-long courses.
- As more countries grapple with emerging public service issues, we will use our partnership with the **Institute of Public Administration (IPA)** to provide technical assistance and consultation on these issues on a greater scale.

The Wagner School is uniquely positioned to develop the International Center for Democratic Public Service.

- The Wagner School has developed a strong international focus in its curriculum. Our International Initiative allows students the opportunity to deepen their understanding of public service through international comparisons and experience.

- The Wagner School has a proven record of expertise with capacity building in emerging democracies. There is becoming a growing need for these services.
- The location of the Wagner School in New York provides additional comparative advantages including its proximity to the headquarters of the United Nations as well as numerous international NGOs and headquarters of some of the world's major private sector firms. With Washington DC only a few hours away, the offices of the major multi-lateral institutions, embassies and the offices of other government personnel are within easy reach as well. Access to the intellectual resources of these organizations - as well as top-level government officials - provides opportunities for collaboration for learning and research purposes as well as for internships, debates and other joint activities. The presence of a large internationally-oriented population of potential students and course participants and finally, the marketing power of its campus in the heart of one of the most diverse and captivating cities in the world, attracts student from abroad as well as from the US.
- The Wagner School is a part of New York University, which is quickly being recognized as a "Global University" and offers the opportunity for close partnership with some of the most widely respected law, medical and business programs in the world.

To launch and sustain the Center, the University is seeking funding from a wide variety of sources: corporations, foundations, and private donors. We are requesting funds in the amount of \$5 million from the federal government to create "smart" classrooms capable of the most advanced use of telecommunications and data delivery, which will enable us to support exchanges of international scholars and institutional partnerships needed to develop effective public service practice and scholarship worldwide. Furthermore, we would like to use a significant portion of funding to expand our executive development, degree granting and fellowship programs to provide leaders from countries in need with the skills they need to effectively lead their agencies and organizations.

The demands on public servants today do not respect national boundaries. They include the spread of disease, the movement of people, the organization of crime, new threats to the environment, and economic crises. In the same way, no nation has a monopoly on solutions, and the availability of "best practices" has dramatically increased as technology has shrunk the world and the global economy has homogenized cultures. The knowledge, understanding and skills on which public service depends are increasingly linked in a world-wide web of communications and relationships. The International Center for Democratic Public Service can serve as a catalyst for these communications and relationships, to contribute to the spread of effective and responsive democracy throughout the world.



Northwest Indian Fisheries Commission

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**WRITTEN TESTIMONY TO THE
HOUSE COMMERCE, JUSTICE, STATE, AND JUDICIARY
APPROPRIATIONS SUBCOMMITTEE
ON THE FY 2001 BUDGET FOR THE DEPARTMENT OF COMMERCE
BY BILLY FRANK, JR., CHAIRMAN
THE NORTHWEST INDIAN FISHERIES COMMISSION**

MARCH 31, 2000

Mr. Chairman, and Honorable Members of the Committee, I am Billy Frank, Jr., Chairman of the Northwest Indian Fisheries Commission (NWIFC) and on behalf of our member tribes I would like to thank you for the opportunity to offer written testimony concerning the Department of Commerce FY 2001 appropriations that pertain to Pacific Salmon Recovery funding needs.

SUMMARY OF FY 2001 APPROPRIATIONS REQUEST

In general, the Northwest Indian Fisheries Commission supports the Administration's appropriation request presently before the Subcommittee. We also support additional clarification language by the Committee pertaining to several issues. Specifically, we support the following:

- **\$100 Million for the Pacific Coastal Salmon Recovery Program in the Lands Legacy Initiative, with a set-aside of 10% (\$10 million) to affected tribes for their management responsibilities. A specific allocation of the set aside for the Northwest Indian Fisheries Commission of \$8 million is requested.**
- **\$60 Million for the Pacific Salmon Agreement consistent with the recently signed treaty annexes.**
- **\$3 Million for a Displaced Tribal Fishers Program.**
- **Support Additional ESA Program Funding to National Marine Fisheries Service (NMFS) and Earmark \$530,000 for National Marine Fisheries Service and Tribal/NMFS ESA Task force.**

INTRODUCTION

Twenty-six years ago, the *US. V. Washington* case was decided by the federal court system. This decision, respecting the treaty rights of our member tribes, propelled major changes in fisheries management in the Pacific Northwest. These changes have not only fundamentally altered the legal, political, social and economic institutions of the State of Washington, but have also fostered a nationwide quest for tribal self-determination and self-governance led in part by the Northwest tribal leadership. These parameters affect both the way tribes perform fisheries management, as well as how we approach the federal system during the budget appropriations and legislative processes.

TRIBAL PROGRAMS ARE ORGANIZED BUT UNDERFUNDED

We have made great strides in institutionalizing tribal management consistent with tribal values, treaty rights and federal court decisions. We have developed great professional capabilities and policy respect as we proceed through the various processes. We are efficient and effective, but we have significant unmet needs. While we have efficiently organized our tasks and have assigned responsibilities between the tribal community to extend our collective efforts, the management obligations are many. New and highly difficult complexities abound, many have been precipitated by the demands of the Endangered Species Act.

RECENT ENDANGERED SPECIES ACT SALMON LISTINGS HAVE SIGNIFICANTLY AFFECTED TRIBES AND NORTHWEST MARINE FISHERIES SERVICE

In late February, 1999, a number of species of Pacific Salmon were "listed" by the National Marine Fisheries Service as "threatened" under the terms of the Endangered Species Act (ESA). This ESA listing process has triggered a cascading chain of events, which have or will result in significant changes to harvest, hatchery, and habitat practices for the region and its inhabitants.

Tribes will be affected by this federal process. As fishers, the listing raises serious questions about the status of the stocks and poses a threat to the opportunity for these individuals to continue to harvest this salmon, a treaty secured resource. As governments, the ESA process now places inordinate demands upon the tribes as co-managers of the resource. Biological Reviews, Listing Decisions, Conferencing, Assessments, Opinions, Consultation, and Recovery Planning are just a few of the series of loops tribes will now be forced to participate in just to ensure their treaty protected fisheries. The tribes harvest opportunities and management certainty have been placed into severe jeopardy by these actions. Continued and expanded tribal funding to fulfill these federal mandates is essential.

Additional funding is also needed for the National Marine Fisheries Service so that they can actively participate in the many ESA functions that exist in the Pacific Northwest. NMFS is the key Federal agency charged with implementing the Act and requires additional funding to properly discharge their trust responsibilities to the tribes. We would like the Subcommittee to earmark \$530,000 for a Tribal/NMFS ESA Task Force that brings tribal and NMFS technical and policy representatives together to implement the Act and trust responsibilities.

It is partly for these reasons that the tribes have worked very hard over the years to bring about positive and effective change in resource management. Unfortunately, events have overtaken tribal efforts, and new obligations are upon us.

**\$100 MILLION FOR THE PACIFIC COASTAL SALMON RECOVERY WITHIN THE
LANDS LEGACY PROGRAM WITH A 10% (\$10 MILLION) TRIBAL SET ASIDE**

Tribes were greatly appreciative of the Committee's efforts to include Pacific Coastal Salmon Recovery funding in last year's appropriation. We have long advocated for such a concerted partnership approach between federal, state, local and tribal governments to save the Pacific Salmon.

This year we are happy to support the Administration's funding request of \$100 million to continue this effort through the Lands Legacy Initiative.

For many years, the tribes have sounded alarms about the declining status of the salmon resource caused in part by past state and federal policies. Tribes have actively participated in the implementation of the Northwest Forest Plan. Tribes have also worked diligently with the federal and state governments in implementing the Pacific Salmon Treaty and other conservation efforts. In local processes, tribes have begun to link their work with county and city governments to develop watershed recovery strategies. Connections between tribes and private interests, including the timber industry, environmental community, and volunteer organizations are in place, and expanding regularly. But for all of these efforts, tribes are in need of additional financial resources. Tribes need a consistent source of funding that allows them to actively work salmon restoration efforts. That is why a continued set aside for the tribes is essential. We support a 10 percent, or \$10 million, set aside for the Pacific Coastal tribes for salmon restoration work. We also seek a specific allocation of \$8 million from this amount for the Northwest Indian Fisheries Commission for the work described below.

As noted earlier, treaty tribes in western Washington have court-affirmed fisheries co-management authority and responsibility for salmon. This co-management relationship is well defined and institutionalized and has been recognized in harvest and hatchery management activities for many years. These same courts have recognized that without healthy habitat for salmon, the treaty right would not be fulfilled. This collection of rights places the tribes in a principal management role with the State of Washington to ensure that the salmon resource is managed wisely for the benefit of all.

This obligation for sound resource management weighs heavily on the tribes as more than three-quarters of the state is affected by several Endangered Species Act (ESA) listings, with many of the remaining areas experiencing declining levels of many salmon species. Salmon recovery will affect every resident of the state.

For tribes to take on these additional efforts and responsibilities, it is essential that we have adequate funding to fill new technical and policy positions. What follows is a general summary of tribal needs. Because the salmon recovery efforts vary greatly between watersheds, tribal needs also vary from one another. However, additional tribal funding needs for capacity enhancement and technical analysis can generally fit into the following categories. These include:

- Infrastructure and Capacity for Policy and Planning
- Technical Assistance, Regional Coordination, and Integration

**TRIBAL INVOLVEMENT IN SALMON RECOVERY IS ESSENTIAL, BUT REQUIRES
INCREASED MANAGEMENT CAPACITY**

Each tribe has an existing fisheries management program, and will utilize its program as a base for salmon recovery efforts. FY 2000 budget funding has increased each tribe's ability to engage in salmon restoration activities and programs. This increased capacity has enabled the tribes to dedicate necessary staff and policy attention to work through various reviews, listings, consultations, rule developments, and conservation planning processes that have already begun as the National Marine Fisheries Service moves forward with legal requirements under the Endangered Species Act. Moreover, this infrastructure has also provided the tribes with additional capabilities to work through the various salmon restoration projects and activities that are under way within the region, which are detailed more fully in the "Regional Integration and Technical Assistance" section that follows.

**TRIBES WILL BRING TOGETHER REGIONAL INTERESTS THROUGH
TECHNICAL ASSISTANCE, COORDINATION, AND INTEGRATION THAT
SUPPORTS SALMON RESTORATION**

A coordinated tribal effort is necessary on a variety of "statewide" and "regional" issues facing the tribes and the State of Washington. Using the expanded capacity described above, tribes and their policy and

technical staff will dedicate time and effort toward developing salmon conservation and recovery planning processes that are essential to salmon restoration.

Tribes, along with the State of Washington, will develop comprehensive species management plans for coastal river systems, Puget Sound chinook, Hood Canal summer chum, and Lake Ozette sockeye salmon. They will also work on conservation concerns for coho salmon, which in some areas are listed by NMFS as a "candidate" species for potential listing in the future.

Tribes will develop new hatchery genetic guidelines, stock productivity models, fishery guidelines and standards for local salmon recovery. Tribes will update the Salmon and Steelhead Stock Inventory (SASSI) and will complete the Salmon and Steelhead Habitat Inventory and Assessment Project (SSHAP). These two data systems integrate stock status and habitat information, essential knowledge for effective salmon restoration and protection activities. SSHAP is also an essential component for long-term habitat monitoring programs, including that of the recently enhanced forest practices program.

To make these activities complete, however, requires coordination and integration of the tasks at a number of levels. In some cases, special studies and assessments must be done. In other cases, regional and/or case-area-wide coordination must occur to ensure project completion.

This broad array of activities will allow the maximum flexibility for locally driven processes to determine which activities are most important for each watershed. This is essential as the current status of habitat inventories, wild stock assessments and hatchery impacts in each watershed are highly variable.

The following is a partial list of salmon restoration projects and activities that may be conducted:

- Watershed assessments, including habitat conditions, in-stream flow studies, water quality and quantity analysis pertaining to salmon productivity;
- Develop/design projects to address limiting factors;
- Compliance monitoring for regulatory components of salmon recovery;
- Habitat monitoring;

- Stock monitoring; and,
- Adaptive management monitoring, research, assessment and application.

It must be recognized that tribes also anticipate accessing various funds that are available to state governments for active watershed restoration and protection projects. These funds would come from monies provided by the subcommittee to state governments. In many cases, tribes will be in the best position to protect and preserve habitat through the purchase of riparian habitat. In other cases, tribes will have the best expertise and infrastructure in place to effectively complete restoration projects.

PACIFIC SALMON AGREEMENT REQUIRES FURTHER FUNDING

Many new demands have been placed on the United States and Canada as a result of the new 1999 Pacific Salmon Agreement. The Administration has proposed a funding package of \$60 million for FY 2001 for two endowment funds and to support a License Buyback Program. The two endowment funds, partially funded in FY 2000, will be administered by the Pacific Salmon Commission for habitat, stock enhancement, science and salmon management initiatives in both countries. The License Buyback Program will be used by the State of Washington to reduce fishing licenses and gear targeting sockeye salmon.

These funds are essential in order to implement the Agreement. Clearly, there have been very significant harvest reductions taken by the tribes as a result of this new Agreement. Unfortunately, harvest reductions alone will not bring back the salmon. These new funds will provide resources to the two countries to target a multitude of recovery efforts that are complimentary to the harvest reductions.

† TRIBAL FISHERS BEAR A HUGE BURDEN. AND FUNDS SHOULD BE FOUND TO SUPPORT THEM WHILE SALMON RECOVERY OCCURS

Tribes are very concerned about our displaced fishers. Unemployment rates on some reservations, which depend heavily on salmon fisheries now seriously curtailed due to low stock abundance, are as high as 80 percent. We would like the Committee to consider an extension of the successful federal "Jobs In the

Woods" Initiative of the Northwest Forest Plan which utilized unemployed loggers. This program could be expanded for specific inclusion of tribal fishers. New funds for "fishers support" should also be found to ensure that tribal fishers could continue to make boat payments and leases during these low abundance periods. These funds could be earmarked from within the existing Department of Commerce budget, so long as they become available to the Tribal Fishers. It is expected that this program would cost about \$3.0 million per year for the next decade.

CONCLUSION

We strongly urge the Committee to provide \$100 million in funding for Pacific Salmon Recovery through the Lands Legacy Initiative. We ask the Committee to support the use of \$10 million of these funds for use by the Pacific Coastal Tribes. Language directing \$8 million of these funds to the Northwest Indian Fisheries Commission will enable us to actively engage in all phases of salmon recovery efforts in western Washington. These monies would be carefully managed to ensure results and accountability.

The new Pacific Salmon Agreement requires \$60 million during FY-2001 to build up the endowment funds and to buyback gear and vessel licenses. A new initiative to support displaced tribal fishers and ameliorate their financial burden will cost \$3 million.

We thank you for your consideration of our request. We are available to answer any questions.

U.S. Commissioners

W. Ron Allen
David Benton
James H. Fipkin
Curt Smith

**UNITED STATES SECTION
of the
PACIFIC SALMON COMMISSION**

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**STATEMENT OF THE
U.S. SECTION OF THE PACIFIC SALMON COMMISSION**

**BEFORE THE SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE,
JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES**

Mr. Chairman, my name is Rolland Rousseau. I am an Alternate Commissioner on the Pacific Salmon Commission (PSC). The PSC was established under the Pacific Salmon Treaty (Treaty) between the U.S. and Canada. A new Agreement (Agreement) was concluded in June of 1999 that establishes new abundance-based fishing regimes under the Treaty and made other improvements in the Treaty's structure. I am providing this statement of the FY 2001 budget for Treaty programs recommended by the U.S. Section of the Pacific Salmon Commission for the Committee's use and for the record. The U.S. Section supports the Administration's request for \$10,587,000 for the Pacific Salmon Treaty Line Item under the Information Collection and Analysis activity of the National Marine Fisheries Service for FY 2001. Included in this amount are a restored recent year funding level of \$5,587,000 for Treaty programs and \$3,156,000 in new funding to support new data collection requirements necessary to implement the provisions of the new Agreement for a total of \$8,743,000 in base Treaty funding. Also included in the line item is a restored level of \$1,844,000 for abundance based chinook salmon management in Southeast Alaska. The U.S. Section supports the Administration's request that \$400,000 again be provided for the bilateral Transboundary River Enhancement Program under the NMFS International Fisheries Commissions Line Item in FY 2001. We also recommend that the Administration's request of \$2,151,000 for FY 2001 Department of State funding for the bilateral PSC staff and offices and for U.S. Section travel and stipends be funded. This is an increase of \$576,000 over the FY 2000 level.

The base Treaty implementation funds, \$5,587,000 in recent years, support a wide range of salmon stock assessment, fishery monitoring, and technical support activities for all five species of Pacific salmon in the fisheries and rivers from Southeast Alaska to the coasts of Washington and Oregon and Columbia River inland to Idaho. The states of Alaska, Washington, Oregon, and

Idaho, and the National Marine Fisheries Service (NMFS), are charged with carrying out a major portion of the salmon fishery stock assessment and harvest management actions required under the Treaty. Federal funding for these activities is provided through the National Marine Fisheries Service on an annual basis. The agency and tribal projects carried out under Pacific Salmon Commission funding are directed toward acquiring, analyzing, and sharing the information required to implement the conservation and sharing principles of the Treaty. A wide range of programs for salmon stock size assessments, escapement enumeration, stock distribution, and catch and effort information from fisheries, are represented. The information from many of these programs is used directly for fishery management and, in some cases, is used inseason as it is collected.

The June, 1999 Agreement requires that all fisheries subject to the Treaty be managed on an abundance-based system. The implementation of this approach in many of the fisheries will require new data collection activities. The U.S. Transboundary River fisheries, Northern Boundary Area fisheries, and Southern Coho fisheries will have new abundance-based management systems developed for them. The abundance-based management system for chinook salmon currently used in Southeast Alaska fisheries will be expanded to all U.S. and Canadian chinook fisheries. The new Agreement includes provisions that require the monitoring of salmon habitat protection and restoration and the reporting of progress on these activities. The new funding, \$3,156,000, requested by the Administration for these programs will be essential to the success of the Treaty under the new Agreement provisions. Abundance-based management systems will have to be successfully developed if salmon conservation and sharing goals are to be met.

The June 24, 1996 Letter of Agreement Regarding an Abundance-Based Approach to Managing Chinook Salmon Fisheries in Southeast Alaska was signed by the voting U.S. Commissioners. Under this approach, the chinook harvest levels for the Southeast Alaska fishery are based on annual estimates of chinook abundance. This system replaced the harvest ceilings, which do not respond to fluctuations in chinook salmon populations. Congress appropriated \$1,844,000 for FY 2000 to provide for the collection of necessary stock assessment and fishery management information to implement the new approach. The funding will be used by the

Pacific Northwest states and treaty tribes, and Alaska to support abundance-based chinook salmon management coastwide under the new Agreement. The U.S. Section is again requesting \$1,844,000 (Administration request) to support the implementation of abundance-based chinook management in FY 2001.

The U.S. and Canada agreed to a joint salmon enhancement program on the Transboundary Rivers flowing between Canada and Southeast Alaska in 1988. Congress has provided \$400,000 annually for this effort through the National Marine Fisheries Service International Fisheries Commission line item under the Conservation and Management Operations activity. The U.S. Section recommends that \$400,000 (Administration request) be provided for FY 2001 for funding of this very successful bilateral program.

The U.S. Section of the Pacific Salmon Commission supports a Department of State funding level of \$2,151,000 (Administration request) for Treaty implementation in FY 2001. This is \$576,000 more than the FY 2000 Appropriation and is vitally needed to support new U.S. bilateral commitments made in the June, 1999 Agreement. This funding provides for the United States contribution to the bilateral Pacific Salmon Commission staff and offices based in Vancouver, British Columbia. It also provides for travel costs for U.S. Commissioners, panel members, and technical committee members and stipends for those Commissioners and panel members authorized to receive them under the implementing legislation.

This concludes the Statement of the U.S. Section of the Pacific Salmon Commission submitted for consideration by your committee. We wish to thank the Committee for the support that it has given us in the past.

SUMMARY OF DOC PROGRAMS UNDER THE U.S./CANADA PACIFIC SALMON TREATY

Pacific Salmon Treaty Implementation

<u>FY 00 Approp.</u>	<u>FY 01 PSC Rec.</u>	<u>Admin. Request</u>	Shortfall From <u>Admin. Request</u>
\$5,587,000	\$8,743,000	\$8,743,000	\$0

OTHER PROGRAMS ASSOCIATED WITH THE PSC

Implementation of Letter of Agreement for Chinook Abundance Based Management - S.E. Alaska (included in Salmon Treaty line item)

<u>FY 00 Approp.</u>	<u>FY 01 PSC Rec.</u>	<u>Admin. Request</u>	Shortfall From <u>Admin. Request</u>
\$1,844,000	\$1,844,000	\$1,844,000	\$0

Transboundary River Enhancement

<u>FY 00 Approp.</u>	<u>FY 01 PSC Rec.</u>	<u>Admin. Request</u>	Shortfall From <u>Admin. Request</u>
\$400,000	\$400,000	\$400,000	\$0

SUMMARY OF DOS PROGRAMS UNDER THE U.S./CANADA PACIFIC SALMON TREATY

<u>FY 00 Approp.</u>	<u>FY 01 PSC Rec.</u>	<u>Admin. Request</u>	Shortfall from <u>Admin. Request</u>
\$1,575,000	\$2,151,000	\$2,151,000	\$0



**WRITTEN TESTIMONY SUBMITTED TO THE COMMERCE , JUSTICE,
STATE APPROPRIATIONS SUBCOMMITTEE BY
GEORGE MCDONALD, PRESIDENT AND FOUNDER OF THE DOE FUND'S
READY, WILLING & ABLE PROGRAM**

Mr. Chairman and Members of the Subcommittee, thank you for giving me the opportunity to submit this testimony. My name is George McDonald, I am the President and Founder of The Doe Fund's Ready, Willing & Able program.

I am submitting this testimony to share with you our plans to expand Ready, Willing & Able to help reduce the recidivism rate of formerly incarcerated, homeless men and women by providing them with paid work, job training and supportive services as a first step to reintegration.

THE NEED

- The cost of incarcerating one person is between \$25,000 to up to \$55,000 per year.
- A study by the National Institute of Corrections found that inmates who received substance abuse rehabilitation are 52 percent less likely to return to prison, compared with those who receive no treatment.
- There is a 70 percent rate of recidivism experienced nationwide among prisoners and parolees who do not receive drug rehabilitation and supportive services.
- Men and women released on parole face multiple barriers to reintegration. These include: long histories of incarceration and unemployment, homelessness, lack of skills, lack of education and substance abuse issues.

THE SOLUTION

Ready, Willing & Able, the nation's most successful residential work training program, was founded in 1990. Last year, Ready, Willing & Able provided nearly 600 homeless, formerly incarcerated and low-income individuals with a residential work training program, substance abuse counseling, education, and other supportive services. Currently, Ready, Willing & Able programs are located in New York City (Bedford-Stuyvesant/Brooklyn and Harlem) and Jersey City.

Ready, Willing & Able works with those considered the "hardest to serve." Fifty percent of the men and women in the program have an average of three felony convictions, a long history of homelessness and substance abuse, little education and few job skills.

Here are the statistics on these men and women:

- More than 60% have a criminal history and have been incarcerated; 50% were convicted of a felony.
- 83% became homeless because of drug use and 82% used drugs for more than 12 years.
- More than 50% were unemployed for more than 12 months.
- 76% have children.
- 40% have less than a high school degree.

Despite working with "the hardest to serve," last year, more than 65% of the men and women in Ready, Willing & Able "graduated" into private sector jobs and market-rate housing, according to a recent study conducted by Philliber Research Associates, an independent research organization. Eighty-five percent of those who graduate begin to financially support their children. The study further showed that program graduates are still employed and living in unsubsidized housing three years after graduation.

The solution is simple: Work works. In our 10 years of experience, we learned that what homeless men and women need most is a job. They want to work because it gives them dignity and it provides them with a way to rebuild their life.

To illustrate the types of individuals who come into our program, I want to share part of a letter I received two years ago. This letter was from a prisoner in Florida who saw a Ready, Willing & Able ad in U.S. News & World Report. Here is what it said:

"My name is Angelo. I am a prisoner in a Florida prison. Your ad got me thinking about my circumstances: I am 32-year-old single man with a high school education. When I am released, the 'generous' release gratuity of \$100.00 will be enough for a night's stay in a hotel and dinner."

"After that I will be destitute. I am completely alienated from any surviving members of my family. I want to work when I get out. I have nowhere to go. Most guys in prison think of the \$100.00 gratuity as enough to buy a gun to 'get back into the game' with. Not me. I refuse to repeat these last five years in prison."

Angelo is only one of thousands of men who are released from prison each year. After spending years in prison with very few programs that help them reintegrate back into society, they are dropped off at street corners with nearly nothing. Angelo was one of the lucky ones. He received \$100.00. Most guys are released into the streets with nothing but the clothes on their backs.

Paul, a native of Washington, DC told us:

"I spent a lot of years at Lorton prison. When I was released, they dropped me off at a street corner in the middle of the night. The police officer told me as the bus drove away, 'Stay out of trouble for three years or else.' I looked around and it was dark. I had no money. All I had was the prison jumpsuit I was wearing when they let me out. I had two choices at that moment. One, I could go back to the old ways - rob, steal and do whatever I needed to do. You see, when you're broke, just out of prison and have no work record, no one hires you. The second choice is to rebuild my life as an honest man. This was the challenge because there I was standing in the dark, homeless and no one to turn to."

"I heard about Ready, Willing and Able while in prison. I walked all the way across town to get to their facility and they took me in the moment I walked through their doors. They gave me a bed, food and clothes. But most important, they gave me a job. It was a street cleaning job but it was exactly what I needed. I spent six months out there cleaning the neighborhood where I used to steal or do drugs. It was very humbling and some may even say it's humiliating because I had to pick up trash from the streets. But, it gave me a chance to put things in perspective."

"This organization trusted me. It gave me a job. It gave me an opportunity to rebuild myself. Today, I work in security. I've even started becoming a part of my children's lives again. Every time I think about where I am today, I can't believe that I was rotting in prison just one year ago. There are thousands of guys just like me who will be dropped off at the street corner in the middle of the night with nothing but a prison jumpsuit. Those people, like me, need Ready, Willing and Able."

For men like Angelo and Paul, Ready, Willing & Able provided a new beginning. Ready, Willing & Able's comprehensive services enables formerly incarcerated individuals to overcome the barriers to reintegration which include long histories of substance abuse, homelessness, long histories of unemployment, lack of education, lack of skills, lack of community network, alienation from their families and much more.

Following is an outline of the methods and strategies used by Ready, Willing & Able to help program participants make the transition back into society and into permanent employment and housing.

Intake and Outreach

The men who participate in Ready, Willing & Able are recruited throughout the year by direct outreach, referrals from other service providers, and referrals from the DHS intake office, and drug courts. The Ready, Willing & Able Intake Counselor meets potential clients at shelters or on the streets, describes the program, and completes intake evaluations for each individual once they register for the program. Female participants are referred by one of the several outside service providers with whom we coordinate, and they receive all of the same services as the men. In cases where the entering trainee has an outstanding court case or has responsibilities to report to a parole officer, Ready, Willing & Able staff works with the individual to resolve these issues.

Most often, Ready, Willing & Able becomes the primary point of contact for parole officers who receive weekly or monthly reports on the parolee.

Phase I: Orientation

Upon entering the program, participants officially renounce all public entitlements with the exception of Medicaid in exchange for a \$15 per week stipend. They are provided with a semi-private room, three meals each day, and begin a program of education and social services. Each client is assigned a Case Manager who takes a complete history of education, drug and alcohol addiction, past and present legal issues, debts (including child support), and family structure. Clients are given a comprehensive medical examination, including tests for tuberculosis and HIV, and are subject to a wants and warrants check.

Based on the Case Manager's recommendation, the client receives literacy or GED preparation, life skills training, and mental and physical health services while the program staff works to resolve any legal issues and to open up channels of communication with the families and children. All participants consent to remaining drug and alcohol free, and drug testing is administered weekly on a random, ongoing basis. Clients who do not remain sober are given the option of entering an intensive detoxification program at an outside clinic and then returning to Ready, Willing & Able.

Phase II: Job Training and Employment

The main body of the program prepares participants for reentry into mainstream society by replicating the responsibilities and demands of full-time employment and private housing. Participants are paid \$5.50 - \$6.50 per hour to work full-time and each week they are required to contribute \$50 towards housing, \$15 for food, and must put at least \$30 in a personal savings account, which will be matched up to \$1,000 by The Doe Fund after graduation. Thus, participants learn to manage their money to cover rent, food, and other expenses, build a savings base that will serve as a deposit on an apartment and cover other costs such as furniture, and still take home at least \$100 per week on average. Counseling, education, and life skills training continue throughout the program, and case managers reevaluate each client's progress on an ongoing basis.

Ready, Willing & Able participants work in the Community Improvement Project, providing street cleaning services to the Upper East and Upper West Sides of Manhattan and neighborhoods in Jersey City. Work crews sweep streets, bag garbage and refuse, clear gutters, steam clean sidewalks, shovel snow, water trees and flower-beds, and remove graffiti. Dressed in bright blue uniforms, participants in the street cleaning crews are living proof that the homeless want more than a hand-out, and the community has welcomed these hard-working, courteous men with open arms.

Phase III: Job Placement and Follow-Up Services

In order to graduate from Ready, Willing & Able, participants must secure permanent housing and full-time employment that pays a living wage. To help clients make this transition, the Job Developer holds a mandatory "Job and Life Skills Training" course that teaches participants

work ethics, job readiness, employee relations, peer cooperation, interview skills, resume writing, stress management, financial planning, and office dress codes. The Job Development Department also builds relationships with current and potential employers to help Ready, Willing & Able trainees access better job opportunities.

Through the department of Follow-up Services, The Doe Fund monitors the progress of clients who have graduated from the Ready, Willing & Able program and offers them assistance should any situation arise that could jeopardize their employment or independence.

In addition, 80 percent of employees of The Doe Fund are program graduates, in jobs ranging from security guards to the Program Director of the Brooklyn facility. Having made the transition from homelessness to self-sufficiency in their own lives, these employees are in a unique position to contribute to the program and serve as role models for participants.

In New York and in other states, drug courts are increasingly becoming part of the criminal justice system. These drug courts allow a person to choose between going to prison or a rehabilitation program. Ready, Willing & Able has been working with a drug court in Brooklyn and plans to work closely with the drug court which is going to be established in the Bronx. We believe, based on our success, that Ready, Willing & Able will assist greatly as the drug courts permit these men and women to participate in a program that provides alternatives to incarceration. As a result, Ready, Willing & Able is anticipating an increase in demand of services. In addition, Ready, Willing & Able currently has a waiting list of homeless men and women who want to enter the program.

Every year, this Subcommittee decides where criminal justice dollars are spent. Millions of dollars are spent on building prisons, sustaining prisoners, supporting the court system, and putting more cops on the streets. Because of its high success rate in helping formerly incarcerated individuals transition back into society, Ready, Willing & Able is one of the best investments this Subcommittee can make. Indeed, by reducing the recidivism rate and turning formerly incarcerated individuals into tax payers through work training, education and other supportive services, Ready, Willing & Able saves the federal, state and local government in criminal justice costs every year.

Therefore, I urge this Subcommittee to support Ready, Willing & Able's request of \$2 million from the FY 2001 Commerce, Justice, State Appropriations Bill's Bureau of Justice Assistance to expand its programs in New York and Jersey City and provide alternatives to incarceration. Again, thank you for the opportunity to submit this testimony.

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Statement of
Mr. Jayson Spiegel
Executive Director
Reserve Officers Association of the United States
for the
House Appropriations Committee
• Subcommittee on the Departments of
Commerce, Justice, and State, the Judiciary, and Related Agencies
concerning the
FY01 Appropriations Act
March 31, 2000

Reserve Officers Association
One Constitution Avenue, N.E.
Washington, D.C. 20002
202-646-7715

The Reserve Officers Association is a private, member supported, congressionally chartered organization. It receives no federal or other public funds.

Mr. Chairman and Members of the Subcommittee,

On behalf of the members of the Reserve Officers Association, it is a pleasure to be here today to present the association's views and concerns regarding the Office of Marine and Aviation Operations of the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce

The Office of Marine and Aviation Operations' (OMAO) mission is to serve NOAA and the nation by providing high quality and cost-effective scientific, engineering and technical services, ship and aircraft survey and research platforms, and personnel in support of missions that lead to a comprehensive understanding of the environment. OMAO provides expertise for sea and air operations and agency-wide technical integration, and leads the agency's field efforts in gathering critical data for environmental assessment, prediction, and environmental stewardship. OMAO's goal is to provide cost-effective, responsive, and safe operation of NOAA's platforms that support the agency's mandated missions; OMAO also strives to balance NOAA's in-house platform capabilities with outsourcing to the university and private sectors whenever this proves to be more cost-effective. Toward this goal, OMAO has been extremely successful.

In addition to research and monitoring activities critical to NOAA's mission, OMAO manages the officers of the NOAA Commissioned Corps (NOAA Corps). These officers provide NOAA with a unique, and very important, blend of operational, management and technical skills that support NOAA's science and surveying programs both at sea and ashore. Corps officers serve in NOAA's research laboratories and program offices throughout the Nation and in remote locations around the world.

Apart from NOAA's environmental mission, NOAA ships commanded by NOAA Corps officers have sailed into the national spotlight in recent years when their expertise was required following tragic aircraft disasters. With side-scan sonar used to map the ocean floor, *Rude*'s hydrographic survey capabilities enabled it to quickly find the primary wreckage fields of TWA Flight 800 in 1996 and the downed aircraft of John F. Kennedy Jr. in 1999. Later in 1999, *Whiting*, also a hydrographic survey ship, found the main debris fields of EgyptAir Flight 990 after it fell from the sky into the waters off Rhode Island. As other federal agencies become more aware of NOAA's capabilities, OMAO expects that NOAA ships will be called upon for disaster assistance with greater frequency in the future.

NOAA'S SHIPS AND AIRCRAFT

NOAA Ships

NOAA's ships are flexible, multi-purpose platforms that support a wide range of activities related to weather forecasting and prediction, public safety, navigation and trade, fisheries stock assessment, natural resource management and environmental protection. The fleet ranges from large oceanographic research vessels capable of collecting oceanographic and atmospheric data in the world's deepest ocean, to smaller ships which are able to chart shallow bays and inlets. Some of NOAA's mission needs require ship capabilities not now found in either the commercial or university sector. For example, the capability of NOAA's survey vessels to carry up to six fully instrumented hydrographic launches to remote areas is not duplicated outside of the federal government. Also, NOAA ships are currently the only U.S. vessels that can collect and process both oceanographic and fisheries stock assessment data. NOAA's National Marine Fisheries Service, on a routine basis, requires two types of data collected simultaneously--biological and oceanographic.

Thanks to Congress, which last year approved the Administration's request for a new fisheries research ship, NOAA has been able to begin acquisition of the first of four urgently needed new fisheries ships to continue the agency's critical work in fisheries stock assessment and research, required for effective management of the Nation's multi-billion dollar fishing industry.

Many of the ships in the NOAA fleet are approaching four decades of service (one fisheries ship just celebrated its fiftieth anniversary). ROA urges the Congress to provide the funding needed not only for three additional fisheries ships to replace the oldest ones in the fleet, but also to operate, maintain and repair all current vessels to ensure they continue to operate efficiently and safely, with no interruption of service to NOAA programs.

Programmatic Effectiveness: The NOAA vessels, by any standard used, have a very high user satisfaction rating. This is a result of at least four factors. First, is the longevity of the crew on the NOAA ships that leads to more standardized fish assessments. Civilian department heads average nearly 20 years of experience sailing on NOAA ships. Similarly, other crew members also have many years on NOAA's ships. This means that crews know how to fish using a standardized technique, how to conduct hydrographic operations, or how to conduct oceanographic operations. By contrast, the commercial sector is well known for its crew turnover and the UNOLS (university) ships have very limited experience in either fishing or hydrographic operations.

Second, collection and analysis of fisheries, oceanographic, and atmospheric data has become extremely efficient through a data collection system developed by OMAO software engineers called the Scientific Computer System, or SCS. SCS is a standard data acquisition system for the collection of sensor data from a wide variety of shipboard and deployed sensors. The system enables shipboard scientists to make real-time decisions based on visualization of real-time data and data relationships. Currently under development is an SCS for fisheries data, or FSCS. This capability will revolutionize the fishing industry, enabling fishermen and fisheries managers to have critical resource reports in hand within days—not months, which is currently what it takes to manually record and process fisheries data.

The third reason for the high program effectiveness of NOAA vessels is the rotation of the NOAA Corps officers between ships and shore side laboratories. The NOAA Corps officers carry to the ship the needs and requirements of the laboratory and back to the laboratory the capability and limitations of the ships. On the hydrographic ships, the NOAA Corps officers serve as both ship operators and scientists, enhancing quality control and saving cost.

The fourth factor is the dedication of the NOAA Corps officers and crew to the NOAA mission, and their intense desire to do the job right. These factors manifest themselves in a variety of ways in meeting NOAA's mission needs. In this regard, it is very common for a visiting scientist to praise someone on a ship, or the entire ship's complement, for going the extra mile to enhance the success of the cruise.

Safety: A criterion often overlooked in the discussion of merit is safety -- until an accident happens. Despite their age, NOAA ships have an exemplary record in providing a safe working environment for the crew and scientists on board. Similarly, NOAA ships have not been involved in environmental damage. The safety and environmental record of the NOAA ships has no equal.

NOAA Aircraft

OMAO manages a fleet of fixed-wing and rotary type aircraft. These aircraft operate throughout much of the world, providing a wide range of research capabilities from hurricane prediction research to coastal mapping and charting. For the most part, these aircraft have been significantly modified to carry instrument packages appropriate for NOAA's missions. For example, NOAA's P-3 hurricane aircraft are unique in their capability to conduct low altitude *in situ* research within the eye of hurricanes. The G-IV provides a similar unique capability in providing a rapid assessment of hurricane steering currents to aid in improved forecasts.

In addition to the larger aircraft, many of NOAA's smaller, or light, aircraft have been similarly outfitted to meet NOAA's mission needs. These modifications include equipment for the collection of data for atmospheric and oceanographic projects, aeronautical and nautical charting, climate and global change, and snow and aerial surveys, which are all mandated in

NOAA's mission. These configuration modifications also include accommodations to the needs of not only the highly specialized project equipment, but also the requirements for the scientific complement as well. Many of these modifications are not available on other aircraft. In addition, the NOAA Corps pilots of these aircraft bring to the cockpit a vast amount of aviation and project experience. The civilian crew that accompanies the aircraft to the project area enables repairs to the aircraft and project equipment to be completed in a very timely manner.

Like the ships, many of NOAA's aircraft are aging, approaching 30 years of service. In the not too distant future, funds will be needed for aircraft replacement capability. For now, the Congress is urged to provide adequate funds for maintenance and repair to ensure optimum efficiency and safety, and for full utilization of NOAA's aircraft.

Program Effectiveness: The success of NOAA's aircraft in meeting the diverse needs of NOAA's mission is very similar to that of NOAA's ships. The longevity of the officers and crew, and their knowledge of the NOAA programs, serve the scientists and managers very well. For example, NOAA Corps officers are the only such pilots qualified to fly the highly sophisticated P-3s into hurricanes at relatively low altitudes. After being qualified in a P-3, it generally takes a pilot two to three years to become qualified as a hurricane aircraft commander. Other NOAA Corps pilots are tasked with dual responsibilities as both pilots and scientists upon which NOAA programs have come to depend. Few private sector pilots have the training to serve in a technical scientific role similar to that of NOAA Corps pilots.

NOAA's versatile aircraft provide NOAA scientists and cartographers with the airborne platforms necessary to collect the environmental and geographic data essential to their programs. Much of the scientific instrumentation flown aboard NOAA aircraft is designed, built, assembled, and calibrated by OMAO's Science and Engineering Division. The P-3s have Doppler radars and wind probes that enable them to conduct hurricane, winter storm, and atmospheric research. The P-3s and Gulfstream IV are fully equipped as high-flying meteorological stations, invaluable to the National Weather Service. Both types of aircraft deploy instruments called dropwindsondes, which transmit meteorological data via satellite to forecasters and researchers. NOAA aviators also fly the world's most advanced photogrammetry platforms, using global positioning system referencing to significantly improve air navigation accuracy and provide shoreline data for nautical charts. The light aircraft carry a variety of instrumentation, from multi-spectral scanners that delineate the shoreline by mapping the thermal differences between water and land; to natural gamma radiation sensors that allow NWS hydrologists to determine the water content of snow cover for flood predictions; to side-by-side cameras allowing simultaneous exposures of film for aerial photography used for shoreline mapping, verification of aeronautical charts, and detection of airport obstructions. The aircraft also are configured as excellent observation platforms, useful for marine mammal surveys and other multiple uses.

Safety: In the 1970s there was a serious accident with a NOAA aircraft. Following this accident, all of NOAA's aircraft operations were consolidated under a centralized management. Subsequent to this reorganization, there has never been an accident where someone was seriously hurt -- a testament to the training and expertise of the pilots and crew, particularly when one considers the extreme weather conditions in which these aircraft frequently operate. Other organizations have not been so fortunate.

Platform Funding Needed

Currently, though many NOAA programs must plan their research over the course of many years, there is no guarantee that the highly specialized platforms they'll require to collect data will be available. OMAO does not have the short- or long-term funding necessary to ensure that these operational requirements will be met, either through major refurbishment of old platforms, converting existing ones obtained from other government agencies, building new platforms to replace old ones, or contracting out to the private sector and providing necessary technical integration support and specialized equipment. OMAO thus needs to secure congressional funding to maintain and repair its existing fleet of ships and aircraft, and match long-term operational needs of NOAA's program offices. Such funding will help OMAO meet its current requirements as well as better plan when to decommission aging ships and aircraft and replace them with newer, more cost-efficient and technically capable platforms -- thereby ensuring maximum use of all NOAA research assets.

NOAA CORPS

The NOAA Commissioned Corps (NOAA Corps) is distinctively designed to meet the operational needs of NOAA and to respond quickly to the emergent needs of the Nation. The Commissioned Corps is unique within NOAA in that it provides an organization of professionals prepared to conduct NOAA's operational activities with great flexibility and rapid response. It is the Nation's only commissioned environmental service and is the only uniformed service that requires every officer to have a college degree in science or engineering prior to being commissioned.

The NOAA Corps selects its personnel from motivated candidates of the country's colleges and universities, including historically Black Colleges and Universities and Minority Serving Institutions. These officers bring key technical skills, but also heightened talents in operation and management.

The NOAA Corps has been downsized from approximately 415 officers in 1994 to its current size of 230 officers. In late 1998, Congress lifted a recruiting moratorium that had been in place for four years, and authorized that the size of the NOAA Corps be between 264 officers—

the minimum number needed to effectively rotate management and staffing of NOAA ships and aircraft—and a maximum of 299. OMAO has since recruited three classes of high caliber men and women. Now, despite the losses due to normal attrition, the Corps is slowly recovering towards its authorized strength. Unfortunately, OMAO's budget, which was also substantially downsized along with the Corps, has not been increased to meet the costs of rebuilding the Corps' strength. It will be impossible to attain the number of officers mandated by Congress without the increased funding needed to pay them. We will be working with NOAA to ensure they have enough dollars to get the officers they need.

Former NOAA administrators from both Republican and Democratic administrations have specifically recognized the unique value and contribution of the NOAA Corps. One stated: "The NOAA Corps is a valuable and necessary element of NOAA and the operational, management and engineering talents of the Corps should be utilized throughout NOAA." The other stated that the NOAA Corps should be "...one of the principal threads through which the tapestry of the new NOAA will be woven."

The rotational assignment system of the Commissioned Corps' talented scientists and engineers provides a cadre of technically competent officers who are intimately familiar with the operational needs of the organization. It is also important to note that the NOAA Corps' rotational system is not limited to operational assignments. In this regard, the NOAA Corps spans the entire breadth of NOAA - from an officer in charge of a field hydrographic survey launch, or a flight commander of a hurricane research aircraft, to the deputy assistant administrator of a NOAA line office. Through this rotational assignment system officers become multifaceted. In this respect, officers typically serve within multiple line components, similar to the Department of Defense's joint service commands. The multiplicity of assignments, therefore, results in officers who have a broad spectrum of experience. Finally, the director of the NOAA Corps has the authority to immediately direct transfers as required to meet national emergencies.

The NOAA Corps' personnel system is a virtual replica of the system recommended in a 1996 Brookings Institution publication "Civil Service Reform - Building a Government That Works," where in recommending a corps type system of senior executives, it stated:

"...those appointed to this corps would remain first and foremost officers of the federal government, charged with upholding the public trust and protecting its interest. They would also be subject to an "up or out" promotion system, like the military, that would continually earn the privilege of their status. ...they would serve as "commissioned officers" of the federal government. Their rank would be based on individual qualities, competencies, and achievements (rather than position), and their rank would be portable from post to post."

Like the other uniformed services, the NOAA Corps has a competitive "up or out" promotion system, i.e., only the best qualified advance, ensuring the highest quality of leadership, expertise, and technical support.

The NOAA Corps and its predecessors have served NOAA and the nation very well, since 1807. With the passage of the NOAA Corps Preservation Act in 1998 and its signing into law by the president, it is our hope that the NOAA Corps will continue to serve our nation for many years to come.

**RURAL ENTERPRISES OF OKLAHOMA, INC.
TESTIMONY BEFORE THE
SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE,
JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES**

March 31, 2000
Tom Seth Smith
Executive Director
Rural Enterprises of Oklahoma, Inc.
Durant, OK

As Executive Director of Rural Enterprises of Oklahoma, Inc. (REI), Durant, Oklahoma, I appreciate this opportunity to submit testimony to the Departments of Commerce, Justice and State, The Judiciary, and Related Agencies for the need for a Rural Export Assistance Center. The proposed Center is the missing link in the services of REI's General Purpose Foreign Trade Zone.

ACTION REQUIRED

The U. S. Small Business Administration to appropriate \$200,000 for a Rural Export Assistance Center located at the headquarters of Rural Enterprises of Oklahoma, Inc.

NEED FOR FUNDING

REI received a Grant of Authority for a General Purpose Foreign Trade Zone but a Rural Export Assistance Center is needed to assist small and medium-sized businesses to identify export markets, develop a market entry strategy and facilitate the implementation of such strategies.

REI's Center will serve as the "rural arm of assistance" for Oklahoma's Export Assistance Center with offices in Oklahoma City and Tulsa. This would facilitate and expand the outreach of the International Trade Specialists. By providing export services at the grass-roots level, the Center will help ensure that even the smallest businesses have the same opportunity as their counterparts in the metropolitan areas to expand their markets through international trade.

Additionally, REI has been presented with the opportunity to partner with Oklahoma State University, Stillwater, Oklahoma, Center for International Trade Development. REI has been asked to partner with OSU for international trade business assistance. Businesses that will be targeted for such assistance are those involved in food processing, value added products and services and ag-related industries since the University is known for its ag-economics and agricultural programs.

BACKGROUND AND MISSION

Rural Enterprises of Oklahoma, Inc. is a private non-profit 501 c (3) economic development firm incorporated in 1982. The organization's mission is to encourage the development of small businesses in Oklahoma and thus create new jobs.

The services of REI include:

- ◆ Financial Services
- ◆ Business Incubators and Equipment Program
- ◆ Rural Housing and Mortgage Credit Certificate Program
- ◆ International Trade Assistance

REI provides financial, business and foreign trade assistance to entrepreneurs and small businesses for the creation and retention of jobs to improve the economic conditions of the local communities. Recently, we also initiated a rural housing program and Mortgage Credit Certificate Program to provide affordable housing for the rural Oklahoma workforce.

TESTIMONY OF NEED FOR SERVICES RENDERED BY RURAL EXPORT ASSISTANCE CENTER

The economic future of rural communities is absolutely dependent upon bringing in new dollars, accomplished by small businesses remaining competitive through exporting/importing goods and services. The Rural Export Assistance Center would connect rural Oklahoma businesses to markets and opportunities all over the world.

REI is a Certified Development Company of the U. S. Small Business Administration. The organization has been designated as a state One Stop Capital Shop and also partners with a One Stop Capital Shop in a neighboring county. However, the effectiveness of these services would be substantially increased through the Rural Export Assistance Center.

More than \$166 million in financing has been secured for Oklahoma businesses since 1981 through REI and SBA lending programs. Since 1993, REI has also administered the SBA microloan program statewide and over \$1.6 million has been secured for businesses under this program.

However, REI's experience shows that providing capital is not the only need of our entrepreneurs. Currently, technical assistance is being provided with one-on-one counseling, on-site visits and other methods. However, such assistance falls short of what the organization desires. A Rural Export Assistance Center would allow REI to expand its technical assistance outreach as desired by providing entrepreneurs with export/import assistance.

The Rural Export Assistance Center will also serve as a telecommunications hub allowing REI to offer video conferencing via T-1 lines and OneNet to accommodate businesses in virtually every part of the state. This will allow the client to remain near his/her business while accessing needed information and resources.

The Center will also include computers, scanners, printers, instructional videos and manuals accessible for use by REI clients visiting the Center. REI economic development professionals will be available to assist them.

The solution to the economic struggles of rural Oklahoma is not in recruiting corporations such as a large computer chip company. Rather, the solution for rural Oklahoma is to provide assistance to the new and existing small businesses, the backbone of the state and national economy. This will provide economic stability with steady expansion and international competitiveness.

SUMMARY

While REI services and its credible partnerships are benefiting rural Oklahoma businesses, the real need still exists: A Rural Export Assistance Center to help the businesses in the day-to-day grind of building strong businesses and expanding into the global marketplace, ultimately creating higher-tech, higher-paying jobs for rural Oklahomans.

STATEMENT OF THE SEA GRANT ASSOCIATION
on behalf of
SEA GRANT COLLEGE PROGRAM APPROPRIATIONS – FY 2001
for the
U.S. HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, STATE AND THE JUDICIARY
offered by
DR. RUSSELL A. MOLL, PRESIDENT, SEA GRANT ASSOCIATION AND
DIRECTOR, MICHIGAN SEA GRANT COLLEGE PROGRAM

March 31, 2000

Mr. Chairman and Members of the Committee,

It is with great appreciation that we acknowledge the long history of your support for the National Sea Grant College Program.

The Sea Grant Association (SGA) represents the combined capabilities of over 200 academic institutions nationwide that participate in the National Sea Grant College Program. The SGA enables these institutions to coordinate their activities, to prioritize action at the regional and national levels, and to offer a unified voice on critical ocean, coastal and Great Lakes issues. Just as our nation's Land-Grant institutions have revolutionized agriculture, so too the Sea Grant colleges are steering our nation toward the productive and sustainable use of our marine resources.

We support a full appropriation for the Sea Grant Program at its authorized level of \$66.8 million. This authorization was established just two years ago, after extensive review and with the unanimous support of both Houses of Congress for the Sea Grant College Program Reauthorization Act of 1998 (P.L. 105-160).

Sea Grant is not just another government program. It is a partnership and a bridge between government, academia, business, industry, scientists, and private citizens to help Americans understand and wisely use our precious Great Lakes and ocean waters for enjoyment and long-term economic growth. This bridge unites 29 State Sea Grant Programs, over 200 universities, and millions of people. Sea Grant is an agent for scientific discovery, technology transfer, economic growth, resource conservation, and public education. Study after study has shown that the Program returns to the taxpayers many times its annual budget in goods and services. It is government as our citizens want it – visible, tangible, relevant and effective.

Sea Grant's unique combination of research and local outreach have made it a national leader in such areas as seafood technology, aquaculture, invasive aquatic species, coastal habitat enhancement, coastal economic development, and mitigation of coastal hazards.

Sea Grant Association Testimony

Page 2 of 3

By building partnerships between the public and private sectors, Sea Grant has developed new ways for Americans to reap the bounty of our waters while allowing vital fisheries resources to sustain themselves. As wild fish stocks decline, Sea Grant is finding new ways to reduce waste and bycatch in fishing gear; developing new markets for underused species; and ensuring the safety and quality of products through better storage, processing and packaging techniques. For example, Sea Grant's efforts to help the U.S. seafood industry implement new FDA-mandated processing procedures were cited by the National Performance Review Board with its "Hammer Award" for "partnerships that make a significant contribution in improving the way federal agencies accomplish their responsibilities."

Researchers have also used biotechnology to convert former bycatch species like the Pacific whiting and arrowtooth flounder into new multi-million dollar fisheries. Sea Grant biotechnology discoveries have also resulted in fast and highly effective techniques for detecting pathogens not only in shellfish, but also in meat and milk. Sea Grant-discovered compounds are being tested by both government agencies and commercial pharmaceutical companies as possible treatments for AIDS, inflammatory diseases such as arthritis, and prostate, lung and breast cancers.

In the face of declining, and in some cases, collapsing fisheries stocks around the world, Sea Grant is contributing to a burgeoning U.S. aquaculture industry that could reduce the current trade deficit in seafood products while helping wild stocks recover. Through its research and extension efforts, Sea Grant has helped create vibrant aquaculture markets in hybrid striped bass, oysters, mussels, clams, and soft-shell crabs. Through its outreach and student training efforts, Sea Grant has provided aquaculturists with the scientific and business skills required to compete in an international market.

Some of these aquaculture advances and the health of our aquatic ecosystems are being threatened by an invasion of new, non-native species. Since 1985, in coastal and Great Lakes waters one new species is introduced every 12 weeks, wreaking havoc with the ecology and economies in many regions of the country. Perhaps none of these invaders has received more attention than the zebra mussel, which pose a particular threat to large power plants and municipal water intakes. Sea Grant programs have worked with utilities to reduce the cost and adverse effects of clean-up efforts by applying Sea Grant know-how to the type, timing and frequency of zebra mussel treatments employed by facility managers. Sea Grant has become the repository of information on zebra mussels and other aquatic nuisance species through its on-line, interactive national information center - SGNIS.

In addition to Sea Grant's contributions to fisheries development are several benefits for recreation, tourism and commercial uses that accrue through its efforts to enhance coastal habitats. Sea Grant studies, for example, led to revisions in sewage plant operations in Orange County, California that will save its taxpayers \$50 million annually for the next 30 years. Lessons learned through that experience could be applied to other large systems around the nation. As important as keeping pollution out is promoting and sustaining natural resources. Through its artificial reef program in the Great Lakes, the

Sea Grant Association Testimony
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Sea Grant Program has built the largest freshwater reefs in the world that attract from 20 to 60 times as many fish as are found in surrounding areas. The reefs pay for themselves 2.75 times per year.

Sea Grant has also improved the human coastal habitat by identifying opportunities for business development and expansion along our coasts, minimizing economic losses caused by storms and natural disasters, developing new products for the seafood industry, and using high-tech science to develop new drugs from the sea. Though not a "jobs" program as such, Sea Grant fosters the creation of many jobs in the following industries: tourism, commercial fishing, charter fishing, seafood processing and retail, sport fishing, and aquaculture. Just one small example: a wave-powered, reverse-osmosis pump created with Sea Grant support removes salt from seawater at significantly lower costs to public utilities. The pump is now used for food and chemical processing, mining activities, and by all branches of the U.S. military to provide drinking water in the field. A Fortune 500 company is using this patented process to manufacture a line of motor-powered pumps.

Economic opportunity is only one part of the overall quality of life that Sea Grant programs influence. Through its efforts, Sea Grant has helped reduce exposure of lives and property to coastal hazards, such as hurricanes, typhoons, erosion and flooding. The Program promotes new construction techniques for coastal structures that not only save millions in repair costs, but also can save homeowners \$220 annually in insurance premiums – over \$15,000 over the 70-year lifespan of the average home. Through application of good science and expertise, Sea Grant specialists predict destructive wave conditions along the Southern California coast during El Nino cycles, save Gulf of Mexico fishermen \$20 million per year in lost gear, and save the lives of more than 1,500 watermen and others from cold-water drowning.

These enhancements in quality of life for all inhabitants of our coastal areas are not just given, they are taught. Sea Grant knowledge is practical, cost-saving, sustaining, and in some cases, life-saving. This knowledge is disseminated through graduate and undergraduate education, teacher training, K-12 curriculum development, marine policy fellowships in Washington, fellowships in cooperation with private industry, informal education for the general public, special training programs for industry, and much more.

As you can see, Mr. Chairman and Members of the Appropriations Committee, Sea Grant is not just another government program. It is one that makes a significant and positive difference in the lives of citizens who depend on our oceans. And given that upwards of 70 percent of our nation's population now lives within 50 miles of a coast, that is a lot of people. The Program also makes a difference by ensuring – through better science, education, outreach and a focus on sustainability – that these invaluable resources will continue to provide benefits for future generations.

We ask that you provide the Sea Grant College Program with the full resources it needs to build on this record of success and promise – an appropriation that matches the \$66.8 million authorized for the program. Thank you.

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**TESTIMONY ON
 FISCAL YEAR 2001 JUSTICE APPROPRIATIONS**

Submitted by
Duane Champagne, Director, UCLA American Indian Studies Center
And
Carole Goldberg, Director, UCLA Joint Degree Program in Law and American Indian Studies

To the
Subcommittee on Commerce, Justice, State, and Judiciary,
HOUSE APPROPRIATIONS COMMITTEE
March 31, 2000

Mr. Chairman, and Members of the Subcommittee, as co-Principal Investigators of Project Peacemaker, we are pleased to submit this testimony on the proposed FY 2001 budget for the Justice Department's Indian Country Law Enforcement Initiative.

Project Peacemaker has been awarded \$335,000 by the U.S. Department of Education, Fund for the Improvement of Postsecondary Education (FIPSE) for the period 1998 to 2001 to develop, pilot, and implement curricula in tribal legal studies at four tribally controlled community colleges – Turtle Mountain Community College (North Dakota), Salish Kootenai College (Montana), Northwest Indian College (Washington), and Diné College (Arizona). Project Peacemaker courses and curricula prepare students for employment with tribal governments and tribal court systems as judge, advocate (prosecutor, defender, or civil advocate), paralegal, court administrator, court clerk, probation officer, social service personnel, law enforcement personnel, and other positions related to the administration of justice in Indian country. Curricula are developed through a comprehensive, community-based process that allows for incorporation of community thought, philosophy, traditions, and norms, and students are able to pursue either a certificate or A.A. degree in Legal Studies. Two initial courses have been offered or currently are being offered at two of the participating tribal colleges. We are also working on ways of disseminating the courses through distance learning.

**JUSTICE DEPARTMENT FUNDING
 INDIAN COUNTRY LAW ENFORCEMENT INITIATIVE
 TRIBAL CRIMINAL AND CIVIL LEGAL ASSISTANCE PROGRAM**

Although the full Indian Country Law Enforcement Initiative has our enthusiastic support, we wish to address one particular component of the Initiative, housed in the Department of Justice, that has direct bearing on Project Peacemaker:

Tribal Criminal and Civil Legal Assistance Program: \$6 million for criminal and civil legal assistance and to fund the development of tribal college criminal and civil legal assistance curriculum. \$1 million of this proposed funding would be used for tribal colleges to create, develop, and enhance a two-year curriculum of paralegal studies, law advocate studies, indigenous justice systems or other areas directly related to criminal and civil legal assistance – allowing tribal justice systems to benefit from enhanced community legal education resources.

We urge approval of this \$1 million designated for tribal college curricula in legal studies. Our extended consultations with the tribal communities participating in Project Peacemaker have demonstrated the need for more highly skilled and culturally informed personnel in tribal courts, tribal law enforcement, and tribal government institutions associated with the administration of justice (e.g., environmental and social services agencies). Tribal communities want their justice systems to maintain high standards of fairness as well as to respect traditional norms and processes. Yet existing training programs for justice system personnel are too brief, costly, inaccessible, and generic in nature to fulfill these needs as effectively as tribal colleges. There is no federally supported institution to provide on-going, accessible tribal judicial training, similar the Federal Judicial Center, the National Judicial College or the National Center for State Courts. Even though the National American Indian Court Judges Association annually sponsors the National Tribal Judicial Conference, the three-day conference cannot provide the in-depth extensive judicial training necessary to make tribal justice systems strong and effective arms of tribal government. Other judicial trainings are offered by such Indian organizations as the National Indian Justice Center, but these trainings are sporadic because the Native organizations cannot afford to offer a full tribal judicial curriculum on an on-going basis.

Tribal colleges have demonstrated their commitment to cultural content throughout their curricula, as well as their capacity to shape courses and curricula to meet the needs of students living in reservation communities. Located in the communities where tribal legal systems operate, they provide a convenient site for sustained and comprehensive education of existing and prospective tribal justice system personnel. For example, individuals currently working in tribal courts can make use of education leave opportunities afforded by tribal governments, and tribal colleges can include internships with the tribal courts as part of their legal studies curricula. One of the valuable features of Project Peacemaker is that we have recruited and trained local attorneys and other knowledgeable individuals to serve as instructors for the courses we have developed.

From the outset of Project Peacemaker, it was evident to us that the \$335,000 in FIPSE funds would not suffice to enable even the four initial tribal colleges to implement the courses that are being developed. The base per-student funding available to tribal colleges is inadequate to cover the costs of hiring faculty, counseling students, and insuring adequate library resources for the new degree programs. At a minimum, a full-time faculty member and a counselor devoted to this program should be available, as well as access to needed legal materials. Without such resources, it is often difficult for tribal colleges to obtain accreditation for such programs.

Project Peacemaker funds were neither designed nor sufficient to provide such funding, as the Project was primarily concerned with course development and instructor training at the four designated colleges. Certainly, if legal studies curricula are to be developed and adapted for other tribal colleges, as we firmly believe they should be, funding requirements are even greater. Thus, the \$1 million designated for tribal colleges to provide instruction in tribal justice systems will begin to position these institutions to allocate resources for the establishment of sorely-needed new certificate and A.A. degree programs in legal studies.

The importance of enhancing tribal justice systems cannot be overstated. While the crime rate, especially the violent crime rate, has been declining nationally, it has been increasing substantially in Indian Country. Tribal justice systems are the primary and most appropriate institutions for maintaining order in tribal communities. Attorney General Janet Reno has acknowledged that "With adequate resources and training, they are most capable of crime prevention and peacekeeping." ("A Federal Commitment to Tribal Justice Systems," 79 *Judicature* No. 7, November/December 1995, p. 114) Judicial training that addresses the present imperatives posed by the public safety crisis in Indian Country, while also being culturally sensitive, is essential if tribal courts are to be effective in deterring and responding to crime within their communities. In addition, tribal justice systems are sometimes the only fora available for the resolution of civil disputes associated with new forms of economic development arising in Indian country. If

effective tribal justice systems are unavailable, economic development may choose to locate elsewhere, further depressing economic conditions on reservations.

The \$1 million specified for legal studies curricula at tribal colleges will provide positive and immediate benefits in the form of more highly skilled and culturally informed personnel in tribal justice systems. Our experience with Project Peacemaker has demonstrated the key role that tribal colleges can play in advancing the vital objective of enhancing tribal justice.

We welcome the opportunity to comment on the Justice Department's Budget Request for the Indian Country Law Enforcement Initiative for FY2001, especially with respect to proposed funding for tribal colleges as part of Tribal Criminal and Civil Legal Assistance.

Thank you very much.

UNIVERSITY CORPORATION FOR ATMOSPHERIC RESEARCH

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Testimony prepared by
**Richard A. Anthes, President of the
University Corporation for Atmospheric Research (UCAR)**
Submitted March 23, 2000, to the
**Subcommittee on Commerce, Justice, State and Judiciary
House Appropriations Committee**
Regarding FY 2001 Appropriations for the
National Oceanic and Atmospheric Administration (NOAA)

On behalf of the University Corporation for Atmospheric Research (UCAR) and the university community involved in weather and climate research and related education, training and support activities, I submit this written testimony for the record of the U.S. House Committee on Appropriations, Subcommittee on Commerce, Justice, State, The Judiciary and Related Agencies.

This year UCAR, a university membership consortium composed of 63 North American institutions that grant the Ph.D. in atmospheric, oceanic, and related sciences, celebrates its fortieth anniversary of scientific discovery and university partnerships. The UCAR mission is to support, enhance, and extend the capabilities of the university community, nationally and internationally; to understand the behavior of the atmosphere and related systems and the global environment; and to foster the transfer of knowledge and technology for the betterment of life on earth. UCAR is a non-profit, Colorado-based corporation that manages and operates the **National Center for Atmospheric Research (NCAR)** and the **UCAR Office of Programs (UOP)**. It is supported by the National Science Foundation (NSF) and other federal agencies including the **National Oceanic and Atmospheric Administration (NOAA)**, the National Aeronautics and Space Administration (NASA), the Department of Energy (DOE), the Environmental Protection Agency (EPA), the Department of Defense (DOD), and the Federal Aviation Administration (FAA). In addition to its member universities, UCAR has formal relationships with approximately 100 additional undergraduate and graduate schools including several historically black and minority-serving institutions and 38 international universities and laboratories.

On behalf of this country's atmospheric sciences community, we urge the Committee to support the overall proposed budget of \$2.90 billion for the National Oceanic and Atmospheric Administration (NOAA) for FY 2001. This is an increase of \$446 million over FY 2000. The activities of NOAA provide a comprehensive approach to understanding the atmospheric and oceanic systems of the earth and to implementation of programs that save American lives, money and property. The weather and climate data collected by NOAA satellites, ships, ocean buoys, aircraft, and other instrumentation provide the foundation on which atmospheric sciences research is based. Support of this agency should be maintained at the highest possible levels during this era of rapid scientific discovery and intense, global economic competition. Within NOAA, we would like to comment on the following specific programs:

National Weather Service (NWS):

We urge the Committee to support the overall proposed amount of \$710.2 million for NWS for FY 2001. This is an increase of \$53.2 million over FY 2000. The work of the NWS protects life and property, enhances the national economy, and provides a national information database and infrastructure used extensively by the university community for research purposes. The proposed FY 2001 budget enables the NWS to continue to make available critical weather and climate-related data, to improve weather prediction accuracy and warning lead times and to work to decrease weather related fatalities.

Member Institutions • University of Alabama at Huntsville • University of Alaska, Fairbanks • University of Albany State University of New York • University of Arizona • California Institute of Technology • University of California, Santa Barbara • University of California, Irvine • University of California, Los Angeles • University of Chicago • Colorado State University • University of Colorado • Cornell University • University of Denver • DePaul University • Florida State University • Georgia Institute of Technology • Harvard University • University of Hawaii • University of Illinois at Urbana-Champaign • Iowa State University • University of Iowa • Johns Hopkins University • University of Maryland at College Park • Massachusetts Institute of Technology • McGill University • University of Miami • University of Minnesota • University of Missouri • Naval Postgraduate School • University of New Mexico • University of Nebraska-Lincoln • University of New Hampshire • New Mexico Institute of Mining and Technology • New York University • North Carolina State University • Ohio State University • University of Oklahoma • Old Dominion University • Oregon State University



Advanced Hydrologic Prediction System (AHPS)

Within the NWS Operations and Research budget, we urge the Committee to support the proposed FY 2001 amount of \$1.9 million for continued national implementation of AHPS. This is a slight increase over FY 2000. AHPS is a real time modeling and data analysis system that will significantly improve flood forecasting and water management in flood-prone areas such as the Mississippi and Ohio River Basins. This system will save lives and property by providing river stage forecasts one-to-two months in advance, a great improvement on the several days advance notice now available.

Advanced Weather Interactive Processing System (AWIPS)

Under NWS Systems Acquisition in the Operations, Research and Facilities (ORF) account, we urge the Committee to support the proposed FY 2001 amount of \$38.6 million for AWIPS Operations and Maintenance. This is a \$6.6 million increase over FY 2000 that will provide operations and maintenance for the fully deployed network of 152 AWIPS systems. This interactive computer system, the cornerstone of the recently completed NWS modernization and restructuring, integrates for the first time all meteorological and hydrological data, and all satellite and radar data. AWIPS is a critical source of data for the research community and enables the NWS to issue far more effective weather warnings and forecasts in a very efficient manner. Under NWS Systems Acquisition in the Procurement, Acquisition and Construction (PAC) account, we urge the Committee to support the proposed FY 2001 amount of \$17.3 million for AWIPS. This is a \$1.36 million increase over FY 2000 to continue development of AWIPS software. When integrated with NEXRAD Product Improvement technology, this new software will allow NWS forecasters to extend tornado warning lead time from an average of 11 minutes to 16 minutes and improve the accuracy of severe storm forecasts by over 20 percent.

Radiosonde Replacement Network

We urge the Committee to support the FY 2001 request of \$7 million for replacement and modernization of the upper air radiosonde network. This represents a very slight increase over FY 2000 funding to support a network that provides critical upper air observations that are the principal data source for all weather forecasts and for much research. Funding will allow the NWS to replace antiquated computers, continue software development, and procure critical surface instruments.

Co-Operative Observer Network

We urge the Committee to support the requested increase of \$2.3 million in FY 2001 to sustain and modernize the volunteer operated Cooperative Observer Network. The network's 11,000 weather observation sites are used to maintain the country's climate record and to provide data to NWS local field offices and to university laboratories. In a recent report, the National Research Council recommended taking immediate steps to modernize this ailing, critical network. We look forward to seeing progress on this task during the next five years.

National Centers for Environmental Prediction (NCEP)

NCEP is comprised of nine centers within the NWS, all working together toward the common goal of using data for weather predictions and seasonal forecasts in order to save lives, protect property, and create economic opportunity. Weather Service field offices, other government agencies, research universities, and private meteorological services rely on NCEP's products. Many of the forecasts that reach the public via media outlets originate at NCEP. In recent years, the centers have been supported inadequately. Funding comes primarily from the NWS ORF account under Central Forecast Guidance, with a sizeable percentage from Atmospheric and Hydrological Research. Both of these lines have recommended increases for FY 2001. We urge the Committee to support NCEP at the highest possible levels through support for the Central Forecast Guidance request of \$38.00 million and the Atmospheric and Hydrological Research request of \$3.07 million.

Office of Oceanic and Atmospheric Research (OAR):

We urge the Committee to support the OAR PAC account request of \$11 million which is an increase of \$6.0 million over FY 2000. This increase will provide additional infrastructure to advance climate and weather forecast modeling, to improve access to space-based and ground-based data holdings, and to create a system to efficiently manage high volumes of global change data critical to the scientific community.

However, we believe that the OAR activities supported by the ORF account are inadequately funded and urge the Committee to increase funding to \$317.8 million from the current request of \$307.8M for the ORF account. OAR supports a world-class network of scientists and environmental research laboratories as well as partnerships with academia and the private sector in order to provide the sound science upon which decision makers can frame effective regulations to solve environmental problems. It conducts the research and technology development necessary to improve NOAA's weather and climate services, solar-terrestrial forecasts, and marine services. During the past 10 years, the purchasing power of the OAR labs has decreased by approximately 50 percent as costs associated with inflation and technological advances have far outpaced funds allocated. The FY 2001 request level continues this trend with only a 2.1 percent increase over the FY 2000 Revised Enacted Amount of \$301.4 million. Erosion of the research base has occurred at a time when society's demand and economic need for the OAR labs' information services have increased dramatically in such areas as predictions of El Niño/La Niña events, tropical storm intensity, flooding and drought. To realize the full OAR potential benefit to society, additional funding of \$10 million should be allocated in FY 2001 to support OAR's critical mission of conducting the scientific research, environmental studies, and technology development needed to broaden our understanding of Earth's environmental systems. Some of OAR's most important research efforts conducted with universities include the following:

U.S. Weather Research Program (USWRP)

The USWRP, an interagency program authorized by Congress in 1992, was first mentioned in NOAA's budget in FY 2000. Although the request of \$2 million for FY 2001 represents an increase of 100% over FY 2000, it falls far short of the \$12.5 million recommended in the Congressionally mandated implementation plan. The USWRP research community is poised to make significant gains in prediction capabilities regarding heavy precipitation and hurricane landfall location and intensity, the disaster relief savings of which would be many times the initial research cost investment, not to mention the value of lives saved. Last fall's hurricane season, with hundreds of miles of coastline needlessly evacuated and lives lost to poorly predicted inland flooding, demonstrates clearly the need for additional research as does the very costly missed forecast for this January's east coast snow storm. **We urge the Committee to provide the USWRP with at least \$4.5 million for FY 2001. This is \$2.5 million above the requested amount of \$2 million for FY 2001.**

Since the USWRP is an interagency program the goals of which advance the NOAA mission, we would suggest that NOAA take the lead in collaborating with the National Science Foundation (NSF), the National Aeronautics and Space Administration (NASA), and the Department of Defense (DOD) to ensure appropriate support from these agencies.

Climate Observations and Services Initiative

This new line item will provide \$28.0 million to meet the growing demand for timely data and information about climate variability, climate change and trends in severe weather events. Based on recommendations from recent National Research Council reports, this initiative will allow repair of deteriorating data and observational systems as well as support new observations and infrastructure. **We urge the Committee to support the FY 2001 recommended funding of \$28.0 million, \$24.0 million of which is within the OAR ORF account, for the new Climate Observations and Services Initiative.**

Climate and Global Change Program

We urge the Committee to support the \$67.1 million proposed budget for Climate and Global Change, a small increase over the FY 2000 budget. This program is an integral part of the interagency U.S. Global Change Research Program (USGCRP) and addresses an important aspect of global change – understanding the global climate system. The increase of \$493,000 will be used to improve the regional specificity and detail of climate forecasts, essential progress to advancing our understanding of the Earth's climate.

National Environmental Satellite, Data and Information Service (NESDIS)

For several years we have been concerned about the proposed level of funding in the NESDIS ORF budget. This ORF account is divided into support for the Satellite Observing Systems and the Environmental Data Management Systems. The Satellite Observing Systems provide services in designing, developing, and operating civilian satellite systems for the purpose of observing ocean, and atmospheric conditions and the sun. These are observational tools critical to improving our knowledge of the complex environmental systems in which we live. The rich data collected by these systems is then acquired, processed, analyzed, archived and disseminated through the Environmental Data Management Systems to commerce, industry, agriculture, science and engineering, the general public, and government at all levels. While the Satellite Systems function collects data, the Data Management Systems function makes those data useful and available. Both sides of the equation are of equal importance, but we feel that funding for the data management side is continuing to erode.

Funding for the Environmental Data Management Systems line is proposed to decrease from \$52.3 million in FY 2000 to the requested \$44.7 million. Within the NESDIS ORF account, we urge the Committee to support Satellite Observing Systems at the requested \$63.4 million (up from \$52.3 million in FY 2000) and we urge the Committee to increase Environmental Data Management Systems funding from the requested \$44.7 million (down \$7.5 million from FY 2000) to an amount that accounts for inflation and shores up insufficient base funding in order to allow adequate care of a very important national database.

Minority Serving Institutions

We urge the Committee to support the requested \$17.0 million to fund NOAA-wide educational training relationships through partnerships with a consortium of Minority Serving Institutions (MSIs). This program is budgeted within NOAA's Program Support ORF account. In order to have a productive scientific workforce now and in future years, the pool of qualified applicants must be as diverse as the population at large. Underrepresentation of minorities in earth science disciplines is a serious issue that must be addressed by multiple programs across multiple agencies and institutions. We believe that NOAA's Minority Serving Institutions initiative should be fully funded for the current and future benefit of the entire scientific community and the country.

On behalf of UCAR, I want to thank the Committee for the important work you do for U.S. scientific research, education, and training. We appreciate your attention to the recommendations of our community concerning the FY 2001 budget.



University of Medicine & Dentistry of New Jersey

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**TESTIMONY ON BEHALF OF
THE UNIVERSITY OF MEDICINE AND DENTISTRY
OF NEW JERSEY SUBMITTED TO THE
HOUSE COMMERCE, JUSTICE, STATE APPROPRIATIONS
SUBCOMMITTEE
MARCH 31, 2000**

Mr. Chairman:

Thank you for giving me the opportunity to submit written testimony before your Subcommittee about a project that is of critical importance to the State of New Jersey, the Center for BioDefense.

Last year, with the strong support of Members of the New Jersey Congressional Delegation, the University of Medicine and Dentistry of New Jersey (UMDNJ) received \$1.5 million toward its initiatives in biodefense and biosecurity. That funding is helping us to develop a comprehensive plan that will include basic science research in detection methods, coordination of hospital emergency services and participation by various agencies of State and Federal Government, as well as the pharmaceutical industry in New Jersey.

This year, we seek \$2.5 million to establish a statewide Center for BioDefense that will: coordinate first responder training programs; develop methods of rapid detection and identification of biological agents; conduct research to enhance identification; and design new gene and protein chip technology for the rapid identification of biological agents.

New Jersey is the nation's most densely populated state. Newark, its largest city, is in close proximity to New York City and is closely linked with this metropolis by extensive commuter services. Newark Airport, the 12th largest in the United States, is a transportation hub for the Northeast and ranks third in the level of international travel. More than 30 million passengers traveled through Newark in the first half of 1998, making the region a prime area for the possible introduction of biological weapons.



The University is an affirmative action/equal opportunity employer

UMDNJ, the nation's largest public health sciences university, is well positioned to address the threat of biological terrorism through the following programs:

Emergency response:

The Center for Education and Training (CET) of the Environmental and Occupational Health Sciences Institute, a joint venture of UMDNJ and Rutgers University, is the nation's foremost program in education and training concerning chemical and physical threats. The Center has provided hazardous materials training to more than 175,000 individuals (police, firefighters, municipal and state employees as well as to physicians, nurses and other healthcare personnel). Preparing emergency response personnel for chemical and biological incidents is an extension of the Center's existing infrastructure and expertise.

UMDNJ has several Level I and Level II Trauma Centers within its statewide system. A crucial component of the trauma network is the helicopter trauma service, NorthSTAR and SouthSTAR, linking the northern and southern regions of the state. Members of the UMDNJ Emergency Response Team participated in a federally sponsored "Weapons of Mass Destruction" education program last year.

Identification of agents:

A number of laboratories within the UMDNJ system are engaged in developing rapid methods of detection of virulent agents with particular emphasis on the most dangerous multi-drug resistant species. The molecular basis of drug resistance is the focus of a number of these laboratories, as well as the establishment of large libraries of clinical strains available for epidemiological studies.

State-of-the-art Biosafety Level III (BSLIII) clinical laboratories for the isolation and culture of certain clinical strains are available at University Hospital in Newark and the Robert Wood Johnson University Hospital in New Brunswick. The International Center for Public Health, a world-class public health complex at University Heights in Newark and part of the UMDNJ system, will also contain several thousand square feet of BSLIII space.

Basic Research:

Many UMDNJ faculty are advisors to the U.S. Government and have served on committees such as the Program and Technical Review Committee of the U.S. Chemical and Biological Defense Command and the Committee on Toxicology. Our scientific experts are studying the effects of exposure to a variety of chemical agents and organic chemicals. We have considerable expertise in the analysis of the effects of radiation, and toxic chemicals. Early markers of disease or infection may be shared by more than one infectious agent. Basic research in the immunopathology of infection may lead to the identification of markers useful for screening potential victims in a biological attack.

Newark is an internationally renowned center for the identification, treatment and basic research in tuberculosis and other emerging and re-emerging pathogens. The New Jersey Medical School

National Tuberculosis Center at UMDNJ and the Public Health Research Institute will join the Department of Microbiology and Molecular Genetics at the UMDNJ-New Jersey Medical School to form a core group of researchers at the International Center for Public Health. In addition, the recent establishment of the Center for Emerging Pathogens at NJMS will introduce expertise in analysis of a number of pathogens.

Gene Chip Technology:

Gene chip technology is a recent, cutting edge technology enabling the simultaneous analysis of thousands of DNA sequences. State funding has led to the formation of the Center for Applied Genetics at UMDNJ and the International Center for Public Health. The Center will provide the equipment and personnel necessary for the application of existing gene technology and for the development of novel applications. In the context of chemical and biological weapons, new chips will be designed that can display sequences representing a panel of potential agents for rapid screening and positive identification.

UMDNJ is well positioned to respond to the possibility of biological and chemical threats. We can provide a comprehensive statewide program ranging from our nationally acclaimed training ability in the public health arena to internationally recognized expertise in infectious disease basic research. Additional funding of \$2.5 million will enable us to establish a statewide Center for BioDefense to coordinate New Jersey's ability to respond to threats of bioterrorism.

Thank you for your consideration



STATEMENT SUBMITTED FOR THE RECORD
CYRUS M. JOLLIVETTE
VICE PRESIDENT FOR GOVERNMENT RELATIONS
 Subcommittee on Commerce, Justice, State and Judiciary
 Committee on Appropriations
 United States House of Representatives
 March 31, 2000

Mr. Chairman and Members of the Subcommittee, I appreciate the opportunity to present a statement for the Record on behalf of my colleagues at the University of Miami and its Rosenstiel School of Marine and Atmospheric Science, The Institute of Cuban and Cuban-American Studies, and the Dante B. Fascell North-South Center. We respectfully seek your support in FY 2001 for three projects at the University of Miami. First, a new project jointly with the University of South Florida in Tampa on the Gulf Coast and Nova University in Fort Lauderdale on the Atlantic Coast to conduct research to protect and preserve the nation's already delicate and declining and endangered coral reef resources through the National Oceanographic and Atmospheric Administration; a timely and new initiative, the Cuba Transition Project in the Institute for Cuban and Cuban-American Studies and continuing support for a unique national resource, the Dante B. Fascell North-South Center through the United States Information Agency.

Founded in 1925, the University of Miami is the largest private research university in the Southeastern United States and the youngest of 23 private research universities in the nation that operate both law and medical schools. Through its 14 colleges and schools, 1,915 faculty instruct 13,715 students in more than 110 areas of undergraduate study and 162 disciplines for graduate study.

National Center for Atlantic and Caribbean Coral Reef Research

The Rosenstiel School is recognized as one of the premier academic oceanographic research facilities in the world and ranked among the top six nationally (by number of faculty, funded research volume, and graduate program size). Located on a 16-acre tract on Virginia Key in Miami's Biscayne Bay, the Rosenstiel School provides the only subtropical marine research facility in the continental United States, and is adjacent to and coordinates daily with the national NOAA lab and research facility.

The Rosenstiel School because of its unique location—the Gulf Stream is immediately offshore; just to the south lies a vast expanse of the only living coral reef off the shores of the continental United States; and just to the east the Florida-Bahamas Carbonate Platform—is a unique resource for the nation, as well as for Florida and the southeast region.

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 (305) 284-5155

There are close to 100 recognized scientists, researchers, and educators at the Rosenstiel School who collaborate closely with other Florida institutions and whose distinct expertise is vital in addressing critical national, regional, and Florida natural, environmental, and climatic challenges.

First, Mr. Chairman, I salute your and the Committee your continuing leadership and commitment to programs especially helpful to Florida. Everyone in Florida applauds your continuing interest and support for the South Florida ecosystem project, for NOAA's investment in ocean observation and coastal zone monitoring, and for NOAA's improved forecast capability for severe storm and hurricane landfall. Respectively, these projects seem to be leading to a new understanding of the Everglades-Florida Bay relationship and health, improving the health and safety of Florida's coastal communities, and improving NOAA's general forecasting capability.

Also, Mr. Chairman, your interest in projects seeking to improve our understanding of coral reef habitats as well the health of coral reef communities is having a dramatic impact on South Florida's tropical reef system and is especially noteworthy.

The Rosenstiel School of Marine and Atmospheric Science has long been recognized as a major national research institute focusing on the living coral reef as a unique and critical national and international resource, critical to the vitality and health of the marine life and coastal marine environment of Florida and the southeast. Florida's coral reefs are the only living coral reefs off the continental United States. The environmental, climatic and man-made challenges to and stress on these precious resources are extensive. To preserve and protect our reefs requires the organization and coordination of the broadest range of talent and resources.

The Rosenstiel School has committed to a major investment of its resources and seeks to enlist a broad range of Florida, regional, and national expertise to coordinate the most advanced and productive research that will ensure the protection of living coral reefs. The Rosenstiel School is seeking to continue and expand its National Center for Atlantic and Caribbean Coral Reef Research Center begun in FY 1999, a parallel to the Hawaii-based and focused effort. Together, these centers will provide a balanced, focused, critical scientific mass brought to bear on these precious, unique, and vanishing natural resources.

Coral reefs are the only ecosystems on Earth constructed entirely by the secretions of a complex assembly of marine animals and plants. They are economically important resources of humans as sources of food, medicinals, building materials, and coastal protection. They are especially invaluable, in our increasingly crowded world, for the spiritual relief they provide the millions of people that journey to visit them each year. Unfortunately, changes in water quality due to coastal development, environmental changes potentially related to global climate change, and over-exploitation of coral reef fisheries resources, are contributing to world-wide coral reef deterioration at an alarming pace, especially in the Caribbean region. U.S. coral reefs in Florida are down-stream of the entire Caribbean coral reef system, and are thus dependent on Caribbean reefs for larval recruits and maintenance of fisheries stocks. Florida reefs could also be affected

by pollutants released into marine waters by nations in the region, and from our own rivers via discharge into the Gulf of Mexico.

The National Center seeks to coordinate U.S. coral reef policy and research, and assemble major national and international initiatives pertaining to coral reefs. The Center fosters organization and collaboration within the U.S. scientific community, leads the development of a new level of understanding of the processes and environmental conditions necessary for the establishment, survival and sustainable use of coral reef ecosystems public. The initial focus is on problems faced by coral reefs in Florida and U.S. possessions in the Caribbean region (Puerto Rico and the U.S. Virgin Islands), but also to coordinate these efforts with those of coral reef researchers within the Caribbean region, in recognition of the importance of larger scale relationships between coral reef systems within the Inter-America Seas.

This Center invites nation-wide participation of scientists with expertise in coral reef research, and involves scientists from related disciplines. In addition, scientists from Federal and State agencies with coral reef research interests, such as the NOAA Florida Keys National Marine Sanctuary, EPA, and USGS are anticipated to participate. The specific functions of the National Center for Atlantic and Caribbean Coral Reef Research are:

- (a) To identify major gaps in our knowledge of coral reef function that impair our ability to conserve and manage coral reefs, and to provide leadership in organizing the scientific community to develop research initiatives to close these gaps;
- (b) To work with agency and legislative representatives, as well as private sources, to develop the funding basis needed to execute the research initiatives;
- (c) To interact with managers at the local to national levels, in order to facilitate transfer of information from the scientific to the managerial communities;
- (d) To provide accurate but non-technical syntheses of information to the public so that they can be better informed about important management issues about coral reefs.

We seek to continue the effort to establish a targeted and broadly constructed southeastern regional focus that can parallel and complement the well-funded and structured approach the Congress has established in the state of Hawaii. The long-term implementation strategy would involve all of the core Florida institutions and agencies already working, along with the Rosenstiel School, on one or more components of the overall reef challenge.

For FY 2001, we seek \$3.5 million through NOAA for the National Center for Atlantic and Caribbean Coral Reef Research housed at the University of Miami's Rosenstiel School. Joined by colleagues at Nova University in Fort Lauderdale on the Atlantic coast, and at the

University of South Florida in Tampa on the Gulf coast, this enterprise will bring together in an unprecedented way multi-disciplinary research from across Florida to study this important aspect of our state and region. The effort represents an investment for the future health and well being of the economically and esthetically beautiful tropical reef system.

The Cuba Transition Project

The University of Miami is poised to play an important role in a Cuba transition because of its location, programs, material and human resources, language capability, and historical association with Cuba. The Institute for Cuban and Cuban-American Studies is the coordinating body for all University activities on Cuba. It manages the Cuba On Line database, the only database of historical and contemporary information on Cuba and is the secretariat of the Association for the Study of the Cuban Economy (ASCE), which brings together the most highly qualified economists worldwide studying the island.

The Castro era may be coming to an end in Cuba, if for no other reason than geriatric reality. Fidel Castro and his brother Raul are in their 70s with deteriorating health.

The passing of the Castro brothers may ensue in a period of slow and peaceful transition or may lead to fast and violent change. In either case, United States policy makers must be ready to deal with these and other scenarios that may develop in U.S.-Cuban relations. A migration crisis, protracted violence, the emergence of anti or pro-U.S. factions within the transition leadership, all will require careful responses from the United States.

If a pro-U.S. democratic transition regime emerges, the United States tasks may be to provide immediate humanitarian relief and to link humanitarian aid to democracy building. The United States may be called upon to assist in rebuilding civil society and beginning the task of economic reconstruction.

The transition completed and a new government installed through free, internationally supervised elections, the United States would work with other democratic countries to help rebuild Cuba's legislative, judicial, media, and educational institutions as well as to encourage the growth of independent political parties and implement military reforms.

A violent post-Castro transition or a civil war in Cuba may require the United States to deal with migration issues, an activated Cuban-American population, threats to the United States naval base at Guantanamo, pressures for United States involvement, and, possibly, even the eventual use of American military forces.

It is clear that given the proximity of Cuba to the United States; the role of the Cuban-American community; and our own vital interest in Latin America and the Caribbean region changes

in Cuba will have significant impact on the United States. The United States should be prepared to deal with these changes and to respond quickly to problems and opportunities that may arise in the island.

One of the clear lessons from changes in Eastern Europe and the Soviet Union is that we were unprepared to deal with transitions in that region of the world. Not expecting the depth of change, we were caught by surprise. Not knowing clearly what role we should play, we looked confused and indecisive.

The time to start preparing for Cuba's transition is now. We can best advance our long term goals, in the meantime, by maintaining the present policy; by waiting patiently for a regime in the island that is willing to provide meaningful and irreversible changes and then offering that regime aid, trade, tourism and investments, as a carrot to accelerate change in the island; by assisting nascent independent institutions in Cuba; by studying and learning from other transitions to democracy and by encouraging the Cuban-American community to build consensus around transitional issues.

The University of Miami seeks support to prepare United States government officials for the inevitable transition that will take place in Cuba. The Cuba Transition Project at the University of Miami is designed to provide policy makers, analysts and others with accurate information, incisive analysis and practical policy recommendations.

The Cuba Transition Project will be developed over a three-year period. Clearly, if transition were to take place in Cuba at a fast pace the products of the Cuba Transition Project will be accelerated to meet United States government and Cuba's changing needs. On the other hand if transition is slow the studies and policy recommendations will be completed within the time scheduled and these will remain as the basis for continuous studies and monitoring of the Cuba scene. Regardless of the speed of transition, the studies and the resources developed will be of invaluable assistance to United States policy makers dealing with Cuba.

During the first stage of the project (FY 2001) the following objectives will be accomplished.

- I. Establishment of a Research Center which will include offices for researchers; facilities for holding briefings and seminars; website; database.
- II Organize Research Programs. Four initial research units are planned: 1. socio-economic conditions; 2. statistical database; 3. political system and decision-making; 4. critical issues and emergency needs.
- III. Organize Task Forces. Priority topics to include: Legal reform, macro-economic issues, agriculture, the future of sugar and tourism, international trade, immigration, multi-lateral financial institutions, privatization, telecommunications, basic education, U.S.-Cuba relations, justice and rule of law, education, the environment, institutional reform, micro- and small business development, transportation, regulation, utilities and infrastructure,

health and nutrition, AIDS, aging and social security, employment, labor markets, and social welfare policy, foreign investment, crime and corruption and the transformation of the value system generated by 40 years of communist rule.

- IV. Organize Study Groups. Priority topics to include: civil-military issues; governability and state reform; civil society development; race, ethnicity and cultural pluralism; political culture and value transformation.

Once transition in earnest takes place in Cuba, and United States policy permits, we will emphasize a professional development and education component. This part of the Cuban Transition Project will be dedicated to direct assistance and advisement to Cuban professionals and potential policy makers. The objectives of this unit will be achieved through seminars, support groups, professional and academic exchange, and direct consulting. A special facility will be established at the University of Miami to provide distance learning capabilities able to train large numbers of Cubans in a variety of subjects. As needed, group seminars will be offered in Cuba and Miami and Cubans will be brought to the University of Miami campus for specialized training. A satellite facility will be established in Cuba as soon as politically and legally possible.

The University of Miami is uniquely qualified to assist the United States government with transitional issues in Cuba. The University is located in a multi-lingual city and community, 90 miles away from Cuba. The University has one of the largest bilingual faculties of Research I university in the nation. Its academic orientation has been, since its founding, toward Latin America and the Caribbean. Its schools of Law, Business, Medicine, and Communications will be key components in preparing and training future leaders in a democratic Cuba. The University has the finest and most extensive collection of Library materials on Cuba. The Cuban Heritage collection at the Richter Library is considered the best and most comprehensive collection worldwide.

The University of Miami has had a program of Cuban Studies since 1964. The Institute for Cuban and Cuban American Studies directed by Professor Jaime Suchlicki coordinates Cuba related activities of the University, including the Emilio Bacardi Moreau Chair in Cuban Studies; the John J. Koubek Memorial Center and other components related to Cuba and Cuban-American Studies. The Institute offers courses on Cuban history, culture, and international relations, produces publications and sponsors original research and studies. The Institute houses Cuba On-Line, the most comprehensive current and historical database on Cuba and is in the process of becoming the Secretariat of the Association for the Study of the Cuban Economy (ASCE), the most prestigious non-partisan group of academics and researchers studying Cuba and its economy.

For FY 2001, the University of Miami Institute for Cuban and Cuban-American Studies seeks \$10 million through the Department of State/United States Information Agency to establish and develop this important new initiative, the Cuban Transition Project. Our human and physical

capabilities as well as our commitment to help the U.S. government develop policy-relevant advice and programs to deal with Cuba's transition, makes the University and its Institute for Cuban and Cuban-American Studies unique to carry out this delicate and important task.

The Dante B. Fascell North-South Center

Next, we seek your continued support for the Dante B. Fascell North-South Center. As you know, the Center has long enjoyed bicameral and bipartisan support and in FY 2001 as in past years, from the Administration. The Fascell Center's mission is to promote better relations and to serve as a catalyst for change among the United States, Canada, and the nations of Latin America and the Caribbean. My colleagues there conduct programs of research, public outreach, education, training, and cooperative study. It publishes and disseminates policy-relevant information on the Americas. The programs and activities also foster linkages among academic and research institutions, NGOs, governmental institutions both civilian and military, and philanthropic and private sectors throughout the Americas.

We are convinced that such a mission is fundamental to the national interest. Informed and balanced analysis and improved understanding of our neighbors in the Western Hemisphere provide us great opportunities to enhance our economy, expand our jobs, and learn of risks before they reach threatening proportions. The United States has long equated stability in the region with its own security interest. The maintenance of that stability today requires a sophisticated partnership among the countries of the Hemisphere. It also demands continually new approaches in U.S. policy.

Fulfilling a singular role in inter-American affairs, the Center's programs produce nonpartisan, policy-relevant analysis and discussion of key issues directly affecting the lives and well being of U.S. citizens. Unlike partisan institutes and advocacy groups, the Center engages vital inter-American issues such as trade, investment, competitiveness, security, corruption, civil-military relations, institutional reform, drug trafficking, immigration, and the environment from the perspective of the public good. Unlike academic institutions, the Center devotes its efforts toward publishing accessible and relevant analyses for diverse audiences, including legislators, government officials, NGOs, and the private sector. Our goal is to find viable solutions to the problems confronting the nations of the Western Hemisphere.

The Center is a reflection of the belief that the nation benefits when the great issues of the Western Hemisphere are analyzed and debated by private sector and nongovernmental groups under the auspices of a neutral forum. Governments cannot successfully convoke and organize nongovernmental opinion, and academic institutions have a different mandate. As a respected, independent, public policy institution – fully cognizant of the special responsibilities attached to its federal funding – the Center has served this function successfully. It is crucial that businesspeople, professionals, and nongovernmental organizations have a trusted, nonpartisan policy center that can assist them in exchanging opinions and bringing their views to the attention of policymakers.

The North-South Center's activities are rooted in democratic values, transparent, efficient and effective government, market-driven economic prosperity, environmentally sustainable development, and social justice. Recent events have made the Center's work and the values it promotes all the more relevant to the American people. While maintaining a commitment to its core mission and shared values, the Center is also responding to new threats and opportunities. With its wide array of linkages with government, business, labor and other civil society actors in the Americas, the Center is actively engaged in developing partnerships and new approaches to tackling the complex problems remaining before the region.

The Center receives financial contributions from a variety of government agencies, private foundations, corporations and individual donors. Such contributions are directed toward specific programs and projects, and do not normally cover core operations and overhead costs. Congressional appropriations for core staff and operations allow the Center to fulfill its congressional mandate while supporting efforts to increase funding from other sources. Over the past year, the Center has been making appropriate responses to an independent evaluation of its programs and operations completed in November 1998. In addition to the refocusing of research and outreach projects into areas with greater potential for private funding, the Center is also engaged in the development of an international advisory board.

Advancing Market Reforms and Democratic Development

In the Latin American and Caribbean context, one key set of problems is clustered around the question of how to advance and deepen market reforms, while assuring that citizens share broadly in their benefits and are cushioned from the harshest effects of the accompanying adjustment process. Center researchers engage these concerns through ongoing research and policy analysis of trade and economic integration (Free Trade Area of the Americas), studies on addressing poverty and inequality through enhanced human capital accumulation and institutional reforms, empirical studies of sectoral performance (e.g., textiles, tourism), surveys of shifts in corporate strategies, and examination of the effects of restructuring on patterns of migration and immigration. A second set of problems relates to weaknesses and flaws in the region's democracies. Chief among these are weaknesses in political representation, failures in the rule of law, and unresolved issues in civil-military relations. The Center will continue to address these through research on civil society participation and the role of political parties, analysis of judicial reform, and study of the lingering influence of the military in domains beyond those typical of civilian-led democracies. This last area is further embedded in the Center's overall work on inter-American security issues, which includes narcotrafficking. A third set of issues relates to environmental concerns and their integration into a broader vision of sustainable development. Here, the Center pursues program activities that look into the means of achieving environmentally sustainable trade and ways of instituting new regimes of environmental law. The Center will also continue to contribute to the framing of new understandings of the linkage between environmental stresses and human security.

Building Human and Institutional Capacity

One of the most pressing challenges facing Latin American and Caribbean countries is the development of human resources and institutions capable of maximizing the benefits of free markets and democracy. The shift toward market incentives requires the development of the corresponding capacity to provide the regulatory mechanisms and public information functions necessary for avoiding market failures and suboptimal service delivery. To contribute toward this need, collaborative practical training and education seminars in capacity building will be a central focus of the North-South Center. These activities address such areas as new public-private partnerships in social services, the enhancement of consumer safety and standards, the strengthening of laws related to environmental stewardship, and human resource training in telecommunications, banking, port management, and public security. The Center's collaborative endeavors in capacity-building also serve to extend and deepen its ties with local institutions and organizations throughout Latin America and the Caribbean that work in these professional fields and issue-areas. Building on the successes of these projects in 1999, the Center plans to expand into new areas (including telecommunications, energy and banking regulation) in order to develop human resources and institutions in support of free markets and democracy.

The New Public Diplomacy

The Dante B. Fascell North-South Center conceives of and implements its outreach programs in the context of a clear recognition of the growing significance of strengthening civil societies throughout the hemisphere. As a consequence, the Center will continue its role as a facilitator and catalyst for public dialogue, actively seeking to bring together civil society organizations, including representatives from the private sector, to generate ideas and offer recommendations that both enhance the agenda of policy options for public officials and deepen the level of democratic participation in the policy process. Having developed a widely recognized track record of significant contributions to the Summit of the Americas process since its inception in Miami in 1994, the Center will continue to seek out expertise from civil society to monitor and evaluate the implementation of Summit commitments in advance of the Summit of the Americas III in Canada in 2001. Similarly, the Center will continue its series of Diplomatic-Private Sector Roundtables in Washington, which provide a forum for frank discussion of emerging and high-priority policy issues.

The publications of the Dante B. Fascell North-South Center Press serve as the most effective and enduring means of disseminating the research results and policy recommendations produced by the Center. The Press produces a focused set of publications, including peer-reviewed books, the North-South Agenda Papers, North-South Issues Reports, North-South Update (a short policy brief issued biweekly to government officials and key policy analysts), and timely white papers aimed to provide input to the Summit of the Americas process. The Press ensures that all Center books, papers, policy briefs, and reports adhere to the highest standards of quality, style, and accessibility. In 2001, the Dante B. Fascell North-South Center will seek to increase the number of its publications appearing in Spanish and Portuguese.

Today's Agenda of New Opportunities and Lingering Problems

Mr. Chairman, the interdependence between our neighbors in the Western Hemisphere affects the daily lives of our citizens more than any other region of the world. More Americans fly south to Latin America and the Caribbean each year than to either Europe or Asia. Policy decisions on such inter-American concerns as immigration, drug trafficking, and transborder pollution have immediate impacts on the quality of life of U.S. citizens. Trade with Latin America and the Caribbean will soon surpass that of Europe and Japan combined. The financial stability of countries like Mexico and Brazil has significant ripple effects in global markets and far-reaching implications for U.S. exporters. The North-South Center engages these issues by providing ideas, analysis, and policy options that will support our nation's interests.

There are many reasons to be optimistic about the region's future. The nations of the hemisphere have made remarkable progress in recent years in terms of market reform and democratic governance. Inflation is down, trade and investment are up, and free and fair elections have become the order of the day in most countries. Yet, many of the nations of the Western Hemisphere are still burdened by enduring historical legacies, and many societies are still negotiating the difficult passage from old problems to new paths of development. Latin America remains the region of the world with the greatest gap between rich and poor and the tension between intractable poverty and steady but modest growth presents a constant challenge for the hemisphere's governments and political leaders. In the past year, this has been particularly true in the Andean nations, where a problematic constitutional reform process has taken place in Venezuela; concerns have been raised about abuses by the executive in Peru; a disturbing, albeit limited, coup has occurred in Ecuador; and the effort to halt the drug trade and bring about reconciliation in Colombia has taken on dramatic proportions. All of these developments are indications of how tenuous the progress to date in the region can be. For FY 2001, we seek \$1.75 million, the continuation funding requested by the Administration.

Mr. Chairman, we recognize that this will be another difficult year. However, we hope that you and your colleagues on the Subcommittee will find it possible to support these three important initiatives that deal with issues of crucial national importance. The results of the work at the National Center for Atlantic and Caribbean Coral Reef Research will make important contributions to the national effort to save our endangered coral reef communities. Similarly, our proposal for the Cuban Transition Project will help prepare the nation for the inevitable change that will take place in Cuba and the Dante B. Fascell North-South Center will continue the vital work you have supported through the years.

Thank you for considering these requests.

Cyrus Martin Jollivette
Vice President for Government Relations/Executive Assistant to the President
University of Miami
P.O. Box 248006
Coral Gables, Florida 33124

EDUCATION

Juris Doctor degree awarded 1980, School of Law, University of Miami, Coral Gables, Florida.

Master of Business Administration degree awarded 1970, School of Business Administration, Long Island University, Brookville, New York.

Bachelor of Arts degree (Business Administration) awarded 1968, C.W. Post College of Long Island University, Brookville, New York.

PROFESSIONAL EXPERIENCE

Vice President for Government Relations and Executive Assistant to the President,
 University of Miami, Coral Gables, Florida. (1994 to present)

Vice President for Government Relations and Secretary of the University,
 University of Miami, Coral Gables, Florida. (1992 to 1994, and 1985 to 1991)

Government Relations Principal
 Jorden Burt Boros Cicchetti Berenson & Johnson LLP, Washington, D.C. (1991 to 1992)

Vice President for Development Affairs, University of Miami. (1982 to 1985)

Executive Assistant to the President, University of Miami. (January 1982 to September 1982; August 1989 to July 1991; October 1992 to present)

Director of Public Affairs, Division of Development Affairs, University of Miami. (1980 to 1982)

Director of Foundation and Corporate Relations, Division of Development Affairs, University of Miami. (1977 to 1980)

Managing Editor, The Miami Times, Miami, Florida. (1971 to 1977)

Director of Academic Counseling (1970 to 1971); Assistant Director of Academic Counseling (July to December 1970); C.W. Post Center of Long Island University, Brookville, New York.

Assistant to the Dean of Students and Director of Men's Residences, C.W. Post Center of Long Island University. (1969 to 1970)

OTHER EXPERIENCES

Producer/Moderator, Perspective. (1977 to 1982)

Interview Panelist, Perspective. (1971 to 1974)

Sunbeam Television Corporation, WSVN-TV, Channel 7, Miami Beach.

AFFILIATIONS

Trustee, St. Thomas University, Miami, Florida. Academic Affairs Committee. (1988 to 1992)

Director, Florida Education Fund, Tampa, Florida. (1987 to 1993)

Board Chairman (1991 to 1993); Member, Operations and Planning Committee. Chairman, Finance and Investments Committee. (1987 to 1993)

Cyrus M. Jollivette

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Trustee, Carrollton School of the Sacred Heart, Miami, Florida. (1988 to 1992)

Director, National Society of Fund Raising Executives, Alexandria, Virginia.
Member, Education Committee. (1991 to 1992)

Member, 1993 Campaign Cabinet, United Way of Dade County. Co-Chair Leadership Giving Division.

Trustee (1983 to 1989; Chair, Board of Trustees, 1987 to 1988), Council for the Advancement and Support of Education (CASE), Washington, D.C.

Trustee, Public Health Trust of Dade County, Florida. (1975 to 1984)

ORGANIZATIONS/MEMBERSHIPSAlpha Phi Alpha Fraternity
Council for the Advancement and Support of Education
Greater Miami Chamber of Commerce
Higher Education Roundtable
Iron Arrow Honor Society
National Society of Fund Raising Executives
Omicron Delta Kappa
Phi Alpha Delta Law Fraternity
Sigma Pi Phi Fraternity/Alpha Rho Boule**CIVIC ACTIVITIES**

Member, Orange Bowl Committee, Miami, Florida. (1984 to present)

Member and Chairman, Bi-racial/Tri-Ethnic Advisory Committee of the United States District Court for the Southern District of Florida, Miami, Florida. (1986 to 1991)

Member, State of Florida High Speed Rail Transportation Commission, Environmental Planning Advisory Committee. (1987 to 1991)

Member, Board of Governors, The Dade Community Foundation, Miami, Florida. (1983 to 1989)
Chairman, Grants Committee.

Member, Board of Directors, We Will Rebuild, Coral Gables, Florida. (1992 to 1993)

PERSONAL

Birth Date: August 5, 1946, Miami, Florida

Marital Status: Divorced
Daughter, Lynn (age 26)Home Address: Unit 206
1581 Brickell Avenue
Miami, Florida 33129Telephone: Business: (305) 284-5155 Fax: (305) 284-3768
Home: XXXXXXXX Fax: XXXXXXXX



**STATEMENT PURSUANT TO THE "TRUTH-IN-TESTIMONY" RULE
OF THE 106th CONGRESS**

Submitted By

**CYRUS M. JOLLIVETTE
VICE PRESIDENT FOR GOVERNMENT RELATIONS
and
EXECUTIVE ASSISTANT TO THE PRESIDENT**

On the occasion of submitting testimony for the record to the Commerce, Justice, State and Judiciary Subcommittee, Committee on Appropriations, United States House of Representatives, regarding the Fiscal Year 2001 Budget for the Department of Commerce and the Department of State on March 31, 2000.

In a good-faith effort to comply with the House rule covering public witnesses appearing in a nongovernmental capacity (Section 10: "Information Required of Public Witnesses," House Resolution 5 of the 106th U.S. Congress), known more generally as the House "Truth-in-Testimony" rule, I, Cyrus M. Jollivette, Vice President for Government Relations and Executive Assistant to the President, University of Miami, located in Coral Gables, Florida, state the following:

According to the two most recent audits of the University of Miami performed in accordance with provisions of Office of Management and Budget (OMB) Circular A-133 ("Audits of Institutions of Higher Learning and Other Non-Profit Institutions") for the fiscal years ending May 31, 1998 and May 31, 1999, federal awards received by the University for all activities (including research and development, student financial aid, extension education, public service, academic support, enterprise/institutional/plant support, and scholarships and fellowships) totaled \$127,657,320 and \$136,586,291, respectively.

Relevant to the subject matter of this hearing, i.e., the FY 2001 budget for the Department of Commerce/National Oceanographic and Atmospheric Administration and the Department of State/United States Information Agency, during the University of Miami's last two completed fiscal years (ending May 31, 1998 and May 31, 1999) the University was awarded \$6,850,491 and \$2,368,635 in FY1998 and \$6,883,798 and \$1,788,229 in FY1999, respectively, by the Department of Commerce/NOAA and the Department of State/USIA for major programs and other assistance. I have attached hereto a *Schedule of Federal Awards -- Summary* provided me by the Controller of the University of Miami that details the amount and source of Federal awards received by the University of Miami in each of the two previous University fiscal years.

Should the Subcommittee require further details of Federal support received at the University of Miami, or copies of the audits as produced by Arthur Andersen & Company, the University's independent auditors in the years stated, I will make every effort to see that they are provided.

P.O. Box 248006
Coral Gables, Florida 33124
(305) 284-5155

**UNIVERSITY OF MIAMI
SCHEDULE OF FEDERAL AWARDS - SUMMARY
FOR THE YEAR ENDED MAY 31, 1999**

	<u>MAJOR PROGRAMS</u>		<u>OTHER FEDERAL</u>	<u>TOTAL</u>
	<u>RESEARCH AND DEVELOPMENT</u>	<u>STUDENT FINANCIAL AID, SCHOLARSHIPS, FELLOWSHIPS</u>	<u>ASSISTANCE INSTRUCTION, TRAINING, PUBLIC SERVICE, AND OTHER</u>	
DEPARTMENT OF HEALTH & HUMAN SERVICES	\$57,549,051	\$233,473	\$13,552,550	\$91,435,182
DEPARTMENT OF EDUCATION	1,363,513	9,057,824	5,010,584	15,431,921
NATIONAL SCIENCE FOUNDATION	5,027,353	51,982	354,957	5,434,292
DEPARTMENT OF DEFENSE	7,713,535	-	51,483	7,805,133
DEPARTMENT OF COMMERCE	5,565,789	-	-	5,565,789
NATIONAL AERONAUTICS & SPACE ADMINISTRATION	4,544,534	19,474	5,559	4,579,567
DEPARTMENT OF VETERANS AFFAIRS	1,415,549	-	2,552,303	3,975,852
UNITED STATES INFORMATION AGENCY	1,532,341	-	146,633	1,700,944
DEPARTMENT OF ENERGY	515,510	-	-	515,510
DEPARTMENT OF AGRICULTURE	45,385	-	725,537	775,222
DEPARTMENT OF TRANSPORTATION	541,102	-	-	541,102
FEDERAL EMERGENCY MANAGEMENT AGENCY	-	-	547,179	547,179
DEPARTMENT OF JUSTICE	415,015	-	35,704	453,719
ENVIRONMENTAL PROTECTION AGENCY	327,584	-	-	327,584
DEPARTMENT OF THE INTERIOR	314,021	-	5,795	322,816
U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT	275,733	-	-	275,733
NATIONAL FOUNDATION OF THE ARTS AND HUMANITIES	-	-	45,555	45,555
ORGANIZATION OF AMERICAN STATES	-	-	43,551	43,551
DEPARTMENT OF STATE	7,455	-	-	7,455
LIBRARY OF CONGRESS	-	-	5,053	5,053
TOTAL FEDERAL AWARDS	\$103,065,059	\$5,271,253	\$32,145,529	\$140,481,841

See accompanying notes

**UNIVERSITY OF MIAMI
SCHEDULE OF FEDERAL AWARDS - SUMMARY
FOR THE YEAR ENDED MAY 31, 1968**

	<u>MAJOR PROGRAMS</u>		<u>OTHER FEDERAL ASSISTANCE</u>	<u>TOTAL</u>
	<u>RESEARCH AND DEVELOPMENT</u>	<u>STUDENT FINANCIAL AID, SCHOLARSHIPS, FELLOWSHIPS</u>	<u>INSTRUCTION, TRAINING, PUBLIC SERVICE, AND OTHER</u>	
DEPARTMENT OF HEALTH & HUMAN SERVICES	984,494,228	\$237,835	810,888,880	\$78,317,852
DEPARTMENT OF EDUCATION	888,174	8,839,838	2,822,578	12,225,445
NATIONAL SCIENCE FOUNDATION	8,878,838	48,817	82,481	8,788,948
DEPARTMENT OF DEFENSE	8,881,465	-	201,331	8,232,786
DEPARTMENT OF COMMERCE	8,880,481	-	-	8,880,481
NATIONAL AERONAUTICS & SPACE ADMINISTRATION	5,831,383	48,882	28,888	5,728,414
DEPARTMENT OF VETERANS AFFAIRS	1,414,838	-	2,888,558	3,473,184
UNITED STATES INFORMATION AGENCY	2,388,341	-	-	2,862,341
DEPARTMENT OF ENERGY	1,888,818	-	(28,544)	1,828,472
DEPARTMENT OF AGRICULTURE	87,888	-	888,888	727,888
DEPARTMENT OF TRANSPORTATION	884,727	1	-	884,728
DEPARTMENT OF THE INTERIOR	488,782	-	1,388	488,182
ENVIRONMENTAL PROTECTION AGENCY	357,888	-	11,888	368,888
DEPARTMENT OF JUSTICE	341,874	-	-	341,874
NATIONAL FOUNDATION OF THE ARTS AND HUMANITIES	-	-	72,188	72,188
DEPARTMENT OF STATE	88,284	-	-	88,284
FEDERAL EMERGENCY MANAGEMENT AGENCY	-	-	83,448	83,448
ORGANIZATION OF AMERICAN STATES	-	-	11,818	11,818
TOTAL FEDERAL AWARDS	<u>\$182,128,784</u>	<u>\$8,888,888</u>	<u>\$18,888,888</u>	<u>\$187,887,888</u>

See accompanying notes

**Testimony of the Upper Mississippi River Basin Association
on
FY 2001 Appropriations for the Maritime Administration**

The Upper Mississippi River Basin Association (UMRBA) is the organization created 19 years ago by the Governors of Illinois, Iowa, Minnesota, Missouri, and Wisconsin to serve as a forum for coordinating the five states' river-related programs and policies and for collaborating with federal agencies on regional issues. As such, the UMRBA has an interest in the budget of the Maritime Administration.

Of particular concern to the UMRBA is funding for MARAD Operations. The President's FY 2001 budget proposal includes approximately \$32 million for this account. Among other things, the MARAD Operations budget supports research and development efforts, which help advance ship design, construction, and operations. For example, MARAD funding has been used to support the design of prototype mooring buoys used on the Upper Mississippi River. Such buoys allow tows to tie up safely while awaiting lockage, thus avoiding environmental damage that might be caused by mooring to the shoreline. Funding for research and development efforts such as these is critical to the safety and efficiency of commercial navigation on this nation's inland waterway system.

In addition, the MARAD Operations account supports MARAD field offices on the inland waterway system, such as the office located in St. Louis, Missouri. The St. Louis office is situated at the confluence of the Mississippi, Missouri, and Illinois Rivers, on which move much of the Midwestern grain destined for international markets. Such field offices are essential for MARAD to maintain its involvement in an increasingly wide variety of interagency and interstate river management issues.

The UMRBA supports adequate funding for the Maritime Administration's Operations account.

STATEMENT FOR THE RECORD
IDA L. CASTRO, CHAIRWOMAN
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
SUBMITTED TO
SUBCOMMITTEE ON COMMERCE, JUSTICE, STATE, THE JUDICIARY
AND RELATED AGENCIES
COMMITTEE ON APPROPRIATIONS
U.S. HOUSE OF REPRESENTATIVES
May 18, 2000

Mr. Chairman and members of the Subcommittee, I am pleased to submit this statement for the record on behalf of the Equal Employment Opportunity Commission's (Commission, EEOC, or agency) fiscal year 2001 budget request of \$322 million. In my statement, I will provide you with my vision for the agency and explain why EEOC needs an increase of \$41 million for fiscal year 2001. Increased funding is required to protect the important investments made in fiscal year 1999 so that EEOC can effectively and efficiently enforce the Nation's anti-discrimination laws, providing equal employment opportunity to all those who work and contribute to the economic well-being of the Nation.

Let me begin by expressing my gratitude to you, Mr. Chairman, and to the Subcommittee for providing the Commission with a \$37 million increase for fiscal year 1999, and for acknowledging the agency's ongoing efforts to improve its services to the public. This increase made it possible for the Commission to implement a series of far-reaching initiatives which have transformed the EEOC into an agency recognized for delivering innovative and high quality service to the public at a time when preventing barriers to the full utilization of the nation's resources is critical to continued economic growth. For the past year and a half, the Commission has embraced a new vision and work strategy that has won the respect and praise of many who were critical of the agency in the past.

Changes Result in Significant Accomplishments

With the fiscal year 1999 budget, the Commission was able to focus more intensively on how it performs its work. Several innovative programs and initiatives, as well as internal administrative reforms, were quickly and effectively implemented, producing significant results. The EEOC has:

- Expanded staff to ensure that adequate investigative and legal staff are available to address charges of employment discrimination in a fair, efficient and effective manner, slashing the private sector inventory by 23% to a 15-year low of 40,234 and, cutting the average processing time for resolving charges to 265 days, a reduction of a month and a half from 310 days in fiscal year 1998;

- **Established the largest federal program to resolve disputes through mediation.** EEOC's nationwide, early mediation program became fully operational in April 1999, delivering dramatic results in just six months with nearly 5,000 successful charge resolutions achieved through mediation in an average of less than 90 days. Indeed, of all charges referred to mediation, 65% were successfully resolved;
- **Increased the collaboration between EEOC investigators and attorneys to quickly determine the merits of the charge, obtain information needed to resolve it expeditiously, and when settlement attempts fail, to have quality cases prepared for referral to the private bar or litigation;**
- **Implemented an expanded outreach program, including an innovative Small Business initiative, to establish an ongoing dialogue with stakeholder groups, including business groups, for the first time, and advocates to identify ways to work collaboratively in improving America's workplaces; and**
- **Developed the technological infrastructure necessary to support further development and implementation of enhanced communications between all EEOC offices.**

Clearly, the investment the Administration and Congress made in EEOC was a wise one. My vision of leading the EEOC to its place as the premier civil rights enforcement agency in the country is within reach. The Commission has been recognized and lauded for its ability to deliver substantive results, reflected in quality settlements, major conciliations, significant trial victories, crucial policy guidance, and constructive rulemaking. By the end of fiscal year 1999, we were well poised to carry these accomplishments into fiscal year 2000, planning to continue the level of effort and activity reached at the end of fiscal year 1999 to achieve the long sought after goal of a pending inventory of 28,000 charges, with the majority being resolved within 180 days. However, budgetary constraints in fiscal year 2000 meant that a more modest approach had to be undertaken.

Fiscal Year 2000: Staying the Course to Protect Results

Although the Administration requested \$312 million for the EEOC to build on and advance the accomplishments of the 1999 initiatives, the EEOC received an appropriation of only \$281 million for fiscal year 2000, an increase of less than \$2 million. This amount fell \$8 million short of the increase needed to cover inflationary increases to maintain the prior year's program levels. Accordingly, several cost-cutting measures have been undertaken in fiscal year 2000 to safeguard, to the greatest extent possible, programmatic advances made over the last year and a half.

In fiscal year 2000, the EEOC has marshaled its resources in an attempt to continue providing the public with the high-level, responsive service that it has come to expect. Because 84% of the agency's budget represents fixed costs (*e.g.*, staff salaries, benefits, and related expenses), the Commission has had to absorb budget cuts primarily through reductions in the remaining 16%— enforcement and litigation costs, technology maintenance and support, ADR contracts, staff training, and other equally vital activities. In fiscal year 2000, these key areas took the brunt of cost reductions despite their importance to EEOC's mission.

To absorb the \$8 million in fiscal year 2000, the EEOC has been forced to:

- **Delay important enforcement initiatives** - Several activities within both the private and federal sectors have been delayed. The EEOC has scaled-back on efforts to reduce the time federal employees must wait for hearings and appeals. It has also limited the number of outreach activities sponsored by EEOC field offices. Moreover, it has curtailed plans to close the wage gap affecting millions of families.
- **Slash funds for contract mediators** - The contract mediation program has been reduced to about half a million dollars—only 10% of the fiscal year 1999 funded level. A nationwide program will be maintained by the core EEOC mediation staff, albeit limited in the number of cases that can be handled through mediation.
- **Institute a hiring freeze and offer early retirement** - These actions mean that the EEOC will be unable to fill critical vacancies as staff depart.
- **Eliminate staff training and awards** - These actions will further delay the Commission's ability to provide its staff with the proper skills and incentives necessary to perform in the most effective and efficient manner possible, adversely affecting the level of customer service rendered by the Commission.
- **Delay the implementation of critical technology initiatives** - The EEOC has again been forced to delay continued modernization of its antiquated and overburdened information systems, limiting the agency's ability to build its personnel, financial, and program information technology systems.

Cutting costs and severely reducing programmatic expenditures as referenced above in fiscal year 2000 will impact program results as follows:

- **Slow Backlog Reduction Efforts** - Efforts to further improve charge processing times, reduce backlogs, meet outreach and technical assistance mandates, and maintain a strong and credible litigation program will be slowed.

- ▶ The drastically reduced contract mediation program means that the option to resolve employment discrimination charges early on will be limited, reducing the EEOC's ability to resolve charges more quickly—charges settled through mediation take less than 90 days to be resolved.
 - ▶ Efforts to promote voluntary compliance with and increase knowledge of federal anti-discrimination employment laws through education, outreach, and technical assistance performed by EEOC for employers and stakeholders will be constrained. Without adequate funding, the EEOC's field offices are cutting back on the number of outreach events and activities targeted at both the public and employers, particularly those in underserved areas. This will ultimately result in fewer individuals being informed of their rights and responsibilities, at a time when needs are increasing, since most Americans are employed in smaller establishments which are relatively new enterprises.
 - ▶ The Commission is being hampered in its ability to affect the elimination of discrimination at the workplace by pursuing quality and strategic litigation through the courts. Insufficient funding translates into the EEOC not being able to effectively manage its litigation and enforcement program, reducing thereby the motivation to resolve disputes voluntarily.
- **Weaken Customer Service** - The public will experience an erosion in the level of service it has come to expect from the EEOC over the past year and a half. The EEOC's inability to retain and adequately train staff will mean longer waiting periods for the resolution of charges and delays in getting accurate information and guidance. Moreover, staff skill shortages in critical support areas such as technology, finance, and personnel will make it increasingly difficult for the EEOC to run and maintain basic systems that ensure quality management and peak productivity.
- **Preclude Necessary Information Technology Upgrades** - Further delays in bringing EEOC's technology program current with 21st century technologies will be felt as the agency is unable to replace aging desktop and laptop computers and printers as specified in EEOC's 4-year inventory refresh life cycle, and efforts to overhaul antiquated management information systems needed to use our resources most efficiently are stalled.
- **Hinder Federal Sector Program Improvements** - Absent both the additional resources requested for fiscal year 2000 and replacement of staff losses anticipated for the year, the federal sector hearings inventory will grow from 13 to 16 months this year and the appeals inventory will grow from 17 to 28

months, eroding the confidence of federal employees in promised improvements under the new Federal Sector Regulation 1614.

**Fiscal Year 2001: Restoring EEOC's Capabilities to Fairly
and Efficiently Enforce Anti-discrimination Laws**

I fully recognize and appreciate the funding constraints under which the Subcommittee finds itself in fiscal year 2001. With so many worthy initiatives and a limited budget from which to meet these needs, we understand that priorities must be set. We believe that the President's \$322 million request being sought by the EEOC will effectively protect and further the important investments made during fiscal year 1999, and merits priority standing.

The Administration is committed to preventing the derailment of key results-oriented programs and keeping the EEOC on track to significantly strengthen the fair and efficient enforcement of the Nation's anti-discrimination enforcement laws. An additional \$41 million for EEOC in fiscal year 2001 will enable the Commission to regain the momentum started in fiscal year 1999. Funding is needed for the following:

- **\$11.4 million to Cover Inflationary Cost Increases** - At minimum, funds must be provided to fully cover inflationary increases needed to maintain and sustain programs at current levels.
- **\$14.1 million for the Restoration of EEOC's Mediation Program and Continued Reduction of the Backlog** - The requested increase will restore funds cut from EEOC's mediation program, providing for a substantial nationwide contract mediation program. With this funding the EEOC should reach its goal of a pending private sector inventory of 28,000 charges, with most resolved within 180 days.
- **\$10.0 million to Support the Administration's Equal Pay Initiative** - The increase will enable EEOC to provide training and technical assistance to about 3,000 employers on how to comply with equal pay requirements, launch a public information campaign on wage discrimination issues, and train staff to more effectively address these cases.
- **\$3.5 million for Technology Modernization** - The requested increase supports efforts to build and integrate the agency's mission critical systems and to provide technical support to field operations.
- **\$2.5 million for Reducing Federal Sector Backlogs** - The President's budget provides funding to improve service by reducing the amount of time federal employees must wait for their requests for appeals and hearings to be addressed;

and increase the number of on-site reviews, the most powerful tool EEOC has to address fundamental causes of discrimination in the federal government.

Fiscal Year 2001 Program Impacts if Full Budget Request is Denied

Indeed, EEOC's significant improvements will be erased should it receive "level funding" in fiscal year 2001. At a time when our charge receipts are on the rise, level funding would seriously compromise the EEOC's ability to continue to reduce the backlog and charge processing times, and weaken our enforcement and litigation capabilities. At a minimum, the EEOC will need to absorb an additional \$11.4 million to cover inflationary increases, resulting in staff reductions and further delays in the implementation of critical enforcement initiatives and technology. The impact of these cuts will be as follows:

- **Backlog reduction and time processing goals in the private sector will not be met, and customer service will deteriorate.**
 - ▶ **The backlog of private sector charges will once again increase rather than continue to decline.** Additionally, the gains made in reducing charge processing times would erode, increasing the amount of time individuals must wait to have their charges resolved.
 - ▶ **The availability of alternative dispute resolution mechanisms, such as mediation, would be significantly reduced.** The number of employers and employees who could utilize mediation to resolve disputes early on in a fair and efficient manner would be reduced. Because the mediation program relies on both internal and external mediators, staff reductions and inability to hire external mediators would severely limit our efforts in this area.
 - ▶ **Efforts to pursue and resolve more complex and substantive discrimination issues would be constrained.** As the EEOC's workload changes, with a growing number of cases involving systemic and complicated issues, it is essential that the agency have the means to conduct necessary on-site investigations, bring attorneys and investigators together to develop strategies to resolve complex cases, and train staff to produce quality results.
 - ▶ **EEOC activities to provide outreach, education, and other technical assistance would be dramatically curtailed.** Insufficient funding in this area means that EEOC informational materials and contact by EEOC for all stakeholders and, particularly, the underserved communities will not be available. The agency would neither be able to translate its

informational materials nor would it be able to produce and disseminate informational materials in other accessible formats, including Braille, audio cassette tape, computer diskette, and large print.

- ▷ The ability to conduct litigation on filed cases would be severely curtailed. Without adequate funding for litigation-related activities, the EEOC jeopardizes its ability to achieve satisfactory settlements and to successfully litigate cases when necessary. A weak enforcement and litigation program compromises the effectiveness of a critical deterrent in the nation's efforts to eliminate discrimination at the workplace.
- Federal Sector Program Impact - EEOC's ability to ensure equal protection to the federal workforce through meaningful reform and change will be limited.
 - ▷ EEOC federal sector workload reduction goals will not be achieved. Without resources required to maintain an already depleted staff, service would deteriorate, increasing the waiting time for hearings to 22 months and for appeals to 34 months.

Additionally, the EEOC would be left without the resources to implement Regulation 1614, or the EEOC/NPR Task Force recommendations, which are expected to include steps required to correct federal EEO data problems identified by GAO.

- Technology Program Impact - Further delays in the implementation of critical technology initiatives.
 - ▷ The EEOC will be required to further delay the modernization of its antiquated and overburdened information systems. Implementation of basic management information systems will be stalled indefinitely. This scenario perpetuates a vicious cycle with the Commission being continuously behind the technological curve, due to the lack of stable support of the infrastructure, abandoning the agency's five-year strategic plan for technology. An additional reduction in fiscal year 2001 technology investment will force EEOC to place prior investments at risk, extending replacement cycles for obsolete equipment and infrastructure that threaten the viability of the entire system.

Conclusion

Thanks to your past support, I can honestly state that the work accomplished by the Commissioners and the EEOC staff over the past year and half more than justifies the additional increase requested. Now more than ever, however, we need to ensure that results are rewarded with further support.

We must come to terms with what EEOC's workload is telling us. Race, national origin, and gender discrimination charges are still on the rise. And, perhaps more troubling, we have seen a trend of increased charges alleging race and national origin harassment as an issue. The actual charges filed more than quadrupled from the decade ending in 1989 and the next ten years, jumping from 27,000 throughout the 80's to nearly 110,000 charges during the nineties. Sexual harassment charges nearly tripled during the same period of time, from nearly 26,000 for the 80's to almost 73,000 for the 90's. Equally troubling is the fact that retaliation charges have exploded during the past two decades. By the end of the 70's, EEOC had received almost 7,000 charges of retaliation, representing only 1.6% of the charges filed for the decade. Retaliation charge receipts jumped to nearly 59,000 during the 80's, and exploded in the 90's to more than 146,000 charges or nearly 20% of all charges filed with the EEOC.

In recent months we have filed seven lawsuits where African Americans were harassed with epithets and threatened with nooses. Additional cases identified as priorities include instances where workers serve in slave-like conditions based on their national origin and individuals' rights to worship are curtailed. These are but a few of the people and cases the EEOC sees every day. We must have the resources necessary to address these cases and to work to prevent further occurrences if equal opportunity and the promises of the American dream are to be real for all of the nation's citizens.

The EEOC has demonstrated that, with adequate resources, it can and will deliver top-quality service to employers and charging parties alike. The agency is very close to achieving a long sought-after goal of managing a pending private sector charge inventory of 28,000 charges, resolving all but the most complex within 180 days. However, without consistent funding from year to year these efforts will quickly erode and the American public will not have a strong and credible agency capable of protecting and advancing equal employment opportunity at the workplace.

The significant initiatives launched by the EEOC in fiscal year 1999 will be at risk should adequate funding not be provided. This year the EEOC commemorates its 35th anniversary. Throughout the years, the EEOC has helped America fulfill its promise of equal opportunity for all. At the dawn of this new century, we are well poised to maintain our efforts and ensure that in the near future America's workplaces will be free from discrimination. I trust you will assist us in this endeavor and thank you for your efforts.

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