

COMMERCE, JUSTICE, SCIENCE, AND RELATED
AGENCIES APPROPRIATIONS FOR 2021

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

SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE,
AND RELATED AGENCIES

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COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS FOR 2021

WEDNESDAY, MARCH 4, 2020

MEMBERS' DAY

Mr. SERRANO. Good afternoon, everyone. We welcome you to our first hearing for fiscal year 2021. It is fitting that today's hearing will be with our colleagues here in the House to hear about the programs and agencies that they feel strongly about.

Given the expected budget constraints that all subcommittees will face this fiscal year, it is important that we hear from our colleagues about the programs making a difference to their communities. This year, we will hear from a bipartisan group of Members, all of whom will be asking for further investments by this subcommittee.

I think it is instructive that on a day like this we are never asked to cut funding for programs or agencies, only to increase them. It shows the important role that the Federal Government plays in driving technological innovation, economic development, scientific research, a fair justice system, and public safety. I look forward to hearing from our witnesses today.

And, with that, let me turn to my colleague and friend Mr. Aderholt.

Mr. ADERHOLT. Thank you for yielding, Mr. Chairman, and I am pleased to be here today as we commence the fiscal year 2021 approps process.

This subcommittee is very uniquely situated to really take care of a lot of funding for a lot of important priorities. Space exploration, including the transformative Moon to Mars Initiative, is included under our jurisdiction; combating crime, including child exploitation, human trafficking, and incidents of mass violence; fostering fair trade; promoting innovation; improving weather forecasting; and investing in basic research.

So I want to thank you, Mr. Chairman, for holding the hearing today and allowing each Member of the House to come before the subcommittee to convey not only their recommendations, but to educate us on matters that we need to be brought up to speed on and how we can be helpful. And it is important that Members have an opportunity to express their priorities and their concerns, as we will hear today.

And as members of the Appropriations Committee, I know it is a desire for each of us who serve on this committee and of course this subcommittee to strive to work to make sure that the pro-

grams that we fund are doing what they can to impact constituencies across the United States.

So, again, thank you, Mr. Chairman, for your leadership in this and to accommodate these priorities, and I know we will work the best we can as we move forward in the process. I thank my colleagues for taking time to be here today and we look forward to your testimony.

And, with that, I yield back.

Mr. SERRANO. Thank you, Mr. Aderholt. And I do also join you in thanking our colleagues for being here today.

Our first witness will be another member of the departing class of appropriators, which keeps growing by the day, Mr. Visclosky, Chairman Visclosky.

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

Mr. VISCLOSKY. Chairman, I appreciate the opportunity, Mr. Aderholt and Mr. Cartwright, for appearing before you today. Really, just three quick points.

One, I am here to testify on behalf of appropriate funding for the ITC and I want to thank the committee for your very strong support and good work and help in the 2021 bill. You provided \$99.4 million for the ITC, that was \$4.4 million of critically needed funds more than fiscal year 2020. I would point out, this year my request is for \$105 million for the ITC. I think it is eminently justifiable, despite the fact that the Office of Management and Budget has only requested 99.6. My statement is in the record, we have a number of items and justification for the request.

I would simply point out that, for example, between fiscal year 2011 and 2015, there were an average of eight to ten filings annually for antidumping and countervailing duty cases, those have now increased to 16 or 18. The Harmonized Tariff Schedule has been revised 14 to 13 times in fiscal years 2018 and 2019, in a typical year that might be three or four.

So, again, I appreciate you holding the hearing and allowing me to testify, and look forward to working with you and your staff.

[The prepared statement of Mr. Visclosky follows.]

Remarks for the Commerce, Justice, Science, and Related Agencies Appropriations

Subcommittee Members' Day

Representative Peter J. Visclosky (IN-01)

March 4, 2020

I would like to thank Chairman Serrano, Ranking Member Aderholt, and all the members of the Commerce, Justice, Science, and Related Agencies Appropriations Subcommittee for holding today's hearing. I am extremely grateful for the opportunity to continue to advocate for robust funding for the U.S. International Trade Commission (ITC).

First, I would like to extend my thanks for funding the ITC at \$99.4 million in Fiscal Year (FY) 2020. As the Subcommittee knows, the ITC is required by U.S. law to release its budget justification independently from the Office of Management and Budget (OMB). In FY 2020, the ITC requested \$101 million. However, the OMB made its own request for the ITC of \$91.1 million. Even though the final FY 2020 funding level was below the ITC's request, I appreciate your hard work throughout the appropriations process last year to support the ITC.

As you are aware, the ITC works to defend American workers and their jobs from foreign countries that harm our domestic industries through illegal trading practices. These illegal trading practices – such as dumping and subsidizing – by foreign countries leave our domestic industries struggling to compete. To remedy this problem, the ITC works tirelessly to ensure that each case claiming material injury to a U.S. industry is properly investigated and judiciously determined. We must continue to do all that we can to help guarantee that our domestic industries are able to compete on a level playing field, which requires adequate funding for the ITC.

For FY 2021, the ITC has requested \$105 million in order to execute its mandated functions, which include managing a high investigation caseload, revising the Harmonized Tariff Schedule (HTS) of the United States to incorporate tariff rate changes, and modernizing its information technology infrastructure. I would note that the OMB made its own request for the ITC of \$99.6 million. I strongly urge the Subcommittee to use the ITC's independent budget justification and fund the ITC at \$105 million for FY 2021. This increased funding is essential to address several operational challenges that the ITC faces during the next fiscal year.

Specifically, the ITC has seen a significant increase in antidumping and countervailing duty (AD/CVD) investigations over the past decade. From FY 2011 through FY 2015, there was an average of 8 to 10 filings annually. Subsequently, from FY 2016 through FY 2019, there was an average of 16 to 18 filings annually. AD/CVD investigations are predicted to remain at high levels through FY 2021 and beyond. Further, I would note that over the last 10 years, affirmative determinations have increased, which in turn increases the number of cases that return for 5-year reviews. Without the proper funding to handle this increased workload, the ITC will not have the capacity to meet mission-related statutory deadlines.

Additionally, due to recent trade actions, the ITC continues to face record levels of changes to the HTS. Recent trade actions – such as Section 232 tariffs on steel and aluminum, Section 301 tariffs on China, the passage of the USMCA, and changes to other trade programs – have all required that the ITC revise the HTS. In FY 2018 and FY 2019, the HTS was revised 13 and 14 times, respectively, as compared to 3 times in a typical year. The ITC is statutorily required to maintain the HTS database and is also the source of public information on the HTS. This tariff information allows private companies to accurately report their imports to U.S. Customs and

Border Protection for enforcement of U.S. tariffs, so it is vital that the ITC receives the needed funding to meet its growing mission responsibilities.

Finally, recent trade actions have increased requests for fact-finding investigations and trade policy support, another major component of the ITC's mission. These requests come from the House Committee on Ways and Means, the Senate Committee on Finance, and the U.S. Trade Representative (USTR). Unfortunately, the ITC was funded below its request for FY 2020, which has left a shortage in personnel funding and has forced continued delays in necessary technology infrastructure improvements. This shortage is causing the ITC to negotiate delayed delivery dates for some incoming fact-finding reports in order to fully respond to all its incoming requests for new investigations. Without sufficient funding for the ITC in FY 2021, the ITC risks having to delay delivery of fact-finding investigations to Congress and the USTR. These delays could adversely impact our nation's trade policy.

In conclusion, I would like to again thank the Subcommittee for allowing me to testify today. I believe that the ITC's budget justification provides the most complete understanding of its financial needs and offers insight on how inadequate funding levels would impact its ability to enforce our trade laws and protect American workers. Therefore, I strongly encourage the Subcommittee to fund the ITC at \$105 million for FY 2021.

Mr. SERRANO. Well, thank you. Your statement is well noted and will be included, of course, in our records, and we thank you for your ask. The answer is no. [Laughter.]

Mr. VISCLOSKY. You know I am not coming back. [Laughter.]

Mr. SERRANO. Neither am I. [Laughter.]

Mr. SERRANO. Mr. Aderholt?

Mr. ADERHOLT. Thank you for your testimony here, and I understand the ITC and its important role. So certainly please know that we will do what we can to work on this issue to try to move forward, and so thank you for your commitment to it. Thank you.

Mr. SERRANO. Thank you. Thank you, Mr. Visclosky.

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

Mr. SERRANO. Mr. Yoho, Representative Yoho is our next speaker, witness.

**STATEMENT OF HON. TED S. YOHO, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF FLORIDA**

Mr. YOHO. Thank you. Chairman Serrano, Ranking Member Aderholt, and committee members, thank you for allowing me to testify on my funding priority for fiscal year 2021 CJS appropriations.

America has led in space exploration and our Nation, as the first to put humans on the Moon, we have set the standards for innovation. Now a new era is upon us. It is time to prepare for this next phase of space exploration and that is literally to go where no man or woman has ever gone before, which is why I am interested in NASA science funding to explore the effects of zero gravity and deep space radiation on mammalian eukaryotic or embryological development.

I am a supporter of the Moon to Mars initiative and I am a firm believer that one day we will live in space or on different planets. However, before our species can live on or travel to Mars or distant planets, important questions on procreation outside of Earth's gravitational effects must be answered. We must know if human pregnancy and embryological development can be achieved in these environments.

Basic questions like can a pregnancy, number one, occur and develop all the way through parturition in environmental space? Can fertilization occur? Does migration of an embryo go down the Fallopian tubes? Will uterine/embryo implantation take place? If not, why?

How do the different biological systems develop, the physiological systems? Are long bones long, for instance? Are kidneys kidney-shaped, hearts heart-shaped? These are all things that we have never looked at. What is the nervous system and how does that develop, or the hematopoietic system? Are genes turned on or turned off, expressed differently in zero gravity or the effect of radiation to adapt to the corresponding zero gravity environment? Does the physiology of the organ systems function and behave the same as they are developing in zero gravity as they do on Earth?

In order to prepare for future interplanetary travels, these questions must be answered. Going to Mars today is a one-way trip and that is something that we should really look at and, you know, America has been such an innovator and leader in this. In order

to prepare for future interplanetary travels, these questions regarding embryological development need to be answered. Studying this now on the ISS, while we have the benefit of time, will ensure we are prepared for the future of space travel.

It is important to note that this type of research can and will lead to discoveries that benefit people on Earth as well. As scientists dive into zero gravity development, they may discover that genes express themselves differently. This variation of expression could be applicable to curing diseases here on Earth now and we won't know this until this research is done.

NASA has the ability to do this research on the ISS, but they need the funding to do so. We have proposed a rodent model because of their short gestational period, approximately 21 days, and NASA's familiarity with the rodent model on the ISS. It is imperative that we as a nation invest in this type of cutting-edge research. Nobody else is doing this, which is why I am asking you to include the funding for nonhuman mammalian embryological experiments under the NASA science account in fiscal year 2021 in the CJS appropriations bill.

Again, this kind of cutting-edge research will, pardon the pun, jettison the United States leadership light years ahead of any other country and the research that will come out of this will— I truly believe when the researchers and the people in the science community says this is stuff that we need to know, you know, the things that we haven't discovered is what is going to lead medicine and research down the road, and I ask you to consider the appropriations for that.

Thank you.

[The prepared statement of Mr. Yoho follows:]

Congressman Ted S. Yoho, DVM
CJS Approps Member Day Testimony

Chairman Serrano, Ranking Member Aderholt, and committee members:

Thank you for allowing me to testify on my funding priority for FY21 CJS appropriations. America has lead the world in space exploration and our nation, as the first to put humans on the moon, has set the standard for innovation. Now a new era is upon us. It's time to prepare for this next phase of space exploration and that is literally to go where no man or woman has ever gone before. Which is why I am interested in NASA science funding to explore the effects of zero gravity and deep space radiation on mammalian eukaryotic/ embryologic last development.

I'm a supporter of the 'Moon to Mars' initiative and I'm a firm believer that one day we will live in space. However, before our species can live on or travel to Mars or distance planets- important questions on procreation outside earth's gravitational effects must be answered. We must know if human pregnancy and embryo development can be achieved in these environments.

Basic questions like: can a pregnancy occur and develop on through parturition in the environment of space? Can fertilization occur, does migration of an embryo descend the Fallopian tubes, will uterine/embryo implantation take place? If not, why? How do the different biological and physiological systems develop? Are long bones long, kidneys, kidney shaped, does the vascular and nervous system develop the same or are other genes turned on or off or expressed differently to adapt to their corresponding zero gravity environment? Does the physiology of organ systems function and behave the same after developing in a zero-gravity environment?

In order to prepared for future interplanetary travel, these questions regarding embryologic development need to be answered. Studying this now on the ISS, while we have the benefit of time, will ensure we are prepared for the future of space travel.

It is important to note that this type of research can and will lead to discoveries that benefit people on earth as well. As scientists dive into zero gravity development, they may discover that genes express themselves differently. This variation of expression could be applicable to curing a disease. We won't know until the research is done.

NASA has the ability to do this type of research on the ISS. But they need the funding to do so. We have proposed a rodent because of their short gestational period ~ 21 days and NASA's familiarity with rodent models on the ISS. It's imperative that we as a nation invest in this type of cutting-edge research. Which is why I am asking you to include funding for non-human mammalian embryology/ eukaryotic experiments under the NASA science account in the Fiscal Year 2021 CJS appropriations bill.

This kind of cutting-edge research will, pardon the pun, jettison the US leadership light years ahead of any other countries research.

Thank you for your time.

Mr. SERRANO. Thank you. I thank you for your testimony. Let me tell you that this committee, both under Republican and Democratic leadership, has always been very friendly to NASA. In fact, my staff will probably get upset that I bring it up, but the only issue we have pending is do we go to the Moon in 2028, as previously scheduled, or do we go in 2024, and there is a difference of opinion on that.

But all that you speak about does two things, it makes us think and make us go to the dictionary and see what all those words you said mean, because they are very tough.

Mr. YOHO. I'm sorry about that, it was just background.

Mr. SERRANO. No, it is quite all right. Thank you so much.

Mr. YOHO. Thank you, I appreciate it.

Mr. SERRANO. Thank you. By the way, a clarification for my colleagues, CJS stands for Commerce, Justice, Science, not Congressman Jose Serrano. [Laughter.]

Mr. SERRANO. I don't have a committee named after me.

Our next witness is Mr. Davis.

STATEMENT OF HON. DANNY K. DAVIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. DAVIS. Thank you very much, Mr. Chairman Serrano, Ranking Member Aderholt, Mr. Cartwright, and other members of the CJS Appropriations Committee for hosting this opportunity for Members to advocate for critical programs.

Today, I will talk briefly about the Second Chance Act or SCA, which I authored in the 110th Congress, after countless meetings with task force groups, community stakeholders, representatives from faith groups, clergy, and law enforcement. After several years of drafting, changes, advocacy, coalition building, and sweat equity, the SCA was signed into law on April 9, 2008. The SCA authorizes Federal grants for vitally important programs and systems aimed at improving the reentry process.

The United States remains the most incarcerated nation on the face of the earth. Its prison population contains roughly 2.2 million individuals housed in state prisons, Federal prisons, jails, and other correctional facilities. However, since passage of the SCA, more than 900 grants in 49 states, DC, and U.S. territories have been awarded. These grants have served more than 164,000 participants since 2009, with roughly 80 percent of all adults served receiving mental illness, substance use disorder treatment and referrals, and 60 percent receiving cognitive-based services.

The SCA has been a lifeline for former offenders. Grant dollars and other investments have allowed local and state governments opportunities to provide job training and wraparound services, thereby significantly reducing recidivism and developing new tax-paying citizens. Organizations like the Safer Foundation in Chicago have provided job training, job placement, and pathways to career opportunities for hundreds of men and women returning to severely low-income communities. As I travel across the country, I hear from small business owners, elected officials, and even some Fortune 500 executives boasting about their reentry programs and how the programs have been uplifting to their employee morale.

Finally, the SCA is a true bipartisan success story and recently, because of successful programs like the SCA, Congress passed the First Step Act and are continuing to look at ways to reduce mass incarceration and sentencing reforms. Local governments, hospital systems, and private employers are now making investments in re-entry. Success stories are being made every single day.

So, Mr. Chairman and Ranking Member, I am hopeful we can maintain the fiscal year 2021 funding level of \$90 million for the Second Chance Act, and I would be pleased to respond to any inquiries.

Thank you very much and it is a pleasure.

[The prepared statement of Mr. Davis follows:]

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Congress of the United States
House of Representatives

COMMITTEE ON
WAYS AND MEANS

CHAIRMAN:
WORKER AND FAMILY SUPPORT

SUBCOMMITTEE:
TRACE

March 2, 2019

Rep. Danny K. Davis CJS Approvs Testimony

Thank you Chairman Serrano, Ranking Member Aderholt and Members of the CJS Appropriations Committee for hosting this opportunity for Members to advocate for critical programs. Today I will talk briefly about the Second Chance Act or SCA, a bill that I spent several years to work towards its passage. After several years of drafting, changes, advocacy, coalition building and sweat equity; the SCA was signed into law on April 9, 2008. The SCA authorizes federal grants for vitally important programs and systems aimed at improving the reentry process.

While the United States remains the most incarcerated nation on the face on the earth; housing around 2.2 million people in state prisons, federal prisons, jails and other correctional facilities; since the passage of the SCA, more than 900 grants in 49 states, DC and US territories and been awarded. These grants have served more than 164,000 participants since 2009, with roughly 80% of all adults served receiving mental illness, substance use disorder treatment and referrals, and 60% receiving cognitive-based services.

Not only has the SCA been a lifeline for the former offenders; it has been a small economic solution for many local and state governments thru investments in job training programs and wrap around services that significantly reduced recidivism; thereby creating new tax paying citizens. Organizations like the Safer Foundation in Chicago have provided job training, job placement and pathways to career opportunities for hundreds of men and women returning to severely low- income communities in Chicago. In addition, because of the SCA, as I travel across the country, I hear from small AND Fortune 500 companies boast about the reentry programs they have; or in the process of developing to provide additional training and employment opportunities for the formerly incarcerated.

Finally, the SCA is a true bipartisan success story. The first speech on the House floor I ever delivered about reentry was not well received. In fact, many Representatives questioned why advocate for those incarcerated, those that have wronged society, and why do we want these individuals back in the communities they once offended. Many citizens has the NIMY syndrome. Not.In.My.Back.Yard.

Yct, today, because of successful programs like the SCA, the Congress passed the First Step Act and are continuing to look at ways to reduce mass incarceration and sentencing reforms. Local governments, hospital systems and private employers are now making nominal investments in reentry. Success stories are being made every single day.

So, Mr. Chairman & Ranking Member, I am hopeful we can maintain the FY2020 funding level of \$90 million for the Second Chance Act and I am happy to answer any questions or concerns you may have.

Thank you – Congressman Danny K. Davis

Mr. SERRANO. No, we thank you for your testimony. We are very much interested in this program. As you know, we funded it at \$90 million last year, so it is a priority to continue to do well by it, and we thank you for your advocacy for it.

Mr. Aderholt?

Mr. ADERHOLT. Thank you, Congressman Davis. And certainly I think these are important programs and, you know, we will certainly as we move forward. Your testimony has been very helpful, thank you for your testimony on it. And we will certainly work together to see what we can do to try to make the funding successful, so we look forward to working with you.

Mr. SERRANO. Thank you, Mr. Aderholt. And thank you, sir.

Mr. DAVIS. Thank you both very much and it is a pleasure.

Mr. SERRANO. Our next witness is Mr. Hill, Representative Hill. You were moving there already, how did you know that?

Mr. HILL. You have an excellent staff, Mr. Chairman.

STATEMENT OF HON. J. FRENCH HILL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARKANSAS

Mr. HILL. Well, thank you for the opportunity, Mr. Chairman, Ranking Member, for the opportunity for Members to participate today. I want to start my remarks today to echo my friend from Illinois, Mr. Davis, and talk about recidivism issues and some of the topics that he addressed. Mr. Davis is from Arkansas, so we are kindred spirits. He grew up in Parkdale, Arkansas, deep in the Mississippi Delta, and he is right on point in talking about strategies to reduce recidivism.

The FBI and the Bureau of Prisons states that we spend an average of \$36,000 a year per inmate on a prison population that dwarfs the rest of the world. Each year more than 600,000 people leave our prisons, but three quarters of those recidivate within five years. This is a huge frustration to our state and local governments, and of course to the Federal Government.

The costs to society of not acting on this issue are not limited to what taxpayers get. Higher recidivism rates lead to higher prison budgets, more beds to build, more dangerous streets, and fewer badly needed workers for our very worker-needy labor force. The cost of un-rehabilitated offenders to communities, neighborhoods, families. More unemployed and unemployable fathers, families continue to struggle in the grip of addiction, children stuck in a despairing cycle of generational poverty, and consequences of a return to crime. All those costs are too high.

How do we hold offenders accountable for their actions without denying them a return as contributing members of society?

In Arkansas, Arkansas Baptist College and Shorter College have partnered with the Arkansas Department of Community Corrections to provide an entrepreneurship program for prison inmates during the last six months of their sentence. The program serves as a transition phase for inmates to gain academic and spiritual development, and encourages them to continue in their education at their schools after their release.

Last year, I introduced legislation that would establish a pilot program at the U.S. Department of Justice to provide grants to Historically Black Colleges and Universities, HBCUs, to implement

educational programs for eligible offenders and help them successfully transition back into their communities. This language is based on the outstanding work of the four HBCUs in and around my district.

The average cost of attending an Historically Black College and University is around \$16,000 per year. We spend upwards of \$80 billion every year warehousing inmates. We could be saving valuable taxpayer funds.

I believe we must look at this not only as a matter of the financial cost, but one of the human cost that I have noted. That is why I urge your committee to include the following language in its bill report to support the efforts of HBCUs to address this critical need.

The language proposed would be, "The Committee supports the U.S. Department of Justice coordination and collaboration with Historically Black Colleges and Universities to provide educational programs for recently released and soon to be released criminal offenders to assist them in obtaining skills that will let them successfully transition back into their communities and reduce recidivism rates."

I want to thank you for your consideration of this language.

The second topic I want to touch on today relates to behavioral health. I would like to discuss mental health and support for the Mentally Ill Offender Act.

Today in America, a behavioral health epidemic has manifested itself through increased drug usage, rising suicide rates, and a nationwide life expectancy that fell for two years in a row before a slight increase was reported in 2018. Too many times Americans suffering from mental illness turn to self-medication, using alcohol, prescription painkillers, and illegal substances. On average, opioid use kills 130 Americans per day.

A slight increase in life expectancy indicates that we may be on the right track, but there is more that needs to be done to address this epidemic through comprehensive strategies and work to ensure that our state and local governments are equipped to care for non-violent offenders with mental health and other substance abuse disorders. I hope that you will give full and fair consideration to funding the Mentally Ill Offender Act, which provides grants for these overburdened state and local governments to support mental health courts, training the staff, and mental health and substance abuse treatment services, with the purpose of better addressing the needs for our non-violent offenders.

By supporting these entities and addressing the substance abuse and mental health issues and challenges around non-violent offenders, we can lower the impact of the opioid epidemic and decrease recidivism throughout our country.

I appreciate your consideration of these requests and the opportunity to be before you today, and I yield back the balance of my time. Thank you, Mr. Chairman.

[The prepared statement of Mr. Hill follows:]

FRENCH HILL TESTIMONY: Fiscal Year 2021 Members Day

House Committee on Appropriations

Subcommittee on Commerce, Justice, Science, and related Agencies

- Chairman Serrano and Ranking Member Aderholt:
- Thank you for the opportunity to testify this afternoon.

HBCUs and Recidivism

- Today, in America, according to the Federal Bureau of Prisons, we spend an average of \$36,000 a year per inmate on a prison population that dwarfs that of the rest of the world.
- Each year, more than 600,000 people leave our prisons, but three-quarters of them recidivate within five years.
- The costs to society of not acting on this issue are not limited to what taxpayers get: higher recidivism rates, higher prison budgets, more beds to build, more dangerous streets, and fewer badly needed workers in the labor force.
- The cost of unrehabilitated offenders to communities, neighborhoods, and families – unemployed and unemployable fathers, families continuing to struggle in the grip of addiction, children stuck in a despairing cycle of generational poverty, consequences of a return to crime – is too high.
- How do we hold offenders accountable for their actions without denying them a return as contributing members of society?

FRENCH HILL TESTIMONY: Fiscal Year 2021 Members Day

House Committee on Appropriations

Subcommittee on Commerce, Justice, Science, and related Agencies

- In Arkansas, Arkansas Baptist College and Shorter College have partnered with the Arkansas Department of Community Correction to provide an entrepreneurship program for prison inmates during the last six months of their sentence.
- The program serves as a transition phase for inmates to gain academic and spiritual development and encourages them to continue in their education at the schools after their release.
- Last year, I introduced legislation that would establish a pilot program at the U.S. Department of Justice to provide grants to Historically Black Colleges and Universities (HBCU) to implement educational programs for eligible offenders and help them successfully transition back into their communities.
- The average cost of attending an HBCU is around \$16,000 per year.
- We spend upwards of \$80 billion every year on warehousing inmates, when we could be saving valuable taxpayer funds.
- I believe that we must look at this as not only a matter of financial cost, but also as one of human cost.
- That is why I urge your Committee to include the following language in its bill report to support the efforts of our HBCUs to address this critical need.

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- *The Committee supports the U.S. Department of Justice's coordination and collaboration with Historically Black Colleges and Universities to provide educational programs for recently released and soon to be released criminal offenders to assist them in obtaining skills that will help them successfully transition back into their communities and reduce recidivism rates.*
- Thank you for your consideration of this request.

Mental Health

- I would also like to discuss mental health and support for the Mentally Ill Offender Act.
- Today, in America, a behavioral health epidemic has manifested in increased drug usage, rising suicide rates, and a nationwide life expectancy that fell for two years in a row before seeing a slight increase in the recently reported data for 2018.
- Too many times, Americans suffering from mental illness turn to self-medication using alcohol, prescription painkillers, and illegal substances.
- On average, opioid use kills 130 Americans a day.
- A slight increase in life expectancy indicates that we may be on the right track, but we need to continue the progress we have made to address this epidemic

FRENCH HILL TESTIMONY: Fiscal Year 2021 Members Day

House Committee on Appropriations

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through comprehensive strategies and work to ensure that our state and local governments are equipped to care for non-violent offenders with mental health and substance abuse disorders.

- I hope that you will give full and fair consideration to funding the Mentally Ill Offender Act, which provides grants to these overburdened state and local governments to support mental health courts, training to staff, and mental health and substance abuse treatment services with the purpose of better addressing the needs of non-violent offenders.
- By supporting these entities in addressing the substance abuse and mental health issues of non-violent offenders, we can lower the impact of the opioid epidemic and decrease recidivism.
- I appreciate your consideration of this request and thank you for the opportunity to testify to the committee today.

Mr. SERRANO. Thank you so much for your testimony and we truly appreciate it, your information and your concerns.

Mr. Aderholt.

Mr. ADERHOLT. Let me just echo the chairman's comments. I have had a chance to work since I have been in Congress with Historically Black Colleges and Universities, I understand the importance and the impact and the historical aspect of those. Certainly the Department of Justice, especially when it comes to trying to make sure that mentally— the mentally impaired is something that we do not take lightly, it is something I also think is very important.

So, thanks for your testimony on both of these things, your interest and your work on them, and we look forward to working with you on this committee and how we can try to be a piece of the puzzle in trying to make this work for everyone. So, thanks very much.

Mr. HILL. Thank you very much. I yield back.

Mr. SERRANO. Thank you so much.

Representative Perlmutter.

**STATEMENT OF HON. ED PERLMUTTER, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF COLORADO**

Mr. PERLMUTTER. Mr. Chairman, Mr. Aderholt, Mr. Cartwright, thank you for having this hearing this afternoon, so that we can all make presentations to you about subjects and issues that are very important to our district. So, for me, I appreciate the opportunity to testify this afternoon about funding for NASA and working together to get our astronauts to Mars by 2033.

Supporting NASA and our aerospace industry is one of my top priorities and Colorado has some of the best minds, companies, and capabilities in the aerospace industry. So not only is it a personal passion, obviously, it is something very important to my state. And, after all, Colorado, as Mr. Aderholt knows, Mr. Cartwright and Mr. Serrano, we are a mile above sea level, so the first mile to get our astronauts to Mars is free. [Laughter.]

Mr. PERLMUTTER. We have one of the country's largest space economies, because we have just about everything in our state from a strong scientific research community to small, medium, and large commercial space companies, which work across the civil and defense communities.

That is why I have been such a strong supporter for NASA, as have you, as I sit on the Science, Space and Technology Committee. And, importantly, it is about getting our astronauts to Mars by 2033. This is when the orbits of Earth and Mars are closest for years and it saves space travel and reduces the risk for radiation, as Mr. Yoho was talking about, for our astronauts. I believe we need this lead time for all of us to prepare for the undertaking, which is a complicated mission, obviously, which is going to require a lead by NASA, a public-private partnership and international partnership.

Exploration is in our DNA as Americans and as humans. We don't necessarily know where our exploration will take us, but the benefits we have seen right back here on Earth from our investment in exploration since the Mercury Program 60 years ago has been tremendous. We have a skilled and driven workforce we are

investing in, and the inspiration for the next generation will open new doors for new technologies and answering new questions we can't even imagine today, like those that Representative Yoho was bringing up about birth.

And while there are many things I disagree with with this administration, I do think aerospace is an area of bipartisan agreement here in Congress, in the White House, and at NASA. I support the goals for accelerating human missions to land on the Moon again—that is now called the Artemis Program, as you know—as long as that program continues to focus on reducing risk for our human missions to Mars.

Space exploration is hard and it will require sustained investment from this subcommittee, and continued ingenuity by the smart people at NASA and in the commercial sector. I am asking for your help this year and for the next 13 to provide NASA with the resources for the Mars 2033 mission and the technologies needed for it like nuclear thermal propulsion; entry, descent, and landing systems for Mars; a Mars transport vehicle to get our astronauts around the planet; and many other long lead investments that are needed.

I look forward to working with the subcommittee and the entire Congress so we can achieve this goal, which is a very difficult one and will be expensive, that is why we need to get going now.

I am going to leave you with and I have left you with, and I will give anybody who wants one of those bumper stickers, I have plenty. [Laughter.]

Mr. PERLMUTTER. So here is my story. And, no, it is not when I am leaving the Congress. So this is the story. So my bumper sticker at home, I have my political bumper sticker, "Perlmutter, Our Neighbor, Our Voice." OK? And then I have that bumper sticker, "2033." My next-door neighbor, a rock-red Republican, came up to me, he says, "OK, I get the Perlmutter, Our Neighbor, Our Voice, are you running for President in 2033?" [Laughter.]

I said, no, it is not even a presidential year, that is when we are going to get our astronauts to Mars. And this committee is key to that mission, there is no ifs, ands, or buts about it. The lead time is substantial, so that we can get as many things answered as possible before those orbits align at a time for getting our astronauts to the planet.

And with that, I yield to any questions. But obviously we have talked a lot about this in our committee, Science, Space and Technology, and NASA has been there to testify a number of times, as has the administrator.

[The prepared statement Mr. Perlmutter follows:]

**Testimony of Rep. Ed Perlmutter
House CJS Subcommittee Members' Day Hearing
March 3, 2020**

Chairman Serrano, Ranking Member Aderholt, and members of the Subcommittee, thank you for holding this Members' Day hearing as you begin your work on the 2021 Commerce, Justice, and Science appropriations bill. I appreciate the opportunity to testify this afternoon about funding for NASA and working together to get our astronauts to Mars by 2033!

Supporting NASA and our aerospace industry is one of my top priorities. Colorado has some of the best minds, companies, and capabilities in the aerospace industry. After all, we're a mile closer to space! We have one of the country's largest space economies because we have just about everything in our state from the strong scientific research community, to small, medium, and large commercial space companies which work across the civil and defense communities.

That's why I've been such a strong supporter for NASA on the Science, Space and Technology Committee, and importantly for getting our astronauts to Mars by 2033. This is when the orbits of Earth and Mars align to save travel time and reduce risk for our astronauts. I believe we need this concrete goal for us all to work towards because this is a complicated undertaking requiring NASA to lead a team of public-private and international partners to get this done.

Exploration is in our DNA as Americans and as humans. We don't necessarily know where our exploration will take us, but the benefits we've seen right back here on Earth from our investment in exploration since the Mercury Program 60 years ago has been tremendous. We have a skilled and driven workforce we are investing in, and the inspiration for the next generation will open new doors for new technologies and answering new questions we can't even imagine today.

And while there are many things I disagree about with the current administration, I do think aerospace is an area of bipartisan agreement here in Congress, in the White House, and at NASA. I support the goals for accelerating human missions to land on the Moon again, now called the Artemis Program, as long as that program continues to focus on reducing the risks for our human missions to Mars by 2033.

Space exploration is hard, and it will require sustained investment from this Subcommittee and continued ingenuity by the smart people at NASA and in the commercial sector. I'm asking for your help this year and for the next 13 years to provide NASA with the resources for the Mars 2033 mission and the technologies needed for it like nuclear thermal propulsion; entry, descent, and landing systems for Mars; a Mars transport vehicle to get our astronauts to the red planet; and the many other long lead investments needed.

I look forward to continuing to work with this Subcommittee and the entire Congress so we can get our astronauts to Mars by 2033. I'm going to leave each of you with one of my bumper stickers – Mars 2033, We Can Do This! – so you can be a part of this journey we're taking together. Thank you again for allowing me to testify today. I'd be happy to answer any questions you have.

Mr. SERRANO. Well, we thank you for your presentation, it was a very thorough one, and this is a very seriously ongoing conversation in this committee and in other places throughout the Congress. Thank you so much.

Mr. PERLMUTTER. Thank you for your time.

Mr. SERRANO. Mr. Aderholt?

Mr. ADERHOLT. I just want to echo again the chairman's comments. And space exploration, as he knows, is important to this committee and important to me and we have worked very closely. So, thank you for your work on this and we continue to look forward to working with you, and so we can do space exploration for this country.

So, thanks so much.

Mr. CARTWRIGHT. Other than being relieved that you are not running for President, did your neighbor have any reaction to this bumper sticker?

Mr. PERLMUTTER. Yes. He said, "Can you guys really think that far out? Can you come up with programs that really take that long a time to put together?" And I said absolutely we can. You know, you see a lot of the clashes from day to day, but when the Congress sets its mind on something and there is this desire to do something bigger than any one of us or all of us put together, we can do it. And he actually was pretty impressed. Now, you know what, now the responsibility is on your committee to keep him impressed. I think it is something that ties all Americans together, and young and old. The aspirational/inspirational element to something like this, it is so much bigger than one administration or another.

So, Mr. Cartwright, yes, he was—he actually was excited about it.

Mr. CARTWRIGHT. It does bring us together, doesn't it?

Mr. PERLMUTTER. I think it does and I think it will. So I thank you all for your time.

Mr. SERRANO. The subcommittee will note that Mr. Perlmutter did not tell us if he was impressed with his reelection bumper sticker. [Laughter.]

Mr. PERLMUTTER. I don't think so. Anyway, thank you.

Mr. SERRANO. Thank you.

Representative Jenniffer González-Colón.

STATEMENT OF HON. JENNIFFER GONZÁLEZ-COLÓN, A REPRESENTATIVE IN CONGRESS FROM THE TERRITORY OF PUERTO RICO

Miss GONZÁLEZ-COLÓN. Thank you, Mr. Chairman, Ranking Member. And I will just take that note on the 2033, just to remind the committee that this subcommittee got jurisdiction under the Arecibo Observatory in Puerto Rico. So I ask the subcommittee to provide robust funding to the National Science Foundation, as well as NASA programs to support its operation, and include language requiring the sustained Federal support for the facility as well, and that may also help as the greatest telescope in America.

First of all, thank you again to the committee for having me here and providing me the opportunity to bring the issues that for Puerto Rico are important in this fiscal year. In that sense, Puerto Rico and the U.S. Virgin Islands—our Nation's Caribbean border—con-

tinue to face high levels of violent crime. In that sense, I respectfully urge the subcommittee to include language, just like you did last year, directing the U.S. Department of Justice to prioritize law enforcement personnel and resources in the U.S. Caribbean, in particular a focus on initiatives to reduce drug-related crime.

In order to ensure these efforts in making them successful, I am requesting robust funding for the DOJ components that have been on the front lines, fighting crime in Puerto Rico. I also ask this subcommittee to provide the highest possible level of funding for state and local law enforcement assistance programs. In particular, the Byrne Program, the COPS Hiring Program, the Project Safe Neighborhood Program, the Body Worn Camera and Bulletproof Vest Partnership Programs, and the Violence Against Women Act Programs.

This committee's also support is important and crucial to ensure U.S. Department of Commerce treats Puerto Rico equally under its statistical programs in fiscal year 2021. The island is excluded from several Federal surveys, which hampers efforts to evaluate our economy and our population needs. In that sense, I request that you appropriate the Bureau of Economic Analysis' budget request of \$111 million, which includes funding to support the agency's ongoing efforts to produce annual GDP statistics for Puerto Rico.

I note that the Joint Explanatory Statement accompanying the Consolidated Appropriations Act in 2020 required the U.S. Census Bureau to submit a report containing an overall cost estimate and implementation plan for Puerto Rico's inclusion in additional surveys for which we are currently excluded. Please evaluate this document and provide the necessary funding for fiscal year 2021 to ensure the Census can begin working on including the island under these data products.

I also ask this committee to maintain the language requiring the Census Bureau data sources for the Electronic Export Information requirement. Right now, they are working with the government of Puerto Rico to make that happen, as you suggested in the last report. So I strongly believe this requirement is a burden on interstate commerce and thus hampers efforts to grow our Island's economy. Moreover, it gives the wrong impression that Puerto Rico is a foreign jurisdiction, hampering our imports from the States, especially when EEI filings are not required for shipments between several states in the Nation.

I also request funding for NOAA programs particularly important for Puerto Rico. The Coral Reef Conservation Program; Integrated Ocean Observing System, which supports the Caribbean Regional Association for Coastal Ocean Observing; the National Sea Grant College Program; the National Estuarine Research Reserve System, which supports the Jobos Bay National Estuarine Reserve on the southern coast of the Island; and the Coastal Zone Management Grants.

This request also for NOAA and their Tsunami Warning Program is important during hurricane season as well. Its National Tsunami Hazard Mitigation Program, which provides funding for the Puerto Rico Seismic Network, to improve community preparedness and education of tsunami threats across the Island.

And, having said that, I just want to conclude saying thank you, Chairman Serrano, for your leadership in the committee and the support of Puerto Rico all the time you have been here in this committee and in Congress, including your longstanding advocacy for the Island's decolonization efforts to bring equality to 3.2 million American citizens on the Island.

I thank you, all of you, for your consideration for this request and of course for the opportunity to testify.

[The prepared statement of Miss González-Colón follows:]



CONGRESSWOMAN JENNIFFER GONZÁLEZ-COLÓN

PUERTO RICO - AT LARGE

Member Day Testimony
FY2021 Commerce, Justice, Science, and Related Agencies Appropriations Bill
U.S. House Committee on Appropriations
Rep. Jenniffer González-Colón
Wednesday, March 4, 2020

Chairman Serrano, Ranking Member Aderholt, and Members of the Subcommittee: thank you for providing me an opportunity to testify on Puerto Rico's priorities for the FY 2021 Commerce, Justice, Science, and Related Agencies (CJS) Appropriations bill.

Federal Law Enforcement Resources in the U.S. Caribbean

Puerto Rico and the U.S. Virgin Islands—our Nation's Caribbean border—continue to face high levels of violent crime. In particular, the homicide rate in each jurisdiction is significantly higher than the national average. According to the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting Program for 2018, Puerto Rico has a higher murder rate than any U.S. State, with 20 homicides per 100,000 inhabitants.

Law enforcement agencies report that approximately 60 percent of homicides committed on the Island are drug-related. As you are aware, transnational criminal organizations have long exploited Puerto Rico and the U.S. Virgin Islands as both a destination and a transit zone for illegal drugs, posing a threat to the lives of Americans in the two territories and the mainland.

Given these dire security conditions, I respectfully urge the Subcommittee to include language—just like it did last year—directing the U.S. Department of Justice (DOJ) to prioritize law enforcement personnel and resources in the U.S. Caribbean, with a particular focus on initiatives to reduce drug-related crime.

Additionally, in order to ensure these efforts are successful, I am requesting robust funding for the FBI; the Drug Enforcement Agency (DEA); the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF); and the U.S. Attorneys. These DOJ components have been crucial in fighting crime in Puerto Rico and deserve Congress's support.

I also respectfully urge the Subcommittee to provide the highest possible level of funding for State and Local Law Enforcement Assistance programs. In particular, the Byrne Justice Assistance Grant (Byrne JAG) Program, the Community Oriented Policing Services (COPS) Hiring Program, the Project Safe Neighborhood Program, the Body Worn Camera and Bulletproof Vest Partnership Programs, and Violence Against Women Prevention and Prosecution Programs. Each year these grants provide much-needed resources for local law enforcement agencies in Puerto Rico, including for many of our municipalities.

Puerto Rico's Inclusion in Federal Statistical Programs

The Subcommittee's support will also be crucial to ensure the U.S. Department of Commerce treats Puerto Rico equally under its statistical programs in FY 2021. As you are aware, the Island is excluded from a considerable number of federal surveys, which hampers efforts to evaluate our economy and our population's needs.

Therefore, I request that you appropriate the Bureau of Economic Analysis' (BEA) budget request of \$111.9 million, which includes funding to support the agency's ongoing efforts to produce annual Gross Domestic Product (GDP) statistics for Puerto Rico.

Additionally, I note that the Joint Explanatory Statement accompanying the *Consolidated Appropriations Act, 2020* required the U.S. Census Bureau to submit a report containing an overall cost estimate and implementation plan for Puerto Rico's inclusion in additional surveys for which we are currently excluded. I urge that the Subcommittee evaluate this document once it's submitted and provide the necessary funding in the FY 2021 CJS Appropriations bill to ensure the Census can begin working on including the Island under these data products.

I also ask that the Subcommittee maintain language requiring the Census Bureau and BEA to work with the Government of Puerto Rico to identify alternative data sources to the Electronic Export Information (EEI) requirement. I strongly believe this requirement is a burden on interstate commerce and thus hampers efforts to grow our Island's economy. Moreover, it gives the wrong impression that Puerto Rico is a foreign jurisdiction, especially when EEI filings are not required for shipments between the several States.

I recently hosted a meeting in my office between the Census Bureau, BEA, and the Puerto Rico Department of Economic Development and Commerce to begin discussions on this topic. I'm glad that a working group was established to find and develop an alternative. The Subcommittee's support will be crucial to ensure the success of this effort going forward.

Arecibo Observatory

Another important priority for Puerto Rico within the Subcommittee's jurisdiction is the Arecibo Observatory, which is supported by the National Science Foundation's (NSF) Mathematical and Physical Sciences (MPS) and Geosciences (GPS) Directorates. Funding for the observatory is also supplemented by the National Aeronautics and Space Administration's (NASA) Near-Earth Object Observations (NEOO) Program.

To maintain the Arecibo Observatory's operations and crucial scientific mission, I urge the Subcommittee to provide robust funding for these programs and to include language requiring sustained federal support for the facility.

National Oceanic and Atmospheric Administration (NOAA) Programs

I want to urge the Subcommittee to provide robust funding for the National Oceanic and Atmospheric Administration's (NOAA) programs. Particularly important for Puerto Rico are the

Coral Reef Conservation Program; the Integrated Ocean Observing System—which supports the Caribbean Regional Association for Coastal Ocean Observing; the National Sea Grant College Program; the National Estuarine Research Reserve System—which supports the Jobos Bay National Estuarine Research Reserve on the southern coast of the Island; and the Coastal Zone Management Grants.

I also request robust funding for NOAA's Tsunami Warning Program and its National Tsunami Hazard Mitigation Program, which provides funding to the Puerto Rico Seismic Network to improve community preparedness and education of tsunami threats across the Island.

Puerto Rico's Future Political Status

Lastly, I would like to thank Chairman Serrano for his longstanding leadership and support for equality for Puerto Rico. I also appreciate the Subcommittee's inclusion of report language in FY 2020 that instructed DOJ to provide guidance on the materials for the congressionally-sponsored plebiscite to resolve the Island's political status.

I would further appreciate the Subcommittee continuing to work with the Bureau of Justice Assistance and the Department as a whole if necessary, regarding the guidance. It may also be appropriate for the Subcommittee to reiterate its instructions and views regarding DOJ's role.

As Puerto Rico continues its quest for statehood, I respectfully request that the Subcommittee do everything in its power to ensure that Puerto Rico is treated in an equal matter in all respects.

The 3.2 million Americans residing on the Island deserve no less.

Thank you for your consideration of these requests and for the opportunity to testify.

Mr. SERRANO. Thank you so much. Thank you for your comprehensive statement and thank you for being with us today.

Mr. Aderholt?

Mr. ADERHOLT. Let me just again say thank you for being here and for your comments. And, as I have said before, this is helpful to us to sort of know what issues that we need to pay attention to. So these issues that you brought up regarding the region that you represent and Puerto Rico, inclusion in these Federal funds, thanks for bringing it to our attention. So we look forward to working with you.

Ms. GONZÁLEZ-COLÓN. Thank you.

Mr. SERRANO. Thank you.

Mr. Kennedy?

STATEMENT OF HON. JOSEPH P. KENNEDY III, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

Mr. KENNEDY. Thank you, Mr. Chairman, and I want to thank the ranking member, Mr. Aderholt, for convening this hearing, for listening to Members, and for all of the work you and your staff are doing to dedicate funding to so many critical programs. Mr. Cartwright, thank you very much for being here as well.

It wasn't all that long ago that I found myself standing next to clients as a legal aid volunteer in Boston's housing courts, helping people desperate to keep a roof over their family's head, navigate a complex web of laws and codes that I, too, struggled to comprehend.

Through their eyes, I saw our systems failing. A justice system that wasn't providing anything close to equal justice. A housing system that promised tenants and homeowners certain rights, but only if they had access and resources to pursue those remedies. And an economic system tilted towards those who are already powerful.

From housing to health care to domestic violence and to sexual assault, to employment, to recovering from a natural disaster, lack of legal representation can trigger a cascade of consequences that leaves our neighbors vulnerable to bankruptcy, unemployment, homelessness, incarceration, and even the loss of life.

Nationwide, 90 percent of landlords in eviction lawsuits have legal representation, only about 10 percent of their tenants do. Eighty six percent of low-income people involved in civil legal proceedings receive insufficient help or none at all. Nearly three quarters of low-income households encountered at least one civil legal problem in the past year.

Low-income Americans will ask for help from local legal aid organizations nearly 2 million times over the course of a given year and, because of a lack of funding, they will only received limited or no help more than half that time. But when we make good on our promise of equal justice, the results are undeniable.

Every year, organizations receiving funding from the Legal Services Corporation support nearly 100,000 veterans and their families. In 2019, LSC released an extensive report showing how critical legal aid is in our efforts to combat an opioid epidemic. Studies in Manhattan have shown that legal counsel for tenants led to a 77 percent decrease in warrants issued for evictions.

In rural areas, in urban settings, in the wake of natural disasters, in domestic violence proceedings, in veterans' affairs, in health care disputes, and in housing courts, every single day underpaid lawyers and volunteers are working for underfunded organizations and are desperately trying to make good on this Nation's promise of equal justice because of what we have failed to do.

We are here today to ask that Congress provide robust funding for LSC, because we can't afford not to. But we should also make clear that our work isn't finished with one appropriations bill. We have a long way to go and I look forward to working with everyone in this room to help us get there.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Kennedy follows:]

Thank you Chairman Serrano and Ranking Member Aderholt for convening this hearing, for listening to members, and for all of the work you and your staff are dedicating to funding so many critical programs.

It wasn't all that long ago that I found myself standing next to clients as a legal aid volunteer in Boston's housing courts, helping people desperate to keep a roof over their family's heads navigate a complex web of laws and codes that I too struggled to comprehend.

Through their eyes, I saw our systems failing. A justice system that wasn't providing anything close to equal justice. A housing system that promised tenants and homeowners certain rights, but only if they had the resources to pursue those remedies. And an economic system tilted towards the already powerful, the already wealthy, the already privileged.

Back then, I was trying to help those clients. But I was also trying to survive law school and prepare to pass the Bar.

So in that moment, I didn't even fully grasp just how deep this crisis had seeped into our society.

Now I do.

And I've learned that underfunding legal aid creates an unrepentant undercurrent that overcomes working Americans when crisis strikes.

From housing to health care to domestic violence to sexual assault to employment to recovering from a natural disaster, lack of legal representation can trigger a cascade of consequences that leaves our neighbors vulnerable to bankruptcy, unemployment, homelessness, incarceration, and even the loss of life.

Nationwide, 90% of landlords in eviction lawsuits have legal representation. But only 10% of their tenants do.

86% of low-income people involved in civil legal proceedings receive insufficient or no help at all.

Nearly three-quarters of low-income households encountered at least one civil legal problem in the last year.

Low-income Americans will ask for help from local legal aid organizations nearly 2 million times in a given year and because of lack of funding, they will only receive limited or no help more than half the time.

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Studies in Manhattan have shown that legal counsel for tenants led to a 77% decrease in warrants issued for evictions.

In rural areas. In urban cities. In the wake of natural disasters. In domestic violence proceedings. In veterans' affairs. In health care disputes. In housing courts.

Every single day, underpaid lawyers and volunteers working for underfunded organizations are desperately trying to make good on this nation's promise of equal justice because we have failed to do so.

We're here today to ask that Congress provides robust funding for LSC because we can't afford not to.

But we should also make clear that our work isn't finished with one appropriations bill. We have a long ways to go and I look forward to working with everyone in this room to help us get there.

Mr. SERRANO. Thank you. This committee gave quite robust funding last year, this current year, to Legal Services Corporation. Again, we are not making any commitments. It is an account that has— a program that has a lot of support in the Congress and on both sides of the aisle. So we thank you for your testimony.

Mr. KENNEDY. Thank you, Mr. Chairman.

Mr. ADERHOLT. Thank you, Congressman Kennedy, for your comments here. This has been an issue that I have followed and I have a lot of folks from my constituency in the State of Alabama to come up to also talk about the importance of the issues here regarding the Legal Services Corporation. So, no doubt, it serves a role. I think your examples here are a good example of that.

So we look forward to working with you and seeing how we can make the funding as robust as possible, and thanks for your testimony.

Mr. KENNEDY. Thank you very much, Mr. Ranking Member. I am grateful for it. And Mr. Cartwright, I know was a member of the bar as well, I know it is an issue close to your heart. So thank you for your support.

Mr. CARTWRIGHT. I wish to associate myself with each and every one of your remarks, Mr. Kennedy.

Mr. KENNEDY. Thank you. Thank you all, I'm grateful.

Mr. SERRANO. Thank you, Mr. Kennedy.

Mr. KENNEDY. Thank you.

Mr. SERRANO. All right. Representative Gonzalez.

**STATEMENT OF HON. ANTHONY GONZALEZ, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO**

Mr. GONZALEZ. Chairman Serrano, Ranking Member Aderholt, and members of the subcommittee, thank you for the opportunity to speak today about several issues that are of vital importance to my community in Northeast Ohio.

The first issue I would like to discuss is encouraging the committee to fully fund initiatives that combat child exploitation. Last year, the New York Times published an investigative report detailing the explosion of child sexual abuse material that is online. In 2019, technology companies reported over 69 million images and videos depicting abuse.

While law enforcement agencies have expressed concerns about being understaffed and underfunded, evolving technologies have provided new tools to shield predators such as encryption techniques and anonymous platforms like the dark web. Law enforcement must have access to updated technology and adequate staffing resources to address this increasing criminal activity.

I want to thank the committee for its leadership the last several years to increase funding in this area. It is clear, though, that this crisis is at a breaking point. I request the committee reaffirm Congress' commitment to combating child exploitation as a law enforcement priority by increasing funding for Missing and Exploited Children programs to \$105 million in fiscal year 2021.

One of the programs that would benefit from this funding is the Internet Crimes Against Children Task Force, or ICAC. ICACs are located throughout the country and tasked with responding to reports of child exploitation within their jurisdictions. Congress has

continuously underfunded the ICAC program, appropriating around half of the amount authorized. These law enforcement officers are facing mentally exhausting conditions and limited resources, and they need congressional support.

The second program that needs this funding is the National Center for Missing and Exploited Children, or NCMEC. NCMEC is the clearinghouse that intakes reports from tech companies about child exploitation on their platforms and directs the reports to the appropriate law enforcement jurisdiction. It is the unfortunate truth that the volume of reports coming into NCMEC is so big that they do not have the resources to address them all— not even close, actually. Increasing funding for the Missing and Exploited Children programs will help to adequately resource ICAC and NCMEC to effectively combat the spread of online child exploitation.

The second initiative I would like to advocate for today is the STOP School Violence Grant Program that is essential to the safety of America's students. Every year, there are thousands of instances of suicides, assaults, bullying, and homicides that affect schools across the country. Research shows that students often display warning signs before taking any action, including telling someone of their plans. STOP School Violence Grants are used to implement evidence-based prevention program training to give our students, teachers, and staff the tools to recognize these warning signs and take proactive steps towards improving the physical and mental well-being of our students.

I appreciate the opportunity to make a statement today and look forward to working with the committee to fund efforts that will keep our communities safe. Thank you.

[The prepared statement of Mr. Gonzalez follows:]

Chairman Serrano, Ranking Member Aderholt, and Members of the Subcommittee,

Thank you for the opportunity to speak today about several issues that are of vital importance to my community in Northeast Ohio. The first issue I would like to discuss is encouraging the Committee to fully fund initiatives that combat child exploitation. Last year, The New York Times published an investigative report detailing ways the federal government has failed to address the epidemic of child exploitation online - namely by failing to fully fund law enforcement. In 2019, technology companies reported over 69 million images and videos depicting abuse.

While law enforcement agencies have continuously expressed concerns about being understaffed and underfunded, evolving technologies have provided new tools to shield predators such as encryption techniques and anonymous platforms like the dark web. Law enforcement must have access to updated technology and adequate staffing resources to address this increasing criminal activity.

I want to thank the Committee for its leadership the last several years to increase funding in this area. It is clear though, that this crisis is at a breaking point. I request the Committee reaffirm Congress's commitment to combatting child exploitation as a law enforcement priority by increasing funding for Missing and Exploited Children programs to \$105 million in FY21.

The programs in this account include both the Internet Crimes Against Children, or "ICAC", Task Forces, and the National Center for Missing and Exploited Children or "NCMEC". ICACs are located throughout the country and tasked with responding to reports of child exploitation within their jurisdictions. Congress has

continuously underfunded the ICAC program, appropriating around half of the amount authorized. Facing mentally exhausting conditions and limited resources, these law enforcement officers need Congressional support.

NCMEC is the clearinghouse that intakes reports from tech companies about child exploitation on their platforms and directs the reports to the appropriate law enforcement jurisdiction. NCMEC plays a vital role by working with both the private industry and law enforcement to eradicate child exploitation material from the public sphere. It is the unfortunate truth that the volume of reports coming in to NCMEC is so vast, they do not have the resources to address them all. Increasing funding for the Missing and Exploited Children programs would empower ICAC and NCMEC to effectively combat the spread of child exploitation online.

The second initiative I would like to advocate for today is the STOP School Violence Grant program. These grants are distributed by the Department of Justice to states and localities. Grants are used to implement evidence-based prevention program training for school personnel and students to identify warning signs and prevent tragedies such as suicide and mental health crises.

Adequate funding for STOP School Violence Grants is essential to the safety of America's students. Every year, there are thousands of instances of suicides, assaults, bullying, and homicides that affect schools across the country. Research shows that students often display warning signs before taking any action, including telling someone of their plans. Our students, teachers, and staff need the tools to help them recognize these warning signs and take proactive steps towards improving the physical and mental wellbeing of our students.

I am urging the Committee to fund the STOP School Violence Grant program at level funding and to prioritize language that ensures all school districts have the resources to receive these grants. America's children deserve to learn and grow in safe environments, and the STOP School Violence program helps ensure that they are given this opportunity.

Finally, I would also like to speak in support of NASA's Aeronautics Research Mission Directorate, or "ARMD". The Administration's increased budget proposal for NASA funding shows a renewed commitment to innovative aeronautics research. The NASA ARMD program is an essential component in developing and advancing the aeronautics economy in Ohio and nationally, with civil aviation contributing over 5% to the GDP and supporting 10 million American jobs. NASA Glenn alone employs more than 3,000 scientists, engineers and technicians in Northeast Ohio.

I appreciate the Committee's work to secure additional funding in last year's appropriations package for NASA Aeronautics research. As you begin your important work on the FY21 CJS appropriations bill, I strongly urge you to fund NASA ARMD at \$830 million so that America can maintain and grow its commercial and strategic edge in aeronautics.

I appreciate the opportunity to make a statement today and look forward to working with the Committee to fund efforts that will keep our communities safe and support scientific innovation.

Mr. SERRANO. We thank you for your testimony on these very important issues and for your support, advocacy, and we will certainly take everything into consideration as we go along.

Mr. Aderholt?

Mr. ADERHOLT. Yes, I concur, Mr. Chairman. Again, thank you, Congressman, for your comments on this and your commitment to these issues that I think we would be very much in agreement. We certainly look forward to working with you to see how we can appropriately fund all these programs and thanks for your testimony.

Mr. GONZALEZ. Thank you.

Mr. SERRANO. Thank you. I'm sorry, go ahead.

Mr. CARTWRIGHT. Congressman Gonzalez, welcome to CJS, and thank you for your advocacy for funding for Missing and Exploited Children's programs. I can't think of many more important things that we have to do here on this subcommittee. I do look forward to working with my colleague from Ohio, although I must say I begrudge you every single yard you gained against Penn State.

Mr. GONZALEZ. I'm sorry. [Laughter.]

Mr. CARTWRIGHT. Apology accepted.

Sticking up for missing and exploited children is something that doesn't require any nudging for Democrats and Republicans to see eye-to-eye on and work together to fight against. I introduced the Amy, Vicky, and Andy Child Pornography Victim Assistance Act in 2014 for that very reason. We got solid bipartisan support for it and it passed into law in 2018. And it cured really a defect in the law that was preventing remedies, civil remedies for victims of child pornography.

Look, we owe it to our children to provide the resources necessary to fight these forces of evil, is what they are, protect them against these threats. And we owe it to our law enforcement professionals to give them the resources they need to combat this wickedness.

So I am here to say, thank you for appearing before us, and I do have some questions, Congressman. Have you been hearing from law enforcement officers about the scale of this crisis and, if so, have they discussed how the lack of resources hampers them?

Mr. GONZALEZ. Yes. Thank you for your question.

So I visited with the FBI Regional Field Office in Cleveland, and then have also been in contact with the Ohio ICACs. And so the answer to your question is, yes. The lack of funding, it has two effects. One, it means that they simply cannot get to the prosecutions for a whole host of exploitive images, and so what they have to do is they prioritize based on the age of the child. So as young as infants are being abused and being pursued online, which is disgusting. And, as a result, there is sort of a segment of the population once you get over a certain age where, because the resources are so slim, they can't even get to it because they are prioritizing the youngest children.

Mr. CARTWRIGHT. Well, how about suggestions? Do you have any suggestions about the greatest need and where we can best give our law enforcement officers more resources in their efforts?

Mr. GONZALEZ. Absolutely. So we are advocating for overall funding of all the programs to \$105 million, and I see kind of two areas. One is staffing, they are absolutely understaffed. If you talk to the

ICACs or NCMEC, you will find out that there is just a staffing issue, we don't have enough people, but also the technology. A lot of the images are trafficked through the dark web using non-traceable weapons, essentially. And so the technology needs to be upgraded as well, because if we have better technology, then we can go pursue the bad actors where they are, quote-unquote, "living," which is on the dark web.

Mr. CARTWRIGHT. Thank you. And, finally, any other issues that you would like to highlight regarding funding or the lack thereof for the Missing and Exploited Children's programs?

Mr. GONZALEZ. You know, what I really want to do is I want to highlight the great work that NCMEC and the ICACs are doing. These are wonderful people who have a very, very difficult, arguably impossible job. It is them who are on the front lines who have to look at these images and process them, and then put the investigations in place and go pursue the criminals. They are coordinating as best as humanly possible, but my general perspective is, given the lack of funding, we are asking them to do an impossible job. And as you said and as you fought for for years on this issue, it is something we have to do, it is an imperative of this Congress. So, thank you.

Mr. CARTWRIGHT. Well said, well said. Thank you.

And I yield back, Mr. Chairman.

Mr. SERRANO. Thank you, sir.

Mr. GONZALEZ. Thank you, sir.

Mr. SERRANO. Mr. Schneider, Representative Brad Schneider, patiently waiting.

STATEMENT OF HON. BRADLEY SCOTT SCHNEIDER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. SCHNEIDER. Well, thank you, Chairman Serrano, and to everyone here. I appreciate the opportunity to be before you to testify.

Zion, Illinois in my district is one of the many communities around the country shouldering the burden of decommissioned nuclear power plants. Only a few hundred yards from the shores of Lake Michigan sits more than 2 million pounds of spent nuclear fuel that serves as physical testament to the legacy of nuclear power in our community.

Storing this spent nuclear waste without compensation is just one component of the legacy Zion must bear from the nuclear power plant that once sat on its border. The more pervasive impact is the ongoing stunting of the local economy.

Zion lost its biggest source of tax revenue when the power plant closed and now has some of the highest, if not the highest property taxes in the entire country. As a result, home ownership is limited and companies are wary of moving into a community with such a significant tax burden. That is why I am working to pass the STRANDED Act, which would help communities like Zion.

But in the meantime, this committee made a significant contribution towards helping nuclear closure communities last fiscal year. For the first time, in fiscal year 2020, funding for the Economic Development Administration included \$15 million to boost economic development in nuclear closure communities.

I know that Zion is working to put forward a competitive application, but we also know this funding pales in the comparison to the need these communities actually face, and we know that more communities will face decommissioning in the coming decade. It is our duty to help communities like Zion, who for too long have shouldered the legacy of nuclear power on their own.

The EDA funding you have included last fiscal year represents a vital resource for these communities to plan the next chapter of economic growth, that is why I am strongly urging this subcommittee to once again fund this critical program. I hope you include \$15 million, the same level as fiscal year 2020, to help the nuclear closure communities throughout our country.

With that, I thank you and yield back.

[The prepared statement of Mr. Schneider follows:]

House Committee on Appropriations
Subcommittee on Commerce, Justice, Science – Member Day Testimony
Rep. Bradley S. Schneider

Page 1 of 1

Thank you, Chairman Serrano, for the opportunity to testify.

Zion, Illinois is in my district and is one of the many communities around the country shouldering the burden of a decommissioned nuclear power plant.

Only a few hundred yards from the shores of Lake Michigan sits more than two million pounds of spent nuclear fuel that serves as physical testament to the legacy of nuclear power in our community.

Storing this spent nuclear waste without compensation is just one component of the legacy Zion must bear. The more pervasive impact is the stunting of the local economy.

Zion lost its biggest source of tax revenue when the power plant closed, and now has some of the highest—if not THE highest—property taxes in the country. As a result, homeownership is limited, and companies are wary to move into a community with such a significant tax burden. That is why I am working to pass the STRANDED Act, which would help communities like Zion.

But in the meantime, this committee made a significant contribution towards helping nuclear closure communities last fiscal year. For the first time, in FY2020, funding for the Economic Development Administration included \$15 million to boost economic development in nuclear closure communities.

I am now actively working with Zion to put forward a competitive application. But we know this funding pales in comparison to the need these communities face—and we also know that more communities will face decommissioning in the coming decade.

It is our duty to help communities like Zion, who for too long have shouldered the legacy of nuclear power on their own. The EDA funding you included last fiscal year represents a vital resource for these communities to plan their next chapter of economic growth. I strongly urge this committee to keep level this \$15 million in funding for nuclear closure communities.

Thank you, I yield back.

Mr. SERRANO. Thank you. Thank you for your testimony, I really appreciate it.

Mr. Aderholt?

Mr. ADERHOLT. Thanks for your testimony and look forward to working with you.

Mr. SCHNEIDER. Great. Thanks so much.

Mr. SERRANO. Well, we thank everyone who has been with us today, those who are here and those who are gone.

Thank you, Mr. Aderholt. And the subcommittee is adjourned.

[Material submitted for inclusion in the record follows:]

CONGRESSWOMAN SHEILA JACKSON LEE (TX-18)

**STATEMENT BEFORE THE
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, AND SCIENCE**

**MEMBER DAY HEARING ON
COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT FOR
FY2021
WEDNESDAY, MARCH 4, 2020
1:45 P.M.
H-309, CAPITOL**

Chairman Serrano, Ranking Member Aderholt and distinguished Members of the Subcommittee:

- As a senior member of the Committees on the Judiciary and on Homeland Security, let me offer my appreciation and thanks to Chairman Serrano and Ranking Member Aderholt for the difficult work and choices that must be made to produce a truly bipartisan CJS spending bill, and for their commitment to the advancement of science and commerce, to the fair administration of justice, and to developing sensible reforms to make our criminal justice system better.
- Mr. Chairman, I understand that my entire statement will be made part of the record so I will keep my remarks brief. In the few minutes allotted I wish to highlight three areas which warrant the Committee's continuing attention and support: (1) criminal justice reform; (2) advancement of scientific knowledge and space exploration; and (3) expanding economic opportunity to women and minority business enterprises so they compete for and win procurement contracts and programs grants.
- Chairman Serrano, there is no higher priority than the safety, security, health and wellbeing of the American people.
- Protecting the national security means more than combatting a military attack, it also means combatting national disasters and epidemics.
- All Americans are concerned about the Coronavirus, it is evolving into a global epidemic that is quickly spreading.
- We are basically nickeling-and-diming the response when we know that there are urgent needs that are not getting met.

- Since its founding, the United States of America has risen to past challenges and relied on innovative technology, research, and science to change the world for the better.
- The United States' approach to the Coronavirus should be no different.
- This subcommittee has a vital role when it comes to equipping the American scientific community with the resources it needs to not only research, understand, and solve the challenges of the Coronavirus but also protect the American people from other diseases that may arise in the future.
- It is imperative that our allies and partners around the world obtain the diagnostic equipment, medical supplies, doctors, workers, hospitals and any additional resources essential to stopping the spread of this virus.
- And so, I urge this committee to provide robust funding to our agencies so we can conduct the research necessary to create a vaccine that will protect the lives of millions.
- The motto of this country, "E Pluribus Unum" means out of many, one.
- By taking collective action to combat this pandemic, we can impede the Coronavirus abroad, protect the health and wellbeing of the people and ensure the safety of our nation.
- Time is of the essence and it is the responsibility of all nations and people to come together in combatting this virus.

I. CRIMINAL JUSTICE REFORM

I support \$330 million for Community Oriented Policing Services (COPS) programs

- Robust funding for the COPS Office and programs is needed to provide resources and technical assistance to state and local law enforcement agencies to keep our communities safe *and in rebuilding the necessary trust and confidence* between law enforcement and the communities they swear an oath to serve and protect.

I support \$95 million for the National Instant Background Check Systems (NICS) Improvement Amendments Act of 2007

- This funding is urgently needed so that states have the resources needed to upgrade criminal and mental health records made under the authority of the NICS Improvement Amendments Act of 2007 (PL 110-108).

I support \$475 million for the Byrne Justice Assistance Grant program

- The strength of the Byrne JAG program is in its impact across the criminal justice system, from law enforcement to prosecution and courts, crime prevention and education, corrections and community corrections, drug treatment and enforcement, program planning, evaluation, technology improvement, and crime victim and witness initiatives.

I support \$270 million for the State Criminal Alien Assistance Program

- It is important to recognize the vital role that SCAAP funding plays in compensating local law enforcement for fulfilling what is essentially a federal function. Texas is estimated to spend tens of millions to incarcerate undocumented criminal aliens, yet the state is reimbursed under SCAAP for less than 10 percent of these expenses.

I support \$200 million for the Second Chance Act

- The Second Chance Act is an important federal investment in strategies to increase public safety and reduce recidivism by authorizing funding for the development and coordination of reentry services, such as employment training, substance abuse treatment, and mentoring. The Second Chance Act provides grants to government agencies, tribes and nonprofit groups and other services that address those at most risk for re-offending.

I support \$600 million for Violence Against Women Act programs.

- VAWA programs, including grants to encourage arrest and to provide transitional housing for victims, work together to ensure that the systemic responses to domestic violence and sexual assault are improved and that all victims, whether they live in urban centers or isolated rural areas, can receive lifesaving services and legal assistance.

I support \$50 million to Prevent the Trafficking of Girls

This funding will support the DOJ Office of Juvenile Justice and Delinquency Prevention in establishing a grant for nonprofits and other nongovernmental entities with a proven track record of administering successful prevention and early intervention programs for girls vulnerable to trafficking, displaying the relevant risk factors, at a local or state-level, to scale up and replicate these such programs at a national level.

I support \$320 million for Juvenile Justice Program Grants

- Federal funding of these important programs is a proven and cost-effective way to prevent crime in local communities, reduce youth incarceration, and foster better outcomes for youth. Additionally, federal investment in juvenile justice is fiscally responsible because prevention and intervention programs keep at-risk youth out of the criminal justice system and saves taxpayer dollars by reducing incarceration rates.

I support \$150 million for the Debbie Smith DNA Backlog Grant Program

- This critical funding will provide federal grants to state and local governments to help eliminate the current backlog of unprocessed DNA samples at crime labs. Congress demonstrated its continued bipartisan support for the Debbie Smith DNA Backlog Grant Program when it extended the program through FY2019 in the Debbie Smith Reauthorization Act of 2014 (P.L. 113-182).

I support \$550 million for the Legal Services Corporation (LSC)

- Congress established LSC to operate as a private, nonprofit corporation to promote equal access to justice and to provide grants for high-quality civil legal assistance to low-income persons and families. LSC distributes more than 90% of its total funding

to 134 independent nonprofit legal aid programs that provide legal assistance to low-income individuals and families in every congressional district.

- Programs that receive LSC grants help the most vulnerable, such as military veterans seeking disability benefits, families facing unlawful evictions or foreclosures, and women seeking protection from abuse.

II. SCIENCE AND SPACE EXPLORATION

I support \$1.35 billion for NASA's Commercial Crew Program (CCP)

- Since the retirement of the Space Shuttle fleet, we have been reliant upon the Russians to launch American astronauts to the International Space Station, and return them safely to Earth. I think it fair to say that there is a bipartisan consensus in the Congress that the interests of the United States should not be dependent upon the goodwill or good graces of Russia, and especially not in the area of space which is critical to America's national security.

I support \$45 million for the National Space Grant College and Fellowship Program

- Space Grant is a competitive, national program that is responsive to regional and national needs and that is administered through state-based consortia in all 50 states, Puerto Rico, and the District of Columbia.
- The Space Grant program has proven to be very effective at fulfilling national STEM goals—91% of students who were significantly supported by Space Grant consortia and graduated in 2010 are now active in STEM jobs with NASA, industry and academia, or are pursuing advanced STEM degrees.

I support \$40 million for the Hispanic-Serving Institutions Undergraduate Program at the National Science Foundation

- The America COMPETES Act, created a Hispanic-Serving Institutions program at the National Science Foundation (NSF). The HSI Program is designed to increase the recruitment, retention and graduation rates of Hispanic students pursuing

degrees in science, mathematics, engineering or technology and to increase the quality of STEM education.

III. COMMERCE AND ECONOMIC OPPORTUNITY

I support \$40 million for the Minority Business Development Agency

- The mission of MBDA is to foster the growth and competitiveness of U.S. businesses that are minority-owned. Minority firms currently provide nearly 5.8 million people with steady jobs, but have the potential to create 17.5 million jobs, leading to stronger communities and bolstering America's economy. MBDA's investment in minority-owned firms contributes to our long-term economic progress and stability.

I support \$280 million for the Economic Development Administration

- The Economic Development Administration partners with communities in every state to strengthen local economies and create jobs. EDA programs provide rural and urban communities with critical economic development tools designed to spur business creation and economic growth.

CONCLUSION

- Mr. Chairman, I thank you and the Ranking Member for your leadership and for extending me this opportunity to share some of my priorities with you.

Statement from Congressman Bill Posey (Florida-08)

For the House Commerce, Science & Justice Appropriations Subcommittee

In support of the America's Space Programs

Submitted March 13, 2020

Chairman Serrano, Ranking Member Aderholt and Members of the Subcommittee, thank you for the opportunity to discuss the importance of maintaining strong support for America's Space Program.

The United States remains the only nation to have landed humans on the Moon and returned them safely to Earth. It was among the greatest achievements in the history of the human race and it has significantly contributed to America's leadership on the world stage.

The Apollo Missions opened the door to other significant accomplishments like building Space Shuttles to test the limits of human space flight, prolonged robotic exploration of Mars, launching a space-based telescope that can see far beyond our solar system, and conducting scientific research on the International Space Station that is benefiting those of us on Earth as well as enabling us to understand and prepare to meet challenges of long-term space missions.

In 2010 Congress authorized construction of NASA's Space Launch System (SLS) as a successor to the Space Shuttle that will be capable of launching both cargo and human crews into space. The idea is to build a powerful rocket that will enable humans to return to the Moon and eventually travel to Mars and other deep space destinations. The SLS and its Orion crew capsule have received strong bipartisan funding support by Congress over the past ten years.

Today I ask you to continue that support in order to keep the SLS program on track and ready for its first mission in 2021. I respectfully urge you to consider a total funding level of \$2.585 Billion for the Space Launch System for FY2021, which is the same level appropriated in FY20. Within the \$2.585 billion, no less than \$300 million is needed to continue Exploration Upper Stage (EUS) development with direction that it be completed by 2024. The EUS will make it possible to have both human crews and cargo aboard the same flight. This funding is necessary to complete the rocket and build the necessary infrastructure on the ground to support its first launch.

The Orion Crew Capsule will serve as the exploration vehicle that will carry astronauts to space atop the SLS. For FY2021 \$1.45 billion is needed to continue building this cutting edge ORION vehicle, the only capsule currently being designed and assembled which can protect our astronauts beyond low Earth orbit, in Moon orbit and around Mars. NASA completed negotiations for an Orion production and operations contract last year resulting in cost and schedule efficiencies from a block buy. Significant spacecraft reuse and innovative manufacturing techniques – from the use of augmented reality to the expanded use of 3-D printed parts – have contributed to increased affordability, improved safety, and enhanced performance. Designed from the ground up for deep space, Orion has more capability and is more reliable than any spaceship in human history.

Lastly, we need to continue our efforts to build the infrastructure needed on the ground to support safe and successful launches. Exploration Ground Systems (EGS) are critical to our space launch capability. Put simply, without strong ground systems, our rockets will go nowhere. I am requesting that the committee keep this mission on track by providing funding of \$590

million for EGS in FY2021. Within the \$590 million, no less than \$70 million is needed to continue construction of the second mobile launcher which, when completed, will give us a unique multiple launch capability and further protect our national security. The EGS workforce made impressive progress on facility and infrastructure upgrades, as well as critical software development during 2019. This will also preserve the FY2020 approved funding levels.

Let me also say that I continue to be impressed with the progress and development of the commercial space sector. I'm excited about launching American Astronauts from American soil in my district aboard both the *Boeing Starliner Crew Vehicle* and *SpaceX Crew Dragon* this year. These low Earth orbit missions are important for sustaining the research being conducted on the ISS, allowing for NASA to plan bold, deep space exploratory missions.

One final point, as I have often said, space is critical to our national security. It is the ultimate military high ground, and whoever controls space, will control the destiny of the free world. That's why it's so important that we maintain America's leadership in space. NASA and Commercial space launch vehicles manufactured and launched in the United States by United States launch service providers benefit national security and the national economy, earth and space science, and human spaceflight, and are enablers of the global space economy.

The 2019 Report to Congress of the United States-China Economic and Security Review Commission stated, "China is taking steps to establish a commanding position in the commercial launch and satellite sectors relying in part on aggressive state-backed financing that foreign market-driven companies cannot match." The report further adds, "China has already succeeded in undercutting some U.S. and other foreign launch and satellite providers in the international market, threatening to hollow out these countries' space industrial bases."

Now is the time to double down on America's space program and commit the resources necessary to keeping America first in space. It would be foolish to relinquish this military high ground to Russia and China who perhaps do not have America's best interest in mind.

I want to again thank you Chairman, Serrano, and Ranking Member Aderholt, and the Members of this Subcommittee. Space has been one of the truly bipartisan issues here in Congress – I have very much enjoyed working across the aisle on space issues – and our achievements in space have served to unify our nation and the world. I ask my colleagues to join us as we continue to build a foundation for the next decade to be defined by human exploration, scientific discovery and American achievement. Thank you.

Congressman Hal Rogers, Kentucky's 5th Congressional District
Statement for the Record

March 13, 2020

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

"Fiscal Year 2021 Member Day Testimony for the Record"

Chairman Serrano, Ranking Member Aderholt and other distinguished Members of the subcommittee, I would like to thank you for affording me the opportunity to share some insights about an important project in my district that I have been working on for over a decade.

As you may remember from my tenure on this subcommittee, I have fought tirelessly to locate a new federal prison in Letcher County, Kentucky. Not only is this new facility imperative to address the chronic understaffing and overcrowding at Bureau of Prisons (BOP) facilities, but it will provide hundreds of stable jobs in a region in desperate need of an economic lifeline. After years of BOP site work, planning, environmental studies, and biological assessments, this Committee provided the necessary funding for the project in Fiscal Years (FY) 2016 and 2017. I was pleased when former Attorney General Jeff Sessions personally called me in April 2018 to share the news that a formal Record of Decision had been signed, signaling BOP's intent to "acquire a site up to 800 acres in size and construct and operate a U.S. Penitentiary and Federal Prison Camp in Letcher County." That news was a welcome breath of fresh air for the many local leaders and community advocates who have championed this effort and worked tirelessly for years to bring this project to fruition.

I am frustrated to learn that the Administration has again proposed to rescind the funding already appropriated for this project in its recent FY2021 budget request. However, I am not

discouraged by this latest attempt. I greatly appreciate that the Committee refused to rescind the funding during the FY2020 appropriations process and I urge you do the same this year.

As justification for this rescission, the Administration claims inmate population trends indicate the new facility is not necessary. This constitutes a dramatic reversal from the BOP's own documents authorizing the project to move forward, which reads in part (emphasis added):

“There is a continuing need for additional high-security male facilities in the Mid-Atlantic Region, where every existing high-security male facility has been operating, and continues to operate, above its rated capacity.... ***Overcrowding in the Mid-Atlantic Region facilities compromises the mission of the Bureau.*** The Bureau faces challenges in providing for inmates' care and safety in crowded conditions, as well as the safety of Bureau staff and surrounding communities, within budgeted levels. ***Provision of a new USP and FPC with additional high-security bed space in Letcher County would meet the need to ensure a safe and secure environment for both staff and inmates, particularly as it applies to higher security inmates,*** within the Mid-Atlantic Region, afford the Bureau continued management of inmates originating from the region, allowing those inmates to remain close to family, which aids in the rehabilitation process.”

Moreover, the increased inmate-to-staff ration remains one of the highest cited concerns I hear from my correctional officer constituents. I know this subcommittee remains concerned with ongoing reliance on augmentation at prison facilities, the dangerous practice of pulling secretaries, cooks, plumbers, medical, and other staff, and placing them in guard posts. The construction of the Letcher County facility will help reduce these instances and ensure only trained officers guard inmate housing units.

The budget proposal also suggests that prison construction has not been shown to spur local economic growth as a justification for the proposed rescission. Frankly, this suggestion is laughable. Even the staunchest opponents of this project will concede that the new prison will have short-term employment benefits as many jobs in the construction and hospitality industries come to the region. Short-term labor will be necessary for not only construction of the facility,

but also surrounding infrastructure such as hotels, restaurants, gas stations, and other services. But more importantly, in the long-term, BOP itself has asserted that it will employ 300 to 400 individuals at this facility, providing sustainable opportunities to those in the region who currently have few other options for work. At USP McCreary, a high security penitentiary in Pine Knot, Kentucky, the majority of employees live within 60 miles of the prison. Additionally, there are other BOP facilities in the region and in western Virginia that contribute to an already trained and qualified workforce pool. The project will only prove to serve the region economically and eastern Kentucky residents have long awaited completion of this project.

I appreciate your past support of this important project and I thank you for rejecting previous attempts to rescind funding for this facility. It is imperative not only for the safety and security of our corrections officers, but also to provide an economic boon to a region desperately in need. This project is far too important to too many. Thank you.

PUBLIC TESTIMONY SUBMITTED FOR THE RECORD

Public Witness Testimony for the Record
on Fiscal Year 2021
to the
House Appropriations Commerce, Justice, and Science Subcommittee

Submitted by:
Dr. Megan Donahue
President, American Astronomical Society

On behalf of the over 8,000 members of the American Astronomical Society (AAS), thank you for the opportunity to submit public witness testimony for the record regarding our funding priorities for NASA and the National Science Foundation (NSF) in FY2021.

I would like to also express our gratitude for your strong support of the astronomical sciences in the past. NASA and the NSF provide the essential programs and world-class research facilities that most of our community of students, scientists, engineers, and educators depends on. We recognize and appreciate you prioritizing investments in these agencies which support the fields of astronomy, planetary science, and heliophysics. Your efforts have allowed our community to achieve amazing discoveries, like the very first image of a black hole with the Event Horizon telescope. The New Horizons mission encountered the Kuiper-belt Object *Arrokoth*, the most distant and primitive object in the solar system to be visited by a spacecraft. The Parker Solar Probe made critical measurements closer to the Sun than ever before, and the NSF's new D.K. Inouye Solar Telescope started providing unprecedented close-up movies of the Sun's roiling surface.

Regarding FY2021, we understand there are many competing priorities and budgetary pressures, and we are advocating elsewhere for a good 302(b) allocation for your subcommittee. The AAS asks that your FY2021 subcommittee bill include at least \$9.0 billion for NSF and at least \$26.4 billion for NASA. A summary table is included at the end of this testimony.

As you may know, our community sets ranked priorities in 10-year increments via a "decadal survey" process. These decadal surveys—one for each subfield—are commissioned by the agencies and carried out independently by the National Academy of Sciences. AAS advocates for a balanced federal astronomical sciences portfolio that follows the guidance of the decadal surveys, the decadal midterm reports, and other scientific community inputs like senior, portfolio, and standing advisory committee reviews. These guiding inputs combined with robust support from Congress has resulted in the firm status of the U.S. as a world leader for space science research.

National Science Foundation

The AAS joins many other organizations in asking you to strengthen the NSF by providing at least \$9.0 billion (+9%) in FY2021. Every year, the NSF must deny the equivalent of billions of

dollars in support to excellent-rated research and education grant proposals, so the demand far exceeds this requested ~\$700 million increase. The most recent NSF-wide solicitation of interest in mid-sized research instrumentation received over \$4 billion in requests for programs in the \$20-70 million range. Our national research and development enterprise depends on a strong NSF that is able to support the diverse scientific workforce and the ambitious, transformative projects they are proposing. The U.S. must continue to invest in basic research and the necessary facilities to stay competitive in an era of unprecedented global competition.

NSF plays an important complementary role to NASA in our field. NSF's Division of Astronomical Sciences (AST) is the federal steward of ground-based astronomy in the U.S., and the Division of Atmospheric and Geospace Science supports studies of our Sun and its interaction with Earth. Recent independent reviews of both divisions acknowledged the important science made possible by existing facilities such as the Arecibo Observatory in Puerto Rico and the Green Bank Observatory in West Virginia, but the budget request again proposes to divest these world-class facilities. Ever-increasing grant pressure and growing costs of building and operating the cutting-edge facilities persist across the NSF. This situation is acutely felt in the astronomical sciences as the nature of our research facilities makes them increasingly expensive to build.

One of the top priorities of the last decadal survey was the creation of a mid-scale innovations program (MSIP) within AST at \$40 million per year. Thanks to past Congressional support, the program has been funded in the \$15-20 million range, but the budget request proposes to terminate the program in favor of a similar NSF-wide mid-scale research instrumentation program (MSRI). While we support MSRI and expect that astronomy proposals will compete well there, the decadal survey identified a specific level of need for our field alone and we ask that you maintain the separate MSIP program within AST in addition to funding MSRI.

National Aeronautics and Space Administration

At NASA, as in previous years, the AAS requests support for a balanced, ambitious scientific program guided by the decadal surveys, consistent with past Congressional appropriations and authorizations. NASA's Science Mission Directorate (SMD) engages in discovery research that covers everything from the Earth to the edge of the universe. In addition to deploying spacecraft to collect light and visit the reaches of our solar system, NASA also conducts important laboratory measurements here on Earth to inform the science we do in space. The scientific exploration of space lays the intellectual and technical groundwork for the human exploration of space; as we continue our search for other life in the universe, we discover more about our own viability in space and how to navigate such a harsh environment.

Astrophysics Division

We ask that you reject the Administration's proposed 36% cut to the division's budget that would severely hamper our nation's efforts to understand how the universe works. In particular, we ask that you once again reject the proposal to terminate the Wide Field Infrared Survey Telescope (WFIRST)—the top flagship-level space priority of the 2010 astronomy

decadal survey—by providing \$505 million. We understand the difficulty of accommodating such a large request given the Administration’s proposed cancellation, and we could not be more appreciative of your past efforts. We do support the Administration’s requests for research and analysis and astrophysics explorers and ask that you fund these activities at the requested levels in addition to saving WFIRST. Our community is particularly excited by the new, small Pioneer-class Explorers that will encourage new principal investigators from institutions across the country by reducing bureaucratic overhead.

Heliophysics Division

We ask that you continue to support the top-priority DRIVE initiative to provide critical support for early career scientists, and for the development of new technologies in anticipation of an increased cadence for Explorer missions. The recent mid-term decadal survey assessment found that, “NASA and NSF have made progress on most of their DRIVE elements, although some of the DRIVE elements were implemented only recently” since the 2013 solar and space physics decadal survey. Consistent with a number of other stakeholders, we ask that you provide \$780 million for the division divided in the following way: \$250 million for Research, \$140 million for Solar Terrestrial Probes, \$190 million for Living with a Star, and \$200 million for the Explorer Program.

Planetary Sciences Division

Thanks to Congress’ firm commitment to exploring our solar system, FY21 will include operations for the first stage of Mars Sample Return, the Mars2020 Rover, and also reveal the rich scientific return of recent planetary encounters—like OSIRIS-REx’s study of the asteroid Bennu. Meanwhile, new missions such as Europa Clipper, Psyche, Lucy, DART, VIPER, NEOSM, and Dragonfly are advancing in development, with launches planned in the coming few years. The next planetary decadal survey is just getting underway, and now is the time to embolden the community to pursue further ambitious science goals. Steady growth in concert with the other science divisions will provide the planetary science community with the funding stability to pursue the next world-leading science mission in the upcoming decadal survey. Thus, we propose a budget of \$2.9 billion (+7%) for the Planetary Science Division. While the division has been blessed with many successful missions, the community of scientists that the AAS represents have been struggling to find the funding to use these missions. We request \$415 million for research and analysis to sustain the U.S. workforce of planetary scientists necessary to extract maximum value from the data returned by the nation’s excellent set of solar system missions. A substantial increase to research and analysis, resulting in proposal selection rates of about 1 in 3 rather than the current 1 in 5 (as bad as 1 in 20 for some grants) has been the top priority of the planetary decadal surveys for two decades running. A higher top line of \$2.9 billion for this division also further supports new technologies and instrument concepts for future missions to be developed cost effectively through research programs, independent of schedule constrained mission projects.

James Webb Space Telescope

JWST remains on track for a successful launch in 2021. The AAS community welcomes rigorous ongoing Congressional oversight of the mission and we are deeply appreciative of Congress' unwavering support over the course of its troubled development. We are convinced that the science return of JWST will have been well worth the wait and cost when it starts operating next year.

STEM Engagement

We ask that you once again reject the Administration's proposal to cancel these necessary programs, including Space Grants and the Established Program to Stimulate Competitive Research (EPSCoR).

Summary Table

(\$M)	FY20 Enacted	FY21 PBR	AAS Ask	Ask - FY20 (\$)	Ask - FY20 (%)
NSF	8,278	7,741	9,000	722	9%
NASA	22,629	25,246	26,450	3,821	17%
Science Mission Directorate	7,139	6,307	7,450	311	4%
Planetary Science	2,713	2,660	2,900	187	7%
Research	276	305	415	139	50%
Astrophysics	1,306	831	1,426	120	9%
WFIRST	511	--	505	-6	-1%
JWST	423	415	415	-8	-2%
Heliophysics	725	633	780	55	8%



Testimony of the
American Geophysical Union

Prepared by Brittany Webster, Program Manager, Public Affairs
And
Michael Villafranca, Senior Specialist, Public Affairs

To the
U.S. House Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies
13 March 2020

Regarding the
**FY2021 Budget Requests for the National Aeronautics & Space Administration,
National Oceanic & Atmospheric Administration, and National Science Foundation**

The American Geophysical Union (AGU), a non-profit, non-partisan scientific society, appreciates the opportunity to submit testimony regarding the fiscal year (FY) 2021 budget request for the National Aeronautics and Space Administration (NASA), the National Oceanic and Atmospheric Administration (NOAA), and the National Science Foundation (NSF). **AGU, on behalf of its community of 110,000 Earth and space scientists, respectfully requests that the 116th Congress appropriate the following:**

- **\$7.54 billion for NASA's Science Mission Directorate (SMD),**
- **\$126.85 million for NASA's Office of STEM Engagement,**
- **at least \$6.06 billion for NOAA, and**
- **\$9 billion for NSF.**

AGU's appropriations requests for each respective agency takes into consideration any previous budget cuts and accounts for both inflation and a necessary real four-percent year-over-year growth, to ensure that the U.S. remains at the forefront of research and innovation.¹

National Aeronautics & Space Administration

AGU requests that Congress appropriate \$7.54 billion for NASA's Science Mission Directorate and \$126.85 million for NASA's Office of STEM Engagement; both requests are a 5.71% increase over FY2020. This request will allow NASA to steadily advance existing and new missions while providing unique opportunities for the next generation of STEM

¹ This amount of growth is recommended by the *Innovation: An American Imperative* statement, which was authored by nine large U.S. corporations and endorsed by over 500 leading industry, higher education, science, and engineering organizations from across the 50 states. <https://innovation-imperative.herokuapp.com/index.html>.

professionals and ensure that the U.S. maintains its global leadership in the Earth and space sciences.

Additionally, we request that Congress appropriate equitable funding increases across the science mission areas within NASA's Science Mission Directorate.

Earth Science and Planetary Science Divisions

More than a third of the U.S. economy is affected by climate, weather, and natural hazards. Missions within NASA's Earth Science Division give us greater insight into how our Earth is changing on daily and long-term scales in terms of weather, climate, air quality, water availability, soil nutrients, and other resources. NASA Earth Science produces critical information and data that public and private sector decision-makers, such as farmers, the military, retailers, and emergency managers, use to mitigate the risks and understand the opportunities of the Earth's changes.

A particularly crucial source of Earth science data is our current fleet of Earth observation satellites. Robust funding for Earth Science will allow for the continuation of the Plankton, Aerosol, Cloud, and Ecosystem (PACE) and the Climate Absolute Radiance and Refractivity Observatory Pathfinder (CLARREO Pathfinder) missions. NASA will also be able to implement the recommendations in the 2017 Earth Science Decadal Survey, including carrying out competitively selected missions that address Designated and Earth System Explorer target observables. Competitively selected missions will help to constrain costs and resources, while simultaneously leveraging the talents of a broad array of scientists and universities and advancing our understanding of Earth systems.

NASA's Planetary Science Division is helping to expand our understanding of the universe, approximately 90% of which is still not well understood – even our own solar system. The missions and discoveries of the Planetary Science Division inspire future generations of scientists and STEM professionals to choose science as a career. With appropriate funding, NASA can stay on schedule to launch the next Mars rover and a Europa mission in the 2020s, furthering our understanding of the conditions needed to sustain life. Additionally, robust funding for Planetary Science will allow NASA to pursue human space exploration of the Moon and Mars without sacrificing other decadal priorities, including a balanced portfolio of missions and exploration targets in our solar system.

Earth and planetary sciences are complementary and integrally related to one another. From picking the perfect day to launch a satellite to ensuring that our understanding of other planets is accurate, our knowledge of Earth informs our understanding of other worlds in the solar system. In turn, our exploration of other worlds advances our knowledge of Earth's evolution and processes.

Heliophysics Division

Increased funding for Heliophysics will support the continuation of the Diversify, Realize, Integrate, Venture, Educate (DRIVE) initiative, a top priority of the Decadal Survey. DRIVE will enable investment in novel technologies such as advanced computational tools, establish competitively awarded DRIVE Science Centers, support multidisciplinary

research collaboration using integrated observatory data, and support early career investigators.

Robust funding for the Heliophysics division will accelerate the cadence of alternating Small (SMEX) and Medium-class Explorer (MIDEX) missions, which often accomplish scientific goals for a fraction of the cost of a flagship mission and allow heliophysics researchers to participate and respond rapidly. Increased funding will also advance the Living with a Star mission, including the Space Weather Science and Applications program. This program supports innovation in space weather observational capabilities and advance research-to-operations, operations-to-research, and computational aspects of space weather mitigation. A better understanding of space weather will benefit our space- and ground-based national security assets, aviation systems, power grid, and electric rail systems. Additionally, space weather research plays an important role in safeguarding human health against radiation during long-duration deep space exploration activities.

Office of STEM Engagement

If the U.S. hopes to remain a leader in research and development, it's critical that we continue and expand STEM programs., especially the unique STEM opportunities provided by our federal science agencies. Increased funding for STEM education and opportunities at NASA will directly benefit every state in the nation by providing additional opportunities for STEM students of all ages through Space Grant, Minority University Research and Education Project (MUREP), and Established Program to Stimulate Competitive Research (EPSCoR).

National Oceanic & Atmospheric Administration

AGU requests that Congress appropriate at least \$6.06 billion for NOAA in FY2021, a 13.26% increase over FY2020. From weather forecasts, to fisheries data, to groundbreaking research about the world around us, NOAA provides critical products and services to citizens, planners, emergency managers, and other decision makers when they need it the most. However, NOAA has been severely underfunded in previous spending bills and proposals. Since FY2018, NOAA's funding has been cut by over 8%, and the President's FY2021 proposal would cut the agency's funding by another 13%.

NOAA is essential to our nation's economic stability. In 2019 alone, the U.S. saw 14 major weather and climate disaster events that resulted in \$45 billion in damages and at least 44 deaths. For example, losses from weather-related aviation delays alone are estimated at more than \$1 billion per year, and NOAA drought forecasts are worth up to \$8 billion per year to the farming, transportation, tourism, and energy sectors.² From large corporations to small businesses, the decision-based forecasts provided by NOAA save vital time, money, and resources.

NOAA also plays a unique and vital role in supporting homeland security and national defense. The nation's intelligence community has found that intensifying climate hazards

² NOAA National Centers for Environmental Information (NCEI) U.S. Billion-Dollar Weather and Climate Disasters (2020). <https://www.ncdc.noaa.gov/billions/>

are threatening infrastructure, health, and water, and food security—both nationally and globally.³ The Pentagon has reported continuous impacts of climate change on its missions, operational plans, and military installations, including impediments to military testing and training and an increased necessity for maintenance and repairs at dozens of critical military installations.⁴ Without robust funding at NOAA, we risk losing the data needed to make informed and proactive decisions, and our national security will be left in a dangerously vulnerable position.

National Science Foundation

AGU requests that Congress appropriate \$9 billion for NSF in FY2021, an 8.72% increase over FY2020. Ambitious and robust funding for NSF is critical if the U.S. hopes to maintain its leadership in science and technology and reap the economic and national security benefits of that leadership. According to the most recent *State of U.S. Science and Engineering* report, “increasingly, the United States is seen globally as an important leader rather than the uncontested leader.”

NSF accounts for only 4% of federal R&D spending but supports nearly 60% of the nonmedical basic research at our colleges and universities. Research and education programs supported by NSF help increase and develop the knowledge base needed to push the frontiers of science, mathematics, and engineering disciplines, contribute to the development of the future science and technology workforce, underpin new fields of inquiry, and promote interdisciplinary research and education.

Increased funding for NSF will allow the agency to pursue its Ten Big Ideas, including growing Convergence Research and the Inclusion Across the Nation of Communities of Learners of Underrepresented Discoverers in Engineering and Science (NSF INCLUDES) program. These two programs will promote transformational science, the first by creating a platform for the integration of multiple science and engineering disciplines to address extremely challenging and complex scientific questions and pressing societal needs; and the second by creating a capable and innovative workforce that reflects the diversity of our nation.

Conclusion

AGU recognizes that difficult decisions must be made within the constraints of the current budget environment and believes that the future of the U.S. is best served by a strong and sustained investment in the full scope of our research enterprise—particularly the sciences and education programs within NASA, NOAA, and NSF. We appreciate this Subcommittee’s leadership in strengthening the nation’s research enterprise. Thank you for your thoughtful consideration of this request and for the opportunity to submit this testimony.

³ Coats, D. R., (January 29, 2019). *Worldwide Threat Assessment of the U.S. Intelligence Community*. <https://www.dni.gov/files/ODNI/documents/2019-ATA-SFR---SSCI.pdf>

⁴ Office of the Under Secretary of Defense for Acquisition and Sustainment, U.S. Department of Defense, (January 2019). *Report on Effect of a Changing Climate to the Department of Defense*. <https://www.documentcloud.org/documents/5689153-DoD-Final-Climate-Report.html>.



**Outside Witness Testimony in Support of FY 2021 Funding for the
National Science Foundation**

March 13, 2020

**Submitted by:
Jyotsna Pandey, Ph.D., Public Policy Manager
and
Robert Gropp, Ph.D., Executive Director**

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**Submitted to:
House Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies**

The American Institute of Biological Sciences (AIBS) appreciates the opportunity to provide testimony in support of fiscal year (FY) 2021 appropriations for the National Science Foundation (NSF). We encourage Congress to provide NSF with at least \$9 billion in FY 2021. Additionally, we request that that Congress consider economic options that can help scientific societies and organizations withstand the economic losses associated with the COVID-19 pandemic. The budgets of a significant number of scientific societies and other research organizations are heavily dependent upon revenue from scientific conferences, workshops, and meetings that have been cancelled as part of the response to the novel coronavirus.

AIBS is a scientific association dedicated to promoting informed decision-making that advances biological research and education for the benefit of science and society. AIBS works to ensure that the public, legislators, funders, and the community of biologists have access to information that can guide informed decision-making.

Biological research is in our national interest. Increasing our knowledge of how genes, cells, tissues, organisms, and ecosystems function is vitally important to efforts to improve the human condition. Food security, medicine and public health, national security, economic growth, and sound environmental management are informed by the biological sciences. The knowledge gained from NSF-funded research contributes to the development of new research tools and industries.

Biological research strengthens our economy. Research funding from NSF powers the

expansion of the bioeconomy and has given rise to successful companies, such as Genentech, Allylix, Ekso Bionics, and Chromatin, as well as new industries that provide more robust food crops or disease detection tools and techniques. The translation of biological knowledge into formal and informal education programs foster the development of the scientifically and technically skilled workforce needed by employers. Data show that employers continue to seek workers with scientific and technical skills. Since 1960, growth in U.S. employment in science and engineering has outpaced growth in total employment, increasing at an average rate of four percent per year.

The cornerstone of NSF excellence is a competitive, merit-based review system that underpins the highest standards of excellence. Through its research programs, NSF invests in the development of new knowledge and tools that solve the most challenging problems facing society.

- **Combating emerging diseases:** Long before Zika virus made headlines in the United States, the NSF was supporting research to study the environmental and social factors that put people at risk from diseases carried by mosquitos, to understand the physiology and life cycles of disease vectors, to model the spread of mosquito-borne disease, and to understand the evolution of insecticide resistance. Knowledge gained from this work enabled public health officials to respond quickly when an outbreak of Zika virus started in the U.S. in late 2015.
- **Mobilizing big data:** Access to and analysis of vast amounts of data are driving innovation. NSF enables integration of big data across scientific disciplines, including applications in the biological sciences. Digitization of biodiversity or natural science collections involves multi-disciplinary teams, which have put more than 120 million specimens and their associated data online for use by researchers, educators, and the public.
- **Enabling synthetic biology:** DNA editing has become more advanced and targeted with techniques such as CRISPR-CAS9 allowing scientists to rewrite genetic code and redesign biological systems. NSF funds research on how these techniques can be used to bio-manufacture new materials, treat diseases, and accelerate growth of the bioeconomy.

Other examples of research that have benefited the public are chronicled in a recent AIBS report, “Biological Innovation: Benefits of Federal Investments in Biology,” which is available at https://www.aibs.org/public-policy/biological_innovation_report.html.

The Biological Sciences Directorate (BIO) at NSF directly supports the Administration’s priorities in the bioeconomy industries of the future. NSF BIO investments in genomics, in cellular, organismal and developmental biology, and in bioinformatics spur further development of capabilities in synthetic biology and biotechnology. Investments in research that supports the bioeconomy would sustain U.S. economic growth and innovation across multiple sectors including agriculture, biomanufacturing, pharmaceuticals, and other bioproducts.

Scientific collections are an important component of our nation’s research infrastructure and were identified by the Office of Science and Technology Policy (OSTP) and the Office of Management and Budget as significant to our nation’s bioeconomy in this year’s S&T funding

priorities memorandum to federal agencies. In 2019, the Biodiversity Collections Network released their report, [Extending U.S. Biodiversity Collections to Promote Research and Education](#), outlining a national agenda that leverages digital data in biodiversity collections for new uses and calling for building an Extended Specimen Network. The report notes, “Science and industry rely on physical specimens housed in U.S. biodiversity collections. Rapid advances in data generation and analysis have transformed understanding of biodiversity collections from singular physical specimens, to dynamic suites of interconnected resources enriched through study over time. The concept of the 'extended specimen' conveys the current perspective of the biodiversity specimen as extending beyond the singular physical object, to potentially limitless additional physical preparations and digital resources.” This endeavor requires robust investments in our nation’s scientific collections, whether they are owned by a federal or state agency or are part of an educational institution or free-standing natural history museum or other research center. While most federal agencies have a role to play in supporting the development of the Extended Specimen Network, the NSF’s leadership through the Advancing Digitization of Biodiversity Collections program has positioned NSF to play a central role in the development of the Extended Specimen Network.

The NSF supports recruitment and training of our next generation of scientists. Support for undergraduate and graduate students is critically important to our research enterprise. Students learn science by doing science, and NSF programs engage students in the research process.

NSF awards reached 1,800 colleges, universities, and other public and private institutions across the country in FY 2019. Initiatives such as the Graduate Research Fellowship and the Faculty Early Career Development program are important parts of our national effort to attract and retain the next generation of researchers. Since 1952, the number of students supported by NSF Graduate Research Fellowships has grown to 60,000. Support for Graduate Research Fellowships would be cut by 3.3 percent compared to FY 2019 under the President’s proposal, while the budget for Faculty early career development or the CAREER program would be slashed by 30.2 percent. Other programs, such as the Postdoctoral Research Fellowships in Biology, which provides opportunities to train biologists in high priority areas like integrative research investigating the rules of life governing interactions between genomes, environment and phenotypes and research using biological collections, are also facing budget cuts.

The NSF is an important supporter of biological research infrastructure, such as field stations, natural history museums, and living stock collections. These place-based research centers enable studies that take place over long periods of time and variable spatial scales.

Federal R&D investments in the U.S. are shrinking as a share of the national economy, as measured by the Gross Domestic Product. The U.S. is still the largest performer of R&D globally, but its share of worldwide R&D has declined considerably since 2000. Whereas countries in East and Southeast Asia, especially China, have been rapidly increasing their investments in science. In fact, according to the National Science Board, China may have surpassed the U.S in R&D spending at some point in 2019. To remain at the global forefront of innovation and to fully realize the benefits of NSF-supported research, the government must make new and sustained investments in NSF. Unpredictable swings in funding disrupt research

programs, create uncertainty in the research community, and stall the development of the next great idea.

The NSF is the primary federal funding source for biological research at our nation's universities and colleges, providing 67 percent of extramural federal support for non-medical, fundamental biological and environmental research at academic institutions.

The President's budget request for FY 2021 proposes a 6.5 percent cut to NSF, including a 7.8 percent reduction of its research activities. If enacted, this budget will hurt research and undermine the nation's ability to address national challenges. Congress provided NSF with \$8.278 billion in funding for FY 2020, an increase of 2.5 percent. This increase allows for critical federal investments in scientific and educational research as well as support for the development of the scientific workforce. We encourage Congress to continue supporting increased investments in our nation's scientific capacity.

Funding the NSF at \$9 billion in FY 2021 is a step toward addressing stagnant funding issues that slow scientific discovery. The requested funding will grow and sustain the U.S. bioeconomy and enable NSF to accelerate its 10 Big Ideas. These are important new cutting-edge initiatives at the frontiers of science and engineering. These include research programs such as Understanding the Rules of Life (URoL), Navigating the New Arctic (NNA), Growing Convergence Research (GCR), and Harnessing the Data Revolution for 21st-Century Science and Engineering (HDR).

Lastly, we urge Congress to consider economic measures that can help scientific societies and other research organizations deal with financial losses resulting from event cancellations in response to the COVID-19 pandemic.

Thank you for your thoughtful consideration of this request and for your prior efforts on behalf of science and the National Science Foundation.

Testimony submitted on behalf of the American Physiological Society by Dennis Brown, Ph.D., Chief Science Officer.

The American Physiological Society (APS) thanks you for your sustained support of science at the NSF and NASA. In this statement we offer our recommendations for FY 2021 funding levels for these two agencies.

- **The APS urges you to fund the FY 2021 NSF budget at a level of at least \$9.4 billion to prevent further erosion of program capacity and allow researchers to take advantage of scientific opportunities.**
- **The APS urges you to restore cuts to NASA's life sciences research budgets and to increase funding for the Human Research Program.**

NSF and NASA support scientific research and technology development programs essential to the future technological excellence and economic stability of the United States. Federal investment in this research is critically important because breakthroughs in basic and translational research provide the foundation for new technologies to fuel our economy and make it possible for the United States to remain a global leader in science, technology and engineering. According to The State of U.S. Science and Engineering 2020 report from the National Science Board (NSB), in the global science and engineering enterprise "the United States is seen globally as an important leader rather than the uncontested leader."¹ Another report from the NSB notes that while the US remains the world's top research and development performer, the annual growth rate for research and development expenditures in China is nearly three times higher than that of the US.² Sustained increases in the federal investment in basic research are needed if the US wants to remain a global leader in research and development.

NSF funds outstanding research and education programs

NSF provides support for 25% of all federally funded basic science and engineering as well as 67% of the support for academic basic research in the life sciences. NSF invests in basic biological research across a broad spectrum of sub-disciplines along with the equipment and other infrastructure scientists need for their work. Time and time again we have seen that knowledge gained through basic biological research provides the foundation for more applied studies that sustain the health of animals, humans and ecosystems. Moreover, NSF-funded research has led to countless new and unexpected discoveries that could not have been envisioned when the research began. These unforeseen applications have had enormous impacts on science, health and the world's economy.

The majority of the NSF funding is awarded in the form of grants selected through competitive, merit-based peer review. Merit review ensures that the best possible science is supported. Both the scientific reviewers and NSF program staff consider not only the intellectual merit of each research proposal, they also consider its broader impacts. NSF's criteria for these broader impacts address the potential for the research to benefit society or to achieve specific outcomes. NSF has an exemplary record of funding research with far-

reaching potential. Since its inception in 1950, NSF has supported the work of 242 Nobel Laureates, including the 2019 winners of the Chemistry, Physics and Economics prizes.

Biological research is just one part of the NSF portfolio. Each of NSF's directorates support research that is critical to the agency's mission "to promote the progress of science; to advance the national health, prosperity, and welfare; to secure the national defense..." Collaboration among scientific disciplines is increasingly recognized as the best and most efficient way to advance science. This will only be possible with strong support for all disciplines of research.

To cite but one example of the critical role played by NSF-funded research, as cases of the novel coronavirus multiplied in several states, NSF acted swiftly to issue a call for proposals "to conduct non-medical, non-clinical-care research that can be used immediately to explore how to model and understand the spread of COVID-19, to inform and educate about the science of virus transmission and prevention, and to encourage the development of processes and actions to address this global challenge."³ Using a Rapid Response Research (RAPID) mechanism to speed the review and funding of proposals, NSF will be on the front lines helping to address this emerging threat to public health.

In addition to funding innovative research in labs around the country, NSF's education programs support the next generation of scientists. The APS is proud to have partnered with NSF in programs that provide training opportunities and career development activities to enhance the participation of underrepresented minorities in science. Because NSF is uniquely suited to foster science education programs of the highest quality, we recommend that Congress continue to support science education and training through the NSF.

The APS joins the Federation of American Societies for Experimental Biology (FASEB) in recommending that the NSF be funded at a level of at least \$9.4 billion in FY 2021. The NSF budget has been flat in real terms for more than 15 years. When NSF Director Dr. France Cordova testified before the House Appropriations Subcommittee on Commerce, Justice and Science on March 26, 2019, she stated that *each year* the NSF receives approximately \$4 billion worth of well-rated proposals that the agency is unable to fund within its current budget. The NSF is poised to address major challenges facing our nation and our world in the 21st Century, but it needs adequate resources to continue to carry out its mission.

Support for Life Sciences Research should be increased at NASA

NASA sponsors research across a broad range of the basic and applied life sciences, including gravitational biology, biomedical research and the Human Research Program (HRP). The gravitational biology and biomedical research programs explore fundamental scientific questions through research carried out both on Earth and aboard the International Space Station, which provides an environment for the conduct of experiments in space. NASA's HRP conducts focused research and develops countermeasures with the goal of enabling safe and productive human space exploration. The program funds approximately 200 research grants that go to academic researchers around the country.

During prolonged space flight, the physiological changes that occur due to weightlessness, increased exposure to radiation, confined living quarters, and alterations in eating and sleeping patterns can lead to debilitating conditions and reduced ability to perform tasks. Scientists are actively engaged in research that explores the physiological basis of these problems with the goal of contributing to the identification of therapeutic targets and development of novel countermeasures. The knowledge gained from this research is not only relevant to humans traveling in space, but is also directly applicable to human health on Earth. For example, some of the muscle and bone changes observed in astronauts after prolonged space flight are similar to those seen in patients confined to bed rest during periods of critical illness as well as during the process of aging.

NASA is the only agency whose mission addresses the biomedical challenges of human space exploration. Over the past several years, funding for conducting this kind of research at NASA has stagnated. As NASA sets its sites on returning to the moon with the goal of future manned spaceflights to Mars, this type of research is more important than ever. The APS recommends increased funding for peer-reviewed life sciences research so NASA-funded scientists can conduct research that will be critical in not only supporting the success of future long-range manned space exploration but also leading to innovative discoveries that can be applied to Earth-based medicine.

As highlighted above, investment in the basic sciences is critical to our nation's technological and economic future. This innovative engine of research fuels our world leadership and our economy. The APS urges you to make every effort to provide these agencies with increased funding for FY 2021.

The APS is a nonprofit devoted to fostering education, scientific research and dissemination of information in the physiological sciences. The Society was founded in 1887 with 28 members and now has over 8,000 members, most of whom hold doctoral degrees in physiology, medicine and/or other health professions.

References

¹<https://nces.nsf.gov/pubs/nsb20201/executive-summary>

²<https://nces.nsf.gov/pubs/nsb20203>

³<https://www.nsf.gov/pubs/2020/nsf20052/nsf20052.jsp>

**Written Public Testimony of Katherine B. McGuire, Chief Advocacy Officer, and
Russell D. Shilling, PhD, Chief Scientific Officer, American Psychological Association.
(KMcGuire@apa.org, 202-336-5854) (RShilling@apa.org, 202-336-6000)**

**FY2021 Appropriations for the National Science Foundation and Department of Justice
submitted for the record to the
United States House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies**

**Honorable José Serrano, Chairman
Honorable Robert Aderholt, Ranking Member**

March 13, 2020

To Chairman Serrano, Ranking Member Aderholt, and Members of the Subcommittee:

The American Psychological Association (APA) is the leading scientific and professional organization representing psychology in the United States, with more than 121,000 researchers, educators, clinicians, consultants and students as its members. Our mission is to promote the advancement, communication, and application of psychological science and knowledge to benefit society and improve lives.

National Science Foundation (NSF)

Support for All Areas of Science

As you consider fiscal year 2021 appropriations, the American Psychological Association joins the scientific community urging Congress to provide at least a \$9 billion appropriation for NSF in FY 2021. As a member of the Coalition for National Science Funding (CNSF) a broad-based group of professional organizations, universities, scientific societies, and businesses – APA wants to thank Congress for its consistent support for fundamental scientific research and educational programs supported by NSF, including the approximately \$200 million (2.5%) increase in FY 2020. As other nations such as China and South Korea continue to make dramatic increases in their investments in science, as noted in the 2020 Science and Engineering Indicators report, robust funding for NSF in FY 2021 can help the United States maintain its global leadership and competitiveness in science and engineering research and development. Increased support for NSF will also provide funding for the more than \$3 billion in high-quality rated proposals (as estimated by the National Science Board) that are submitted to NSF each year but cannot be funded.

Support Core Psychological Science Research at NSF

NSF is the only federal agency whose primary mission is to support basic nonbiomedical research and education across all fields of science (including the behavioral and social sciences), technology, engineering, and mathematics. Although psychologists receive funding from

various directorates and programs within NSF, most core psychological research is supported by the Directorate for Social, Behavioral and Economic Sciences (SBE). The SBE Directorate supports research that focuses on variables that determine human behavior across all ages, interactions among individuals and groups, and the development of social and economic systems. SBE research has helped advance our understanding of areas such as the human brain and its functioning, preparation for and response to natural disasters, nonverbal cross-cultural communication, the nature of loneliness, and why people confess to crimes they did not commit. One of NSF's seven directorates, in FY 2019 SBE received approximately 3.3 percent of NSF's overall budget, the least of any NSF directorate, yet it provides approximately 62 percent of the federal funding for basic research at academic institutions in the social, behavioral, and economic sciences. In addition to the core behavioral research in cognitive neuroscience, human cognition and perception, learning and development, and social psychology, SBE also continues to invest substantial funds to participate in special initiatives and cross-directorate programs that address vital national priorities.

The Biological Science Directorate (BIO) at NSF also provides support for research psychologists who ask questions about the principles and mechanism that govern life at the level of the genome and cell, or at the level of the whole family, individual, or species. APA expresses our hope to continue support for key behavioral research programs in BIO including those focused on learning and cognition.

The Computer Science and Information Systems Engineering Directorate (CISE) is of particular importance given the emphasis from Congress and the Administration on emerging technologies and artificial intelligence (AI). Psychological science is essential to the work in many of the CISE divisions, especially as human behavior plays a key role in the design and implementation of the key technologies, for example, human factors psychology related to the development and advancement of automated systems such as autonomous vehicles.

In addition to strengthening core research, NSF should receive full support for the ambitious work proposed by NSF's 10 Big Ideas (including the The Future of Work at the Human Technology Frontier and Understanding the Rules of Life) and investments in Industries of the Future (IoF) including artificial intelligence. We urge strong support for these innovative, interdisciplinary, cross-directorate initiatives, but request that their funding is in addition to, not at the expense of, the core research programs being done within NSF's research directorates. Ensuring NSF has sufficient resources to fully fund the core and ongoing programmatic research while also continuing to develop the NSF Big Ideas and IoF provides a strong platform for future discovery.

Department of Justice (DOJ)

APA is committed to reforming the criminal justice system, supporting those with mental illness within the system, meeting the needs of victims of violence, and ensuring that the best scientific evidence is funded and used to improve programs and policies.

Support Evidence-Based Law Enforcement and Criminal Justice Activities

APA strongly supports continued efforts in Congress to reform the federal criminal justice system. Most incarcerated individuals return from jail or prison to their communities; yet, an estimated 77 percent of former prisoners are rearrested within five years of release. FY 2021 appropriations for DOJ represent an important avenue to reduce the burden of crime and incarceration on families and communities.

APA urges the Committee to adopt a reform-minded approach in appropriations for the Bureau of Prisons (BOP) and Office of Justice Programs (OJP). To help continue the trend of successful long-term reduction of the BOP population, APA requests full funding for the First Step Act to implement much-needed reforms. APA also urges the Committee to adequately fund OJP to support state and local justice reforms. Several states have provided leadership in reducing unnecessary incarceration, and OJP can help ensure other states gain the benefits of similar reforms.

APA specifically requests that the Committee provide: \$75 million for the First Step Act; \$90 million for the Second Chance Act including \$5 million to support Children of Incarcerated Parents demonstration grants; \$28 million for Justice Reinvestment; \$48 million for the Bureau of Justice Statistics and \$41 million for the National Institutes of Justice, for a total of \$89 million for Research, Evaluation, and Statistics within the Department of Justice.

Support Victims of Violence

The Violence Against Women Act (VAWA), which authorizes the Office on Violence Against Women (OVW), is the federal framework for the U.S. response to domestic and sexual violence. Rates of domestic abuse have declined significantly in the U.S. since the enactment of VAWA. Exposure to violence is still very common, however, as one in three women will experience rape, physical violence, or stalking in her lifetime. Reductions to funding for OVW would imperil progress made over the last three decades.

APA urges the Committee to prioritize the prevention of violence across the lifespan as well as to consider the needs of underserved, marginalized, and high-risk populations. Women with disabilities, racial and ethnic minorities, sexual and gender minorities, and young adults, particularly on college campuses, are populations at higher risk of victimization from domestic violence, dating violence, and sexual violence. APA asks the Committee to prioritize effective prevention and support around domestic and sexual violence, as well as children's exposure to family violence.

Specifically, of the funds made available to the Office of Violence Against Women, APA requests: \$222 million for Services, Training, Officers Prosecutors (STOP) Grants; \$9 million for Education and Training to End Violence Against Women with Disabilities; \$9 million for the Elder Abuse Grant Program; \$5 million for Grants to Tribal Governments; \$47 million for Rural Domestic Violence and Child Abuse Enforcement; \$15.5 million for the Consolidated Youth Oriented Program; and \$26 million for Grants to Combat Violent Crimes on College Campuses. These programs are crucial in preventing further violence, helping victims find safety and support, and starting them on the path towards recovery.

Support Improved Police-Community Relations

APA urges the Committee to continue funding the Office of Community Oriented Policing Services to support federal, state, and local activities, by providing \$6.5 million for the Community Policing Development Program and \$2.0 million for the Law Enforcement Mental Health and Wellness Program.

Psychological research has revealed effective strategies to enhance law enforcement and community relations, improve public safety, and reduce the risks of violence and aggression. These include the development of community-informed responses to violence, implementation of community-based policing implemented in a way that builds trust between police and the communities they serve, training on stereotypes and the effects of implicit bias, and programs that support the mental health and well-being of officers.

Summary

We at the American Psychological Association greatly appreciate the opportunity to provide Outside Witness Testimony in support of these critical research and service-related programs at the National Science Foundation and Department of Justice. Please feel free to contact me if you need any additional information or have follow-up questions regarding APA's priorities and requests.



Official Written Testimony in Support of Fiscal Year 2021 National Science Foundation and National Aeronautics and Space Administration Funding

Submitted to the House Subcommittee on Commerce, Justice, Science, and Related Agencies
Committee on Appropriations, United States House of Representatives
March 13, 2020

Submitted by: Stephanie Adams, Ph.D., President, American Society for Engineering Education
Norman Fortenberry, Sc.D., Executive Director, American Society for Engineering Education

Summary: This written testimony is submitted on behalf of the American Society for Engineering Education (ASEE) to the House Subcommittee on Commerce, Justice, Science, and Related Agencies for the official record. ASEE appreciates the Committee's support for the National Science Foundation (NSF) and asks you to robustly fund the agency in fiscal year (FY) 2021, including the Research and Related Activities and the Education and Human Resources accounts. ASEE joins the academic and scientific community in requesting support of at least \$9 billion for NSF in FY 2021 to help alleviate impacts of historical underinvestment at NSF and advance both core research and education activities and critical technologies related to Industries of the Future and the Big Ideas for Future Investment. Additionally, ASEE supports continuation of funding at the National Aeronautics and Space Administration (NASA) for the Office of STEM Engagement, which supports and coordinates NASA educational efforts in engineering and STEM. At NASA, ASEE also urges the Space Technology Mission Directorate (STMD) to continue investing in crosscutting NASA technology gaps which support engineers and scientists in developing technology to advance science and space missions in the national interest.

Written Testimony: The American Society for Engineering Education (ASEE) is dedicated to advancing engineering and engineering technology education and research, and is the only society representing the country's schools and colleges of engineering and engineering technology. Membership includes over 12,000 individuals hailing from all disciplines of engineering and engineering technology and includes educators, researchers, and students as well as industry and government representatives. As the pre-eminent authority on the education of engineering professionals, ASEE works to develop the future engineering and technology workforce, expand technological literacy, and convene academic and corporate stakeholders to advance innovation and sound policy.

National Science Foundation

Engineering shapes our Nation and powers our innovation ecosystem. **NSF basic research**, conducted in engineering schools and colleges around the country, **catalyzes new industries**

and revolutionary advances. There is high demand for a workforce of well-trained engineers in industry and government to leverage these discoveries and develop innovative new technologies to improve our future. The partnership between the federal government and universities is **essential to growth and innovation across our economy**, and is helping to solve challenges in health, energy, and national security. **NSF is a tremendously important piece of this innovation ecosystem, funding basic engineering and engineering education research at universities and supporting students to enable access to engineering education.**

ASEE is grateful for recent increases, yet concerned that these investments have not kept pace with international competitors or growing research needs. Due to budget limitations, NSF is currently unable to fund \$4 billion worth of very good and excellently rated proposals each year. With more funding, tremendous amounts of additional research and development could be undertaken, leading to novel and transformative discoveries. According to National Science Board predictions, in 2018 China surpassed U.S. investments in research and development. As some countries have been steeply accelerating research funding, increasing NSF's appropriation would help secure continued U.S. global innovation leadership.

NSF funding has additionally fallen far behind other research agencies, risking distortions in the overall STEM ecosystem. For example, over the last decade the Department of Energy (DOE) Office of Science has grown twice as much as NSF and is now almost the same size despite covering a much smaller range of topics. Other agencies depend on NSF funded discoveries and workforce development for their missions. NSF-funded research catalyzes fundamental advances that are utilized for national security applications while engineers trained with NSF funding become key components of the national security workforce and industrial base.

NSF is a key funder of research and education for critical technologies related to industries of the future such as Artificial Intelligence (AI), engineering biology, and quantum computing. ASEE is pleased by the significant increases proposed in the budget request to support **AI and quantum** information science— critical technologies for both national security and crosscutting applications. However, ASEE is concerned about proposed cuts to core research and education programs with the Research and Related Activities Account. Funding is needed to enable support for critical technologies while robustly supporting CAREER awards, core research programs, Engineering Research Centers, and engineering education programs to ensure a functional ecosystem for our nation's health, national security, energy, and innovation needs.

ASEE joins the research and higher education community in requesting that the Committee fund NSF at \$9 billion in FY 2021 to drive advances in research and education and ensure the U.S. retains global competitiveness and scientific leadership.

Investments in engineering education and research from NSF are essential for having a workforce trained and ready to contribute to industry, government, and academia. NSF is a major supporter of engineering research and workforce initiatives funding 43 percent of engineering and 83 percent of computer science academic fundamental research. NSF-funded advancements touch every corner of our lives and economy, from wireless systems to advanced

manufacturing, and from new tools to combat brain diseases to technologies to ensure our cybersecurity. NSF supports engineering education at all levels, ensuring the next generation of the U.S. engineering workforce is appropriately prepared to contribute and innovate and that domestic students are attracted to careers in engineering and engineering technology.

The NSF **Directorate for Engineering (ENG)** provides critical support for engineering education and research across the breadth of the discipline. These investments have dual outcomes of training future engineers that will discover tomorrow's innovations, all while furthering today's cutting-edge research. Engineering investments at NSF provide critical advancements in areas such as resilient infrastructure, advanced materials and manufacturing, and bioengineering, in addition to equipping students with the skills they need to be the next generation of technological leaders. Divisions such as Engineering Education and Centers (EEC) support university research and Engineering Research Centers. ENG grantees have robust partnerships with industry and provide experiential opportunities fundamental to engineering education.

The NSF **Directorate for Computer and Information Science and Engineering** also plays a key role supporting engineering education and research, particularly within the Division of Information & Intelligent Systems, which supports efforts at the frontiers of information technology, data science, and artificial intelligence, among other areas. These investments are critical as we move into a world even more reliant on human-technology interactions.

ASEE strongly supports NSF **Education and Human Resources (EHR)** funding to foster inclusive and effective learning and learning environments. The STEM workforce, particularly engineers, technologists, and computer scientists, drives our innovation and economic development. We need to fully develop all of our nation's human talent in order to tackle pressing problems. Access to STEM experiences and skills are a critical aspect of developing well-rounded citizens, technological literacy, and the future STEM workforce. ASEE supports EHR programs including *Improving Undergraduate STEM Education (IUSE)* and *Innovations in Graduate Education (IGE)*. The first is critical for preparing professional engineers and enhancing engineering educational experiences to broaden participation and retention, and the latter works to revolutionize graduate studies to best prepare students for STEM careers.

NSF plays a key role ensuring the development of new tools for teaching engineering design and analysis skills, which are under-taught in today's K-12 classrooms. As noted in the 2009 National Academies report *Engineering in K-12 Education*, engineering education has received little attention yet has the potential to improve student learning and achievement in other areas of STEM, increase awareness of engineering careers, and increase technological literacy. Engineering's focus on design and analysis enhances problem solving, teaches students new ways to approach challenges, and encourages students to connect science and math topics to real-world applications— all skills critical to the future technical workforce. ASEE supports programs to fill workforce needs including Advanced Technical Education (ATE) that prepares advanced technicians for America's high-skills workforce and graduate fellowships to create a pipeline of students knowledgeable and excited about engineering.

ASEE supports the budget request's proposed increases to EHR core research, NSF Research Traineeships, and Advanced Technological Education as these programs all have transformative potential to advance STEM learning and workforce development. However, Congress should also look to protect IUSE and other essential programs targeted for cuts such as those that support broadening participation and Noyce.

National Aeronautics and Space Administration

ASEE is concerned with the Administration's narrow focus on human exploration for the **National Aeronautics and Space Administration (NASA) Space Technology Mission Directorate (STMD)**. Of importance to ASEE, STMD activities support the workforce development pipeline of future space engineers and technologists by engaging directly with the academic community through early career faculty programs, early stage research grants, and university-led multidisciplinary research institutes. STMD's broad portfolio of activities helps to meet NASA's science objectives, establishes new commercial and academic partnerships, and stimulates the growth of the nation's technology sector. STMD programs fill significant capability gaps for NASA and better position the agency to meet its long-term strategic goals in areas across all its directorates ranging from propulsion and power generation to materials science and high-performance computing. **ASEE urges the Committee to protect STMD's ability to focus on a broad array of NASA technology challenges**, continue its engagement with the academic and private sectors, and keep its long-term focus beyond specific near-term mission goals.

ASEE is also concerned with the Administration's proposed elimination of **NASA's Office of STEM Engagement**, renamed from the NASA Office of Education, and asks that the Committee sustain funding for this office in FY 2021 and beyond. NASA STEM Engagement programs inspire students to pursue engineering, science, and technology careers, and this office plays a vital role coordinating STEM education programs throughout the agency, including those at NASA centers. ASEE supports the continuation of the *National Space Grant College and Fellowship Program* (Space Grant), which supports university consortia in all 50 states, funding fellowships for engineering and other STEM students, while also offering important resources for faculty professional development and strengthening curricula. ASEE is also supportive of initiatives at the NASA Office of STEM Engagement to broaden participation in STEM and to bring engineering design and analysis experiences to K-12 students.

Conclusion: NSF education and research investments have truly transformed our world through engineering breakthroughs such as the internet, fiber-optics, and medical imaging technology. These investments keep our communities safe, lower healthcare costs, and spur our economy. Today, engineering research is opening possibilities through advances in areas such as artificial intelligence, biosensors, and advanced materials. We ask that you robustly fund NSF at \$9 billion to support critical education and research programs. In addition, at NASA we urge you to continue STMD's broad portfolio of activities and continue support for the Office of STEM Engagement in FY 2021. Thank you for the opportunity to submit this testimony.



American Society of Plant Biologists

Cultivating a better future through plant biology research

Official Written Testimony in support of the National Science Foundation's Fiscal Year 2021 Budget

Submitted to the Subcommittee on Commerce, Justice and Science, and
Related Agencies
Committee on Appropriations
United States House of Representatives
March 13, 2020

Submitted by
Crispin Taylor, PhD, Chief Executive Officer
American Society of Plant Biologists

On behalf of the American Society of Plant Biologists (ASPB), I submit this testimony for the official record to support \$9 billion for the National Science Foundation (NSF) for fiscal year (FY) 2021. ASPB recognizes the difficult fiscal environment our nation faces, but we believe that sustained investments in scientific research will be a critical step toward sustained economic growth and continued global competitiveness for our nation.

ASPB would like to thank the Subcommittee for its consideration of this testimony and for its strong support for the research mission of NSF.

ASPB is an organization of professional plant biology researchers, educators, graduate students, and postdoctoral scientists with members across the nation and around the world. A strong voice for the global plant science community, our mission—achieved through work in the realms of research, education, and public policy—is to promote the growth and development of plant biology, to encourage and communicate research in plant biology, and to promote the interests and growth of plant scientists in general.

Food, Fuel, Environment, and Health: Plant Biology Research and America's Future

Plants are vital to our very existence. They harvest sunlight, converting it to chemical energy for food and feed; they absorb carbon dioxide and produce oxygen; and they are the primary producers on which most life depends. Indeed, plant biology research is making many fundamental contributions in the areas of energy security and environmental stewardship; the continued and sustainable development of better foods, fabrics, and building materials; and in the understanding of biological principles that underpin improvements in the health and nutrition of all Americans.

Plant science research has become the backbone of agricultural innovation, and a thriving agricultural sector has become a cornerstone for American economic success. Agriculture and agriculture-related industries comprise 5.4 percent of the U.S. GDP, contributing nearly \$1

trillion and 21 million jobs to the economy.¹ In fact, despite persistent U.S. trade deficits, there has been a surplus in agricultural trade since 1960. This surplus is projected to continue, in spite of projected decreases in planted acres of major crops.² These projections rely on increased yields, a breakthrough that is wholly dependent upon continued agricultural research in crop science and plant biology. To maintain and increase agricultural productivity and to fully realize the potential of biotechnology as an industry of the future, critical investments in basic biological sciences are needed.

In particular, plant biology is at the interface of numerous scientific breakthroughs. For example, with high throughput experimental approaches facilitating extraordinary syntheses of information that are NSF-supported, plant biologists are using computer science applications to make tremendous strides in our understanding of complex biological systems, ranging from single cells to entire ecosystems. Understanding how plants function ultimately will result in better and more productive crops, new sources of fuel, and the development of better medicines to treat diseases like cancer.

Despite the significant positive impact plants have on our nation's economy and in addressing some of our most urgent challenges, including food and energy security, federal investments in fundamental plant biology research are modest. Nevertheless, plant scientists have maximized and leveraged this funding in order to understand the basic function and mechanisms of plants, providing a foundation for vital advances in practical applications in biotechnology, agriculture, health, energy, and the environment.

Robust Funding for the National Science Foundation

ASPB encourages strong support for the Directorate of Biological Sciences (BIO) and proportional funding increases across all of the scientific disciplines NSF supports. As scientific research becomes increasingly interdisciplinary with permeable boundaries, a diverse portfolio at NSF is needed to maintain transformational research and innovation. NSF funding for plant biology specifically enables the scientific community to address cross-cutting research questions that could ultimately solve grand challenges related to a sustainable food supply, energy security, and improved health and nutrition.

NSF BIO is a critical source of funding for scientific research, providing the majority of the federal support for non-medical basic life sciences research at U.S. academic institutions and beyond. BIO supports research ranging from the molecular and cellular levels to the organismal, ecosystem, and even biosphere levels. These investments continue to have significant payoffs, both in terms of the knowledge directly generated and in deepening collaborations and fostering innovation among communities of scientists. This increase is needed as BIO received only an eight percent increase in nominal funding since FY 2014, which when adjusted for inflation, represents more than \$17 million in lost purchasing power.

¹ <https://www.ers.usda.gov/data-products/ag-and-food-statistics-charting-the-essentials/ag-and-food-sectors-and-the-economy/>

² <https://www.ers.usda.gov/webdocs/publications/92600/occe-2019-1.pdf?v=3630.9>

BIO's Plant Genome Research Program (PGRP) is an excellent example of a high impact program that has laid a strong scientific research foundation for understanding plant genomics as it relates to energy (biofuels), health (nutrition and functional foods), agriculture (impact of changing climates on agronomic ecosystems), and the environment (plants' roles as primary producers in ecosystems). ***ASPB asks that the PGRP be funded at the highest possible level and have sustained funding growth to address 21st-century challenges.***

Additionally, ASPB is encouraged by the ongoing efforts of the *Reintegrating Biology* initiative. The Society hopes that these efforts will result in innovative, cross-disciplinary projects that advance both plant science and biological research as a whole.

Without significant and increased support for BIO and NSF as a whole, promising fundamental research discoveries will be delayed and vital collaborations around the edges of scientific disciplines will be postponed, thus limiting the ability to respond to the pressing scientific problems that exist today and the new challenges on the horizon. Addressing these scientific priorities also helps improve the competitive position of the United States in a global marketplace.

Continued Support for NSF Education and Workforce Development Programs

The National Science Foundation is a major source of funding for the education and training of the American scientific workforce and for understanding how educational innovations can be most effectively implemented. NSF's education portfolio impacts students at all levels, including K–12, undergraduate, graduate, and postgraduate, as well as the general public.

ASPB urges the Subcommittee to support expanding NSF's fellowship and career development programs—such as the Postdoctoral Research Fellowships in Biology, the Graduate Research Fellowship (GRF) and the Faculty Early Career Development (CAREER) programs—thereby providing continuity in funding opportunities for the country's most promising early-career scientists.

Furthermore, the nearly seven-year median for a life-science PhD in the United States contrasts with other nations where students specialize earlier, thus entering doctoral programs with more uniform and advanced scientific foundations. To focus more attention on new types of skills, such as private-sector experience and data-science training, NSF may wish to consider encouraging universities to tailor undergraduate curricula to allow committed students to enter PhD programs without needing a significant amount of textbook-style coursework. The Plant Science Research Network issued a number of recommendations³ on this topic, including:

1. "Increase the number of competitive grants available to trainees. Emphasize direct funding of trainees including "gap year" students, graduate students, postdoctoral fellows, and those engaging in continuing education. As the possessors of their own funding, trainees will experience greater ownership of their path, increased choice and mobility, and heightened accountability for their own progress.

³ Henkhaus, NA, Taylor, CB, Greenlee, VR, Sickler, DB, Stern, DB. Reinventing postgraduate training in the plant sciences: T-training defined through modularity, customization, and distributed mentorship. *Plant Direct*. 2018; 2: 1–12. <https://doi.org/10.1002/pld3.95>

2. Rethink mentoring to emphasize individualized development. Encourage the formation of distributed mentoring teams that assemble advisers from job sectors that reflect and support a trainee's personalized aspirations and areas of focus. Individual development plans are recommended to formalize expectations, encourage introspection, foster accountability, and monitor goal-setting and achievements.
3. Create a validated system of customizable, modular experiences. Develop a modular approach to supplement institutional offerings, comprising e-learning, short courses, workshops, and internships, thus creating a curriculum that spans institutions, learning methods, technical and professional skills, and topic areas beyond the plant sciences. In parallel, implement a credentialing system that documents and validates learning experiences and acquired skills in a widely accepted format.
4. Establish institutional support for and facilitation of life-work transitions. Promote opportunities for career flexibility, allowing and encouraging trainees to transition more smoothly from the traditional academic pipeline, so that they may accommodate diverse personal, community, and financial circumstances, and facilitate training throughout the duration of scientific careers.
5. Develop policies to promote individual well-being. Increase diversity and inclusion through policies that support work-life balance, mental health, wellness, and family leave.
6. Provide opportunities and practical training to develop communication skills and foster a research environment that promotes two-way public engagement.”

NSF may wish to fund exploration and development of this kind of programming or curriculum.

ASPB urges support for NSF to further develop programs aimed at increasing the diversity of the scientific workforce by leveraging professional scientific societies' commitment to provide a professional home for scientists throughout their education and careers and to help promote and sustain broad participation in the sciences. Discrete focused training and infrastructure support programs for Hispanic Serving Institutions, Historically Black Colleges and Universities, and Tribal Colleges and Universities remain vitally important because they foster a scientific workforce that reflects the U.S. population.

ASPB urges support for education research that enhances our understanding of how educational innovations can be sustainably and most effectively implemented in a variety of settings. NSF Education and Human Resources programs provide opportunities to expand NSF's research and evaluation efforts to address scale-up and sustainability. ***ASPB encourages continued support for education research programs within NSF's Education and Human Resources portfolio with a focus on understanding how previous investments in educational strategies can be made most effective.***

Grand research challenges will not be resolved in a year, an administration, or a generation, but will take continued attention and investment at federal research agencies, such as the National Science Foundation, over decades.

Thank you for your consideration of ASPB's testimony. For more information about ASPB, please visit us at www.aspb.org.



ASSOCIATION OF
PUBLIC &
LAND-GRANT
UNIVERSITIES

FY 2021 Outside Witness Testimony
Association of Public and Land-grant Universities (APLU)
Board on Oceans, Atmosphere, and Climate (BOAC)
Contact: Caron Gala, Director of Government Affairs for APLU
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March 13, 2020

José Serrano, Chairman
House Appropriations Committee
Subcommittee on Commerce, Justice, and Science and Related Agencies
H-307 The Capitol
Washington, DC 20515

Robert Aderholt, Ranking Member
House Appropriations Committee
Subcommittee on Commerce, Justice, and Science and Related Agencies
1016 Longworth House Office Building
Washington, DC 20515

RE: FY 2021 Appropriations for the NOAA Office of Oceans and Atmospheric Research

Dear Chairman Serrano and Ranking Member Aderholt,

I am pleased to provide testimony on behalf of the Association of Public and Land-grant Universities' (APLU) Board on Oceans, Atmosphere, and Climate (BOAC) supporting increased funding within the National Oceanic and Atmospheric Administration (NOAA) to advance critical scientific research.

While APLU has many priorities in the CJS bill including within the National Science Foundation (NSF), National Aeronautics and Space Administration (NASA), National Institute of Standards and Technology (NIST) and Economic Development Administration (EDA), this testimony is limited to BOAC's interest in NOAA.¹

APLU is a research, policy, and advocacy organization dedicated to strengthening and advancing the work of public universities. With a membership of over 200 public research universities, land-grant institutions, state university systems, and affiliated organizations, APLU's agenda is built on the three pillars of increasing degree completion and academic success, advancing scientific research, and expanding engagement. Annually, our U.S. member campuses enroll 4.3 million undergraduates and 1.2 million graduate students, award 1.2 million degrees, employ 1.1 million faculty and staff, and conduct \$46.7 billion in university-based research. BOAC's mission is to provide support for issues involving university-based programs in marine, atmospheric, and climatological sciences. BOAC representatives are chosen by university

¹ For a full list of APLU subcommittee requests, please visit: <https://www.aplu.org/members/councils/governmental-affairs/CGA-library/fy2021-commerce-justice-science-approps-advocacy-document/file>

presidents and chancellors to serve and include some of the nation's leading research and educational experts in atmospheric, marine, and climate disciplines.

We thank you for your past support of the National Oceanic and Atmospheric Administration (NOAA) and greatly appreciate the opportunity to provide recommendations for FY 2021. For FY2021, APLU BOAC requests \$592 million for NOAA's Office of Oceans and Atmospheric Research (OAR), including \$82.9 million for the National Sea Grant College Program and \$15 million for Sea Grant Aquaculture.

NOAA is responsible for providing the nation with weather, climate, and atmospheric information as well as protecting, conserving and managing the use of natural resources, all of which impact the economy and the safety of millions of around the world. The NOAA Office of Oceanic and Atmospheric Research (OAR) provides the research and scientific foundation for answering the grand challenges facing the natural environment for the next decade and beyond. OAR provides the foundation for observations, monitoring, and modeling to help entities at all levels—federal, state, local, and private—manage their resources as well as plan for and respond to natural disasters.

Recent OAR research has focused on forecasting energy demand scenarios, seasonal wildfires, and large storm events; assessing local impacts of projected sea-level rise; improving seasonal precipitation and drought predications; and understanding atmospheric rivers and other causes of extreme flooding. OAR also supports basic research that improves understanding of ocean and atmospheric processes. Research is translated into information used by private businesses and public sector managers across all levels of business and government. NOAA's predictive capabilities would be unfulfilled without continuous improvement of OAR's facilities, analytical capabilities, and the networks of experts that are supported by OAR. The office also supports sixteen extramural research partnerships through the Cooperative Institutes, which are allocated competitively, as well as several NOAA laboratories. Many researchers at APLU institutions rely on the extramural support, but equally as important are partnerships with the laboratories. **APLU BOAC requests \$592 million for NOAA OAR in FY2021.**

Housed within OAR, the *National Sea Grant Program* is a nationwide network of university-based programs for research, education, and advisory services focused on the conservation and development of marine resources. A joint federal, state, and local partnership, Sea Grant provides solutions for the issues affecting our nation's coastal communities (including the Great Lakes, Gulf of Mexico, communities on the Atlantic, Caribbean, and Pacific coasts), yielding quantifiable economic, social, and environmental benefits.

The National Sea Grant Program works to turn research into action, ensuring that coastal communities are economic engines and remain resilient in the face of natural hazards. In 2018, Sea Grant activities resulted in over 7,000 jobs created or retained, \$624 million dollars in economic benefit to the communities they serve, and the training of over 1,994 undergraduate and graduate students. Sea Grant leverages \$3 for every \$1 of federal money it receives. In 2018, Sea Grant worked with nearly 1,300 industry and private sector, local, state and regional partners

and assisted 269 communities with technical assistance. Sea Grant works with local communities to address the unique problems they face, such as combatting ocean acidification and harmful algal blooms to working with tribal groups to mitigate against rising sea levels and other challenges. **APLU BOAC requests FY2021 funding of \$82.9 million.**

A part of the larger Sea Grant program, the *Sea Grant Marine Aquaculture* program supports research on breeding, rearing, and harvesting of animals and plants in water environments. The Sea Grant Marine and Great Lakes Aquaculture program supports the development of innovations in the aquaculture industry, technology transfer, and supports America's expanding aquaculture industry. Pressures on climate resiliency, rising sea levels, changes in ocean chemistry, and an ever-dynamic industry places additional demands on an already small program. **APLU BOAC requests \$15 million for Sea Grant Marine Aquaculture.**

BOAC thanks you for the opportunity to provide our views to the Subcommittee. We look forward to working with you through the FY2021 appropriations process.

Sincerely,

Douglas L. Steele
Vice President
Office of Food, Agriculture, and Natural Resources
APLU



March 13, 2020

The Honorable Nita Lowey
Chairwoman
Committee on Appropriations
U.S. House of Representatives
The Capitol H-307
Washington, DC 20515

The Honorable Kay Granger
Ranking Member
Committee on Appropriations
U.S. House of Representatives
1016 Longworth House Office Building
Washington, DC 20515

Dear Chairwoman Lowey and Ranking Member Granger,

On behalf of the Center for Biological Diversity and its 1.7 million members and supporters, we request that you provide the National Marine Fisheries Service the critical funding it desperately needs for activities that protect, conserve and recover America's imperiled marine species and the habitats upon which they rely. Oceans are home to some of the planet's most astonishing animals, including whales, sea turtles, corals and porpoises. Unfortunately, these are among the species slipping most quickly toward extinction. If urgent action isn't taken within the coming years, these iconic species may be lost forever. Thus, we recommend increasing the Fisheries Service's protected resources budget by \$100 million starting in fiscal year 2021 to make up for lost ground and put species on the path to recovery.

The world is in the midst of a staggering wildlife extinction crisis unlike anything humans have ever experienced before and on a scale and pace unseen in millions of years. Wildlife populations around the world are crashing at alarming rates and with distressing frequency. In May 2019 the United Nations' Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES) released a groundbreaking report warning that 1 million animals and plant species—including more than one-third of all marine mammals—face extinction in the next few decades due to threats from habitat loss, climate change and other human activities.¹ The same report found that nearly 66 percent of the marine environment has been significantly altered by human actions, including habitat destruction, pollution, noise from oil and gas and mineral exploration, and shipping. This should serve as a wake-up call to society and Congress that much more must be done.

North Atlantic Right Whales

The North Atlantic right whale is one of the world's most endangered whales, with only about 400 whales remaining and fewer than 100 are reproductively active females. Once a common site along the eastern U.S. seaboard, right whales are declining so quickly that scientists now predict the species could be functionally extinct by 2040 if current trends continue. In 2019 alone, 2.5 percent of the population died. The greatest threats to the right whale include entanglement in fishing gear, ship strikes, and seismic exploration for oil and gas.

¹ S. Diaz, J. Settele, E. Brondizio, *Summary for Policymakers of the Global Assessment Report on Biodiversity and Ecosystem Services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services* (2019) available at: <https://www.ipbes.net/news/Media-Release-Global-Assessment>



While we appreciate the small funding increase in the fiscal year 2020 appropriations package,² it is wholly insufficient to save the right whale from slipping further towards extinction, let alone putting it on the path to recovery. Therefore, we recommend dedicating an additional \$25 million each year for the conservation and recovery of the North Atlantic right whale starting in fiscal year 2021 and thereafter.

Southern Resident Killer Whales

Today there are fewer than 75 Southern Resident killer whales, or orcas, left on Earth. This intelligent, social cetacean is known to form decades-long social bonds and live in highly organized pods where every individual helps care for the young, sick or injured. The Southern Residents are distinct from all other killer whales—they are genetically distinct, possess a unique dialect, and are the only orca populations in the United States to feed nearly exclusively on salmon. Unfortunately, the decline of Chinook salmon, the whales' primary prey, is contributing to their decline and many of the animals are starving and emaciated. Contamination from toxic pollution and vessel noise and disturbance also threaten the Southern Resident killer whale.

Despite the Southern Resident killer whale being on the brink of extinction, the fiscal year 2020 appropriations package failed to provide any additional funding to this highly endangered whale, merely maintaining the inadequate 2019 funding levels. To make up for years of underfunding, we recommend allocating an additional \$25 million each year for the conservation and recovery of the Southern Resident killer whale starting in fiscal year 2021 and thereafter.

Vaquitas

Vaquitas are the smallest and most endangered marine mammal on Earth. They are known to be shy and elusive, but all too easy to scoop up in gillnets set to catch shrimp and various species of fish. The population has plummeted by over 90 percent over the last five years, and scientists estimate that there are likely only 10 vaquitas left in the world. Their extinction is virtually assured without bold, immediate action. While the National Marine Fisheries Service has taken some positive steps to save the vaquita—including most recently banning imports of Mexican shrimp and other seafood caught in the vaquitas' habitat—much more needs to be done to save this critically endangered porpoise from going extinct. We recommend spending \$25 million per year on emergency conservation activities starting in fiscal year 2021 and thereafter.

Other Protected Species

The National Marine Fisheries Service is responsible for the conservation, protection and recovery of more than 150 endangered and threatened marine species under the Endangered Species Act, as well as whales, dolphins, porpoises, seals and sea lions under the Marine Mammal Protection Act. Despite the growing number of species slipping towards extinction, the Service's Protected Resources Science and Management program's budget has remained stagnant. To keep up with the increased conservation demand, we recommend an additional \$25

² Pub. Law No: 116-94, Further Consolidated Appropriations Act, 2020 (116th Cong.)



million for other protected species—including sea turtles, corals, and imperiled fish—starting in fiscal year 2021 and beyond.

Included within this recommendation, we specifically request \$2.5 million for the Pacific Leatherback sea turtle, which has declined by 90 percent mainly due to longline and gillnet fishing. The California Department of Fish and Wildlife established the Drift Gill Net Transition Program whereby fishermen receive a one-time payment to voluntarily surrender their fishing permit and relinquish their nets. The Department has already received over 50 requests to surrender their permits, and this money will ensure that all of these one-time payments are provided.

California Ship Strikes

Ship strikes are a leading cause of death to endangered blue, fin, and humpback whales along California's coast. Scientists estimate that ship strikes kill more than 80 large whales each year off the West Coast, with the highest mortality along the coast of central and southern California.³ Therefore, we urge the Appropriations Committee to include report language directing the National Marine Fisheries Service, in coordination with the United States Coast Guard, to conduct a study that analyzes how potential vessel routing measures, mandatory vessel speed limits, and seasonal closures can help reduce whale mortality caused by ship strikes along the California coast, with specific attention to approaches to the Los Angeles/Long Beach Ports (including Santa Barbara Channel), and San Francisco Bay region Ports.

To combat the current wildlife extinction crisis, Congress must take bold, meaningful action before it's too late. Conserving our planet's natural heritage is a monumental challenge, but we can do more, and we know what to do for our most imperiled species. That means providing sufficient funding for these critically endangered marine animals to help curb their further decline and restore their habitats. Thank you for your consideration,

Sincerely,

Stephanie Kurose
Endangered Species Policy Specialist
Center for Biological Diversity

Brett Hartl
Government Affairs Director
Center for Biological Diversity

³ See Rockwood, R.C. & Calambokidis, J., High mortality of blue, humpback and fin whales from modeling of vessel collisions on the U.S. West Coast suggests population impacts and insufficient protection (2017), available at: <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0183052>

**Written Testimony Prepared for the House Committee on Appropriations Subcommittee
on Commerce, Justice, Science, and Related Agencies
Modernizing Foreign Influence and Lobbying Reporting
Submitted by Anna Massoglia, Researcher, the Center for Responsive Politics
March 13, 2020**

Dear Chairman Serrano, Ranking Member Aderholt, and distinguished members of the House Appropriations Subcommittee on Commerce, Justice and Science, and Related Agencies.

Thank you for the opportunity to submit written testimony before the Committee to discuss fiscal year 2021 budget priorities regarding the modernization of the Foreign Agents Registration Act (FARA), a statute intended to inform the American public of foreign influence and lobbying operations attempting to impact U.S. policy or public opinion.

This written testimony is respectfully offered on behalf of the Center for Responsive Politics (CRP) to the Committee for use during its consideration of Department of Justice funding and for inclusion in the official committee record.

CRP is a nonpartisan nonprofit research organization tracking money in U.S. politics and its effect on elections and public policy. Our vision is for Americans across the ideological spectrum to be empowered by access to clear and unbiased information about money's role in the U.S. political system and to use that knowledge to strengthen our democracy.

Activities of foreign agents and lobbyists divulged under FARA are a subject of sustained public interest. In this testimony, we respectfully request that the Committee include report language directing a review of the U.S. Department of Justice's implementation of FARA and a comprehensive audit of the use of the Lobbying Disclosure Act (LDA) exemption that will both be publicly accessible.

A publicly-accessible report to Congress is necessary to evaluate the feasibility and steps needed to require all filings by foreign agents to be made in an electronic, machine-processable electronic format yielding structured data. This would allow users to search and sort or download FARA data, ensuring the same level of accountability from lobbyists representing foreign interests as domestic ones.

Despite recommendations from the Department's Inspector General and outside experts, the Justice Department has been slow to implement changes to improve the public's access to information about foreign influence and lobbying intended to impact U.S. policy or public opinion.

In September 2019, the Department of Justice launched new features enabling registrants to submit data through a web-form yielding some standardized data. While we believe this is a step in the right direction, only initial registrations are required to be submitted this way, so information reported in some of the most important records such as semi-annual supplemental statements may remain trapped in less accessible formats.

Continuing implementation of a modernized FARA reporting system that collects detailed structured data would provide the tools necessary for better oversight and ensure information about foreign influence is provided in an accurate, complete, and timely manner.

Using web-forms or submitting data in other structured formats across the board would allow the government to provide this information in an accessible form with little or no additional burden. FARA reporting is already conducted through an e-filing system that requires a web browser unless a registrant demonstrates limited access to the internet. Modernizing FARA's e-filing system can ultimately help ease the administrative burden associated with FARA registration.

The current system requires FARA filers to electronically submit information in most forms, including semi-annual supplemental statements that contain activities and receipts, using images or PDFs even though many of the records are originally produced in electronic formats such as CSV files. Image and PDF formatted files destroy critical aspects of the data included in the original formats and cannot be marked for sensitive information or used for automated calculations. Essential information about foreign lobbying activities remains locked away in hard-to-digest image files that complicate the process of publishing FARA information in a machine-readable format. Even the basic disclosure of how much money foreign actors spend to influence U.S. policy and public opinion is obscured, leaving the American public in the dark about how our laws are shaped and influenced.

FARA also has a number of exemptions that can be misunderstood or exploited.

One commonly used exemption enables some foreign agents to claim an exemption from FARA registration and disclosure rules if they register as lobbyists under the LDA, a disclosure statute designed to regulate the activities of domestic lobbyists.

Any individuals lobbying on behalf of a foreign commercial interest, rather than a foreign government or political party, may evade FARA disclosure requirements by merely registering under the LDA.

We respectfully urge the Committee to direct the Comptroller General of the United States, in consultation with the Inspector General of the Department of Justice, to conduct a comprehensive audit of the use of the LDA exemption examining (1) whether the LDA exemption has contributed to a decline in the number of registrations under FARA; (2) whether the LDA exemption has contributed to a lack of public awareness of lobbying activities on behalf of foreign entities; (3) the impact and feasibility of phasing out the LDA exemption; and (4) how to develop policy recommendations for increasing compliance with federal lobbying registration and disclosure requirements.

In 2016, the Department's Inspector General recommended that the Department of Justice conduct a formal assessment of the LDA exemption to determine its impact on the Department's FARA enforcement and whether a formal effort to seek legislative changes to the LDA and other FARA exemptions was warranted.

Our recommendations are based on our experiences using FARA, including efforts to republish FARA data online in ways that support greater access and meaningful analysis. CRP and the

Project On Government Oversight (POGO) have each built databases containing foreign lobbying documents. Our reviews of the DOJ's available foreign lobbying records found significant problems with how the data is currently structured.

We've designed our databases to make up for some of the shortfalls in how foreign lobbying information is currently made available to the public. Structured data directly from the government could streamline this process, improving the quality, utility, and clarity of the information collected by the FARA Unit.

Domestic lobbying records are already required to be filed to Congress electronically and are immediately converted to structured data that are available to the public over the Internet. More parity between disclosure requirements under the LDA and FARA is necessary to ensure at least the same level of transparency from lobbyists representing foreign interests as domestic ones.

We are confident that the report will provide valuable insight to the American people and pave the way to increased transparency of the activities disclosed by those foreign agents. We urge you to appropriate the funding necessary to evaluate modernizing this invaluable resource.

Thank you for your attention to our concerns on this critical issue. We would welcome the opportunity to work with you further on this issue and make any additional recommendations about this or other important issues before the Committee.

Peter J. Marx, contractor for the Choose Clean Water Coalition (CCWC) - March 2, 2020

Dear Chairman Serrano and Ranking Member Aderholt:

The undersigned members of the Choose Clean Water Coalition request continued support for programs that are essential to maintaining a healthy and vibrant Chesapeake Bay and a strong regional economy that is dependent on the Bay's resources.

The programs that are run and/or coordinated by NOAA's Chesapeake Bay Office (NCBO) are critical for the Chesapeake Bay ecosystem and for its users and residents. These programs provide the science and management assistance necessary for those whose livelihood is to ply the Bay's waters for fish, crabs, and oysters and to the hundreds of thousands of people who fish recreationally in the Bay every year and to the millions who boat, kayak, and/or view wildlife in the region.

NCBO is also critical for others, from students learning about science with hands-on experiences to local governments and residents along the shore to have the latest information to prepare for coastal flooding and hurricane emergencies. Utilizing sound science in the management of Chesapeake Bay resources is critical for our regional economy. We request the following funding levels in Fiscal Year 2021:

Department of Commerce

National Oceanic and Atmospheric Administration - National Marine Fisheries Service – Habitat Conservation and Restoration – Chesapeake Bay Office (NCBO) - \$9.7 million
Chesapeake Bay Office (NCBO) - \$9.7 million

The NCBO was established by Congress in 1992 to provide resources, technical assistance and coordination through two branches: 1) Ecosystem Science and Synthesis Program - applied research and monitoring in fisheries and aquatic habitats; synthesis, and analysis to describe and predict Bay ecosystem processes; and technical assistance to Chesapeake Bay decision makers; and 2) Environmental Literacy and Partnerships Program - development of K-12 and higher education environmental science education programs; strategic partnerships with the Chesapeake Bay Program and other government, university, and nonprofit partners; and delivering NOAA products, services, and programs to targeted audiences.

The NCBO's programs play a key role in implementing the Chesapeake Bay Agreement among the states and is critical to ensuring that commitments are met to:

- restore native oyster habitat and populations in 10 tributaries by the year 2025;
- ensure students graduate with the knowledge and skills to protect and restore their local watershed;
- sustain a healthy blue crab and striped bass (rockfish) population;
- maintain a coordinated watershed-wide monitoring and research program; and
- adapt to climate change, including sea level rise and flooding.

The specific breakdown of our request for \$9.7 million for the NCBO is as follows:

Oyster Restoration - \$4 million

The Chesapeake Bay oyster population is less than 1 percent of historic levels and the ecosystem functions associated with oyster reefs, including fish habitat and nitrogen removal, are similarly diminished. NCBO continues to restore entire tributaries with self-sustaining oyster populations and to measure the resulting ecosystem benefits. NCBO works with federal, state, and private partners to plan and implement this tributary-scale restoration in both Maryland and Virginia.

Studies by Morgan State University found that the economic multipliers associated with commercial and recreational fishing in three restored tributaries of the Choptank River are

valued at \$13 million annually for newly restored reefs and \$26 million annually once those reefs mature. In addition, research conducted in one of these tributaries, Harris Creek, by the University of Maryland Center for Environmental Science and the Virginia Institute of Marine Science found the reefs there are removing nitrogen and phosphorous from the water, providing a service valued at over \$3 million annually. Preliminary research by NOAA has also found correlations between clearer water and increased submerged aquatic vegetation (SAV) growth in areas where large-scale restoration has occurred when compared to similar unrestored areas. Protecting the existing restoration sites will allow these benefits to accrue and new restoration will enhance these benefits in more tributaries.

Funding for oyster restoration in the Chesapeake is critical to the overall ecosystem health of the Bay. We urge you to provide \$4 million to help restore this keystone species so important to the Bay and the region.

Environmental Education and Literacy - \$3.5 million

NCBO encourages and supports efforts in K-12 and higher education to develop and implement comprehensive environmental literacy programs. NCBO runs the nationally recognized Bay Watershed Education and Training Program (B-WET) - a competitive grant program for hands-on watershed education for students and teacher training to foster stewardship of the Chesapeake Bay. B-WET's national funding level had steadily eroded over a decade until FY20. Our requested \$3.5 million would be a part of the larger national B-WET funding and we encourage you to continue restoring funding to this successful and popular program. The current funding level for B-WET in the Chesapeake is \$2.7 million.

Fisheries Science - \$1 million

Chesapeake fisheries contribute significantly to the economy and culture of the region. In 2019, blue crab abundance increased to 594 million crabs, though harvest numbers were down. Striped bass (rockfish) have had a noticeable decline in recent years and Maryland, Virginia, and the Potomac River Fisheries Commission are all looking at additional harvest restrictions in 2020. Rockfish remain the most popular commercial and recreational finfish in the Bay, generating roughly \$500 million in economic activity related to fishing expenditures, travel, lodging, and so on each year – but the future is uncertain. NCBO works with top academic institutions to provide science used to sustainably manage commercially and recreationally valuable species. These efforts have been hampered by slowly eroding budgets, leaving NCBO without a single fishery biologist on staff. These efforts are funded at \$240,000 in FY20.

Chesapeake Bay Interpretive Buoy System (CBIBS) – \$1 million

Weather and water conditions on the Chesapeake Bay are constantly changing. It is imperative that monitoring systems are in place to provide high quality data to understand, forecast, and develop decision support applications that aid maritime commerce, safety, and fishing activities. CBIBS is maintained by NCBO and relays near real time weather and water information to the National Weather Service, boaters, pilots, and researchers. This is the only system monitoring wind and waves together in the mainstem of the Bay. In addition, CBIBS plays a crucial role monitoring key aspects of the Bay's health. Data from the buoys are used to track sediment plumes spilling into the Bay following storms, measure oxygen levels important to fish throughout the year and to forecast the distribution and severity of dangerous bacteria – information that is critical to successful aquaculture operations. CBIBS is funded at approximately \$800,000 in FY20.

Climate and Resiliency - \$200,000

NOAA and the U.S. Geological Survey lead implementing the climate resiliency goal for the Chesapeake Bay Program partnership. The NOAA Chesapeake Bay Office maintains a full-time climate resiliency specialist to coordinate all climate activities across the Chesapeake Bay Program, including activities such as monitoring for the impacts of sea level rise, coastal flooding, increased storm intensity and their effects on living resources and coastal communities.

Thank you for your consideration of these very important requests to maintain funding for programs that are critical to the health of the Chesapeake Bay and its natural resources. Please contact Peter J. Marx at Peter@ChooseCleanWater.org with any questions or concerns.

Sincerely,

Alice Ferguson Foundation	Conservation Voters of Pennsylvania
Alliance for the Chesapeake Bay	Corsica River Conservancy
Alliance for the Shenandoah Valley	Delaware Nature Society
American Battlefield Trust	Delaware-Otsego Audubon Society
American Canoe Association	Ducks Unlimited
American Chestnut Land Trust	Earth Conservation Corps
American Rivers	Earth Force
Anacostia Riverkeeper	Earthworks
Anacostia Watershed Society	Eastern Pennsylvania Coalition for
Annapolis Green	Abandoned Mine Reclamation
Arundel Rivers Federation	Eastern Shore Land Conservancy
Audubon Maryland/DC	EcoLatinos
Audubon Naturalist Society	Elizabeth River Project
Audubon Society of Northern Virginia	Elks Run Watershed Group
Baltimore Tree Trust	Environment America
Beaverdam Creek Watershed Watch Group	Environment Maryland
Blue Heron Environmental Network	Environment New York
Blue Ridge Watershed Coalition	Environment Virginia
Butternut Valley Alliance	Environmental Advocates of New York
Cacapon Institute	Environmental Integrity Project
Capital Region Land Conservancy	Environmental Justice Center of Chestnut
Catskill Mountainkeeper	Hill
Center for Progressive Reform	United Church
Chapman Forest Foundation	Environmental Working Group
Chemung River Friends	Envision Frederick County
Chesapeake Bay Foundation	FracTracker
Chesapeake Commons	Friends of Accotink Creek
Chesapeake Conservancy	Friends of Dyke Marsh
Chesapeake Foodshed Network	Friends of Frederick County
Chesapeake Legal Alliance	Friends of Lower Beaverdam Creek
Chesapeake Wildlife Heritage	Friends of the Middle River
Clean Fairfax Council	Friends of Nanticoke River
Clean Water Action	Friends of Quincy Run
Cleanwater Linganore, Inc	Friends of St Clements Bay
Coalition for Smarter Growth	Friends of the Bohemia

Friends of the North Fork of the Shenandoah River
 Friends of the Rappahannock
 Friends of the Rivers of Virginia
 Goose Creek Association
 Interfaith Partners for the Chesapeake
 Izaak Walton League of America
 James River Association
 Lackawanna River Conservation Association
 Lancaster County Conservancy
 Lancaster Farmland Trust
 Little Falls Watershed Alliance
 Lower Shore Land Trust
 Lower Susquehanna Riverkeeper Association
 Lynnhaven River NOW
 Maryland Academy of Science at Maryland Science Center
 Maryland Conservation Council
 Maryland League of Conservation Voters
 Mattawoman Watershed Society
 Montgomery Countryside Alliance
 Muddy Branch Alliance
 National Aquarium
 National Parks Conservation Association
 National Wildlife Federation
 Natural Resources Defense Council
 Nature Abounds
 NeighborSpace of Baltimore County
 Ohio Valley Environmental Coalition
 Otsego County Conservation Association
 Otsego Land Trust
 Partnership for Smarter Growth
 Patapsco Heritage Greenway
 Patuxent Tidewater Land Trust
 PennEnvironment
 PennFuture
 Penns Valley Conservation Association
 Pennsylvania Council of Churches
 Piedmont Environmental Council
 Potomac Conservancy
 Potomac Riverkeeper Network
 Potomac Valley Audubon Society
 Rachel Carson Council
 Rappahannock League for Environmental Protection
 Restore America's Estuaries
 Richmond Audubon Society
 Rivanna Conservation Alliance
 River Network
 Rivertown Coalition for Clean Air and Clean Water
 Rock Creek Conservancy
 Scenic Rivers Land Trust
 Shenandoah Riverkeeper
 ShoreRivers
 Sidney Center Improvement Group
 Sierra Club - Maryland Chapter
 Sleepy Creek Watershed Association
 Southeast Rural Community Assistance Project
 Southern Environmental Law Center
 Southern Maryland Audubon Society
 SouthWings
 St. Mary's River Watershed Association
 Susquehanna Heritage
 Ten Mile Creek
 The Downstream Project
 Theodore Roosevelt Conservation Partnership
 Transition Howard County
 Upper Potomac Riverkeeper
 Upper Susquehanna Coalition
 Virginia Association for Biological Farming
 Virginia Conservation Network
 Virginia Interfaith Power and Light
 Virginia League of Conservation Voters
 Warm Springs Watershed Association
 Waterfront Partnership of Baltimore
 Waterkeepers Chesapeake
 West Virginia Citizens Action Group
 West Virginia Environmental Council
 West Virginia Highlands Conservancy
 West Virginia Rivers Coalition
 West Virginia Wilderness Coalition
 Wetlands Watch
 Wicomico Environmental Trust
 Wild Virginia



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**Testimony of
Jeremy Red Star Wolf, Chairman
Columbia River Inter-Tribal Fish Commission
Regarding NOAA's Fiscal Year 2021 Budget
Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies
United States Senate
March 13, 2020**

The Columbia River Inter-Tribal Fish Commission (CRITFC) is pleased to share our views on the Department of Commerce's FY 2021 budget and has identified the following funding needs:

\$109.0 million for Salmon Management Activities of which:

- \$26.7 million supports Mitchell Act Programs to implement reforms called for in the "Conservation of Columbia Basin Fish" and the Federal Columbia River Power System Biological Opinion, of which \$6.7 million (or 25% of the enacted amount) is directed to the tribes to enhance natural stock recovery programs; and
- \$82.3 million for the Pacific Salmon Treaty, of which \$42.3 million is annual operations for the implementation of the 2019-2028 Agreement, and \$40.0 million is one-time funding for specific projects to support the implementation of the 2019-2028 Agreement.

\$70 million for the Pacific Coastal Salmon Recovery Fund to support on-the-ground salmon restoration activities.

BACKGROUND: The Columbia River Inter-Tribal Fish Commission (CRITFC) was founded in 1977 by the four Columbia River treaty tribes: Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, Confederated Tribes and Bands of the Yakama Nation, and Nez Perce Tribe. CRITFC provides coordination and technical assistance to the tribes in regional, national and international efforts to protect and restore the fisheries and fish habitat.

In 1855, the United States entered into treaties with the four tribes¹. The tribes' ceded millions of acres of our homelands to the U.S. and the U.S. pledged to honor our ancestral rights, including the right to fish at all usual and accustomed places. Unfortunately, a long history of hydroelectric development, habitat destruction and over-fishing by non-Indians brought the salmon resource to the edge of extinction with 12 salmon and steelhead trout populations in the Columbia River basin listed under the Endangered Species Act (ESA).

Today, the treaties form the bedrock of fisheries management. The CRITFC tribes are among the most successful fishery managers in the country leading restoration efforts and working with state, federal and private entities. CRITFC's comprehensive plan, *Wy-Kan-Ush-Mi Wa-Kish-Wit*,

¹ Treaty with the Yakama Tribe, June 6, 1855, 12 Stat. 951; Treaty with the Tribes of Middle Oregon, June 25, 1855, 12 Stat. 963; Treaty with the Umatilla Tribe, June 9, 1855, 12 Stat. 945; Treaty with the Nez Perce Tribe, June 11, 1855, 12 Stat. 9

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outlines principles and objectives designed to halt the decline of salmon, lamprey and sturgeon populations and rebuild the fisheries to levels that support tribal ceremonial, subsistence and commercial harvests. To achieve these objectives, the plan emphasizes strategies that rely on natural production, healthy rivers and collaborative efforts.

Several key regional agreements were completed in 2008. The Columbia Basin Fish Accords set out parameters for management of the Federal Columbia River Power System for fish passage. New agreements in *U.S. v. Oregon* and the Pacific Salmon Commission established fishery management criteria for fisheries ranging from the Columbia River to Southeast Alaska. The *U.S. v. Oregon* agreement also contains provisions for hatchery management in the Columbia River Basin. The terms of all three agreements run through 2018. We have successfully secured other funds to support our efforts to implement these agreements, including funds from the Bonneville Power Administration (BPA), the Department of Interior, and the Southern Fund of the Pacific Salmon Treaty, to name just few. Continued federal funding support is needed to accomplish the management objectives embodied in the agreements.

Columbia River (Mitchell Act) Hatchery Program: Restoring Pacific salmon and providing for sustainable fisheries requires using the Columbia River Mitchell Act hatchery program to supplement naturally spawning stocks and populations. To accomplish this goal, \$26.6 million is requested for the tribal and state co-managers to jointly reform the Mitchell Act hatchery program. Of this amount, \$6.7 million, or 25% of enacted funding, will be made available to the Columbia River Treaty Tribes for supplementation (natural stock recovery) programs. The Mitchell Act program provides regional economic benefits. NOAA Fisheries estimates that the program generates about \$38 million in income and supports 870 jobs.

Since 1982, CRITFC has called for hatchery reform to meet recovery needs and meet mitigation obligations. In 1991, this subcommittee directed that “Mitchell Act hatcheries be operated in a manner so as to implement a program to release fish in the upper Columbia River basin above the Bonneville Dam to assist in the rebuilding of upriver naturally-spawning salmon runs.” Since 1991, we have made progress in increasing the upstream releases of salmon including Mitchell Act fish that have assisted the rebuilding and restoration of naturally-spawning upriver runs of chinook and coho. These efforts need to continue.

We now face the challenges of managing for salmon populations listed for protection under the ESA, while also meeting mitigation obligations. The Final Environmental Impact Statement (FEIS) for operation of Columbia River basin hatcheries released by NOAA in 2016 illustrates the conundrum we face. While the FEIS, which assumes level funding for Mitchell Act hatcheries, it also points out the need for hatchery reform. The implementation scenario for the preferred alternative calls for substantial reductions in hatchery releases of fall chinook. Under the preferred alternative the future is increased regulation under the ESA, resulting in more constrained fisheries along the west coast. The funding for the Mitchell Act program should be increased along with natural stock recovery program reform (supplementation) so that we can make progress towards ESA delisting. This would transition the Mitchell Act program to a much more effective mitigation program.

We support hatchery reform to aid in salmon recovery while meeting mitigation obligations. The CRITFC tribes are leaders in designing and managing hatchery facilities to aid in salmon restoration and believe similar practices need to be implemented throughout the basin to reform

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FY 2021 Budget – Commerce, Justice, Science and Related Agencies**

current hatchery production efforts. Years of inadequate funding have taken a toll resulting in deteriorating facilities that do not serve our objectives.

Evidence to Support Tribal Salmon Restoration Programs under the Mitchell Act: The tribes' approach to salmon recovery is to put fish back in to the rivers and protect the watersheds where fish live. Scientific documentation of tribal supplementation success is available upon request. The evidence is seen by the increasing returns of salmon in the Columbia River Basin. Wild spring chinook salmon are returning in large numbers to the Umatilla, Yakima and Klickitat tributaries. Coho in the Clearwater River are now abundant after Snake River coho was once declared extinct. Fish are returning to the Columbia River Basin and it is built on more than thirty years of tribal projects.

Once considered for listing under the ESA, only 20,000 fall chinook returned to the Hanford Reach on the Columbia River in the early 1980's. This salmon run has been rebuilt through the implementation of the Vernita Bar agreement of the mid-1980s combined with a hatchery program that incorporated biologically appropriate salmon that spawn naturally upon their return to the spawning beds. Today, the Hanford Reach fall chinook run is one of the healthiest runs in the basin supporting fisheries in Alaska, Canada, and the mainstem Columbia River. In 2013, close to 700,000 Fall Chinook destined for the Hanford Reach entered the Columbia River, which was a record since the construction of Bonneville Dam.

In the Snake River Basin, fall chinook has been brought back from the brink of extinction. Listed as threatened under the ESA, the estimated return of naturally-spawning Snake River fall chinook averaged 328 adults from 1986-1992. In 1994, fewer than 2,000 Snake River fall chinook returned to the Columbia River Basin. Thanks to the Nez Perce Tribe's modern supplementation program fall chinook are rebounding and the Snake River fall chinook is well on their way to recovery and ESA delisting. In 2013, about 56,000 fall chinook made it past Lower Granite Dam. Of those, approximately 21,000 were wild, twice the previous record for wild returns since the dam was constructed in 1975.

A Request for Review of Salmon Mass-Marking Programs: CRITFC endeavors to secure a unified hatchery strategy among tribal, federal and state co-managers. To that end, we seek to build hatchery programs using the best available science and supported by adequate, efficient budgets. A Congressional requirement, delivered through prior appropriations language, to visibly mark all salmon produced in federally funded hatcheries should be reconsidered. We have requested that federal mass-marking requirements, and correlated funding, be reviewed for compatibility with our overall objective of ESA delisting and with prevailing laws and agreements: *U.S. v Oregon*, Pacific Salmon Treaty and the Columbia Basin Fish Accords.

Salmon managers should be provided the latitude to make case-by-case decisions whether to mark fish and, if so, in the appropriate percentages.

Pacific Salmon Treaty Program: CRITFC supports the U.S. Section recommendation of \$82.3 million for implementation of the revised Pacific Salmon Treaty (Treaty).

² Letter from Bruce Jim, Chairman, Columbia River Inter-Tribal Fish Commission to U.S. House of Representatives Chairmen Frank Wolf, Mike Simpson and Doc Hastings, July 11, 2011

Testimony of the Columbia River Inter-Tribal Fish Commission
FY 2021 Budget – Commerce, Justice, Science and Related Agencies

Pacific Coastal Salmon Recovery Program (PCSRF): The PCSRF program was developed in 2000 by the State of Alaska, the Pacific Northwest states, and the treaty tribes since the renewal of the Pacific Salmon Treaty in 1995 to fulfill the unmet needs for the conservation and restoration of salmon stocks shared in the tribal, state, and international fisheries. Since that time, the number of entities eligible for receiving funding has grown.

The PCSRF has funded 385 Yakama, Umatilla, Warm Springs, Nez Perce, and CRITFC tribal salmon recovery projects. These projects have contributed greatly to the sustainability of Columbia Basin salmon species and their habitat. Accomplishments include 1,638 stream miles being protected; 411 miles of stream made accessible to salmon; 4,963 acres of riparian area treated; 11,341 acres conserved by acquisition or lease; and 1.5 million salmon fry/smolt released annually. The PCSRF is vital to fulfill the region's goal of full salmon recovery and sustainability of the fishery.

The co-managers have developed an extensive matrix of performance standards to address accountability and performance standards, which includes the use of monitoring protocols to systematically track current and future projects basin-wide. The PCSRF projects implemented are based on the best science, adequately monitored and address the limiting factors affecting salmon restoration. Projects undertaken by the tribes are consistent with CRITFC's salmon restoration plan and the programmatic areas identified by Congress.

We recommend maintaining the current funding level at \$70 million for the PCSRF FY 2021 allocation. Long-term economic benefits can be achieved by making PCSRF investments on-the-ground to rebuild sustainable, harvestable salmon populations into the future.

In summary, the CRITFC and our four member tribes have developed the capacity and infrastructure to become the regional leaders in restoring and rebuilding salmon populations of the Columbia Basin. Our collective efforts protect our treaty reserved fishing rights and provides healthy, harvestable salmon populations for all citizens to enjoy. This is a time when increased effort and participation are demanded of all of us and we ask for your continued support of a coordinated, comprehensive effort to restore the shared salmon resource of the Columbia and Snake River Basins. We will be pleased to provide any additional information that this subcommittee may require.

Contact: Charles Hudson, Director of Government Affairs, 503-731-1275, hudc@critfc.org.

Testimony of RADM Jonathan White, USN (Ret.)
President and CEO, Consortium for Ocean Leadership
House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies
13 March 2020

On behalf of the Consortium for Ocean Leadership (COL), which represents our nation's leading ocean science, research, and technology organizations from academia, industry, and the larger nonprofit sector (to include philanthropy, associations, and aquariums), I appreciate the opportunity to submit for the record our fiscal year (FY) 2021 funding priorities for the National Oceanic and Atmospheric Administration (NOAA), the National Science Foundation (NSF), and the National Aeronautics and Space Administration (NASA).

Last year brought an Atlantic hurricane season that was the fourth most active on record, including the devastating Dorian. Harmful algal blooms continued to ravage coastal communities around both our ocean and our lakes, impacting the health and livelihood of millions of Americans. Economic opportunities grew — as of September, there were 26,000 MW of offshore wind capacity, which will only grow as planned auctions continue — but also fell — in December, an announcement was made that, for the first time ever, the federal cod fishery in the Gulf of Alaska will close for the 2020 season. And the number of people in our coastal populations — 94.7 million in 2017 — only continues to grow.

It's clear that our national, homeland, energy, food, water, and economic securities, as well as our public health and safety, depend on a healthy ocean — which in turn depends on ocean science and technology — a concept I refer to as “ocean security.” This understanding lets us properly forecast, prepare, mitigate, and resiliently recover from the events listed above—and the many others that come from the ocean. I hope that as the subcommittee makes funding decisions for FY 2021, you will provide the needed support for programs, many of which are outlined below, that advance our nation's ocean security, ensuring we remain an economically competitive, scientifically literate nation secure in our access to food, water, and energy.

Ocean issues don't fall to just one agency but to more than a dozen. Even specific topics are covered by multiple agencies. NOAA and NSF both have substantial ocean observing infrastructure through the U.S. Integrated Ocean Observing System (IOOS) and the Ocean Observatories Initiative (OOI), respectively, but other agencies collect their own data through their missions, fleets, and other techniques. IOOS itself has 17 federal partners. Advancing science, technology, engineering, and math (STEM) education falls to, among others, NOAA's Office of Education, NASA's Office of STEM Engagement, and NSF's Directorate for Education and Human Resources. But it's not just the federal ocean science community investing in these and other similar enterprises; there are more than 600 businesses engaged in ocean observation and forecasting; over 400 postsecondary institutions that provide ocean-related certificates or degrees; and in excess of 45,000 nonprofits focused on ocean and coastal activities. Partnerships and collaborations are critical to successfully addressing ocean issues, ensuring wise use of resources, and making data accessible.

Fortunately, a program already exists that can spur the rapid and flexible creation of multisector partnerships to solve complex ocean problems and advance the economic, environmental, and national security interests of the United States. The National Oceanographic Partnership Program (NOPP), a congressionally mandated program established in 1997, is an ideal vehicle to advance collaborative efforts and already has been involved with funding projects such as IOOS, the Argo

Project, and the JASON project. If we are serious about better understanding our ocean, its threats and its opportunities, it would be in our best interest to do so in a manner that promotes collaboration and leveraging of funds amongst all stakeholders — public and private. ***To fully utilize NOPP and facilitate the success of projects promoting national goals (national security, economic prosperity, quality of life) related to ocean knowledge, I respectfully request the subcommittee provide \$20 million in NOPP funding – \$10 million to NOAA and \$10 million to NASA.*** I thank the subcommittee for their support of the program in FY 2020 appropriations. Additionally, COL supports interest that has been expressed by the agencies in transferring the Ocean Research Advisory Panel (ORAP), NOPP's statutory *Federal Advisory Committee Act* body, from Navy to NOAA, and would request that \$1 million of the \$10 million appropriated to NOAA for NOPP be specified for ORAP as conditional funding.

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National Oceanic and Atmospheric Administration

For NOAA to fully execute its mission of service and science, I respectfully request \$6.5 billion for the agency, in addition to support to other programs highlighted below.

To ensure that our ocean is both healthy and sustainably used, we must first know what exists beneath its waters. Unfortunately, more than 80 percent of our ocean is unexplored, unmapped, or unobserved. I appreciate the renewed effort from the administration to increase ocean mapping through the *Presidential Memorandum on Ocean Mapping of the United States Exclusive Economic Zone and the Shoreline and Nearshore of Alaska*. However, I want to ensure equal efforts are paid to exploration and that funds aren't taken from NOAA's Office of Ocean Exploration and Research (OER), the only federal organization dedicated to ocean exploration, and reallocated to mapping efforts. Additionally, due to the cooperative nature of ocean exploration — which includes other federal and state agencies, nonprofits, private industry, and academic institutions — ***I respectfully request the subcommittee fund OER at \$60 million and that report language address the importance of collaboration and coordination among federal and state agencies, academic institutions, industry, and other oceanographic partners to maximize return on investment and advance shared data, science and public engagement, and innovative technology.***

Hand-in-hand with exploration are ocean observations, which let us know who needs to evacuate from a hurricane's path, if the shipping channel is deep enough for a vessel to pass through safely, if changing pH will wipe out a shellfish farm; or if an area should be a marine sanctuary or a potential site for offshore wind development. The U.S Integrated Ocean Observing System (IOOS) is a coordinated network of technologies (such as gliders, satellites, buoys, underwater vehicles, and tide gauges) that generate continuous data on our coasts, ocean, and Great Lakes. Building and leveraging local and regional partnerships ensures IOOS' efficiency and provides the infrastructure needed to support jobs, the economy, maritime safety, and environmental health. ***To ensure we continue to collect data and increase our ocean observations, I respectfully request \$45.25 million for the regional system and \$7.3 million for the IOOS Program Office. This regional system request includes \$34.7 million for the network of 11 regional coastal observing systems; \$2.52 million to install high-frequency radar systems to close gaps in surface current mapping; \$2.46 million for underwater gliders to detect harmful algal blooms, ensure safe navigation, and improve hurricane warnings; \$1.27 million for streamlining observations; and \$4.3 million for research and development.***

I thank the subcommittee for continuing to recognize the importance of STEM education and extension programs, despite repeated attempts by the administration to eliminate many of them. ***I respectfully request \$20 million for NOAA's Bay-Watershed Education and Training and Environmental Literacy Program (ELP).*** The two goals of NOAA's agency-wide education strategic plan required by the *America COMPETES Act* are workforce development and environmental literacy, where formal and informal education and outreach create an environmentally literate society. Sustained and adequate funding for these programs not only advances NOAA's mission but grows the STEM workforce, strengthens our economy, and ensures our national security. As the longest-standing and most comprehensive national grants program with a focus on environmental literacy, ELP grants have and will continue to keep our coastal communities – and our nation as a whole – safe, secure, and prosperous. Adequately funding ELP will allow programs such as the National Ocean Sciences Bowl (NOSB), a quiz-bowl style ocean science competition for high schoolers that has received ELP funding during its 23-year history, to flourish. The NOSB alone has graduated tens of thousands of students from high school with a solid ocean science foundation who go on to careers that advance our nation and keep it secure.

For more than 50 years, the National Sea Grant College Program (Sea Grant) has supported coastal and Great Lakes communities, improving community and economic resiliency, ensuring the health of coastal ecosystems, and advancing environmental literacy and workforce education. In 2018, \$76.5 million in federal funds resulted in \$624 million in economic benefit, helping more than 200 communities improve their resilience and over 2,000 seafood HACCP safety certifications. ***I respectfully request \$82.9 million for the National Sea Grant College Program and \$15 million for Sea Grant Aquaculture in FY 2021.***

The importance of programs that address emerging issues cannot be understated. One of these, NOAA's Marine Debris Program, has grown in importance and visibility as scientists and the public better understand the widespread impact of the ocean plastic problem. ***I respectfully request \$10 million for this program to evaluate, track, and clean up debris that threatens ocean health.***

National Science Foundation

As the only federal agency tasked with supporting all fields of fundamental science and engineering (except medical sciences), NSF is vital to our nation's scientific enterprise, today and tomorrow. ***I respectfully request at least \$9 billion for NSF "to promote the progress of science; to advance the national health, prosperity, and welfare; to secure the national defense" in FY 2021.***

I want to thank the subcommittee for providing \$127 million in FY 2019 to finish out the final year of a three-year funding profile to complete construction of all three Regional Class Research Vessels (RCRVs). With more modern technology and abilities than previous generations, these long-awaited RCRVs will provide even more access to the marine realm, and ***I respectfully request the subcommittee maintain full support for these critical research vessels.***

As with NOAA, STEM education at NSF plays a vital role in securing our national, homeland, economic, energy, food, and water securities. Broadening the backgrounds of scientists to represent all people across our nation, better reflecting our diversity of gender, race, class, and perspective, is critical for all STEM fields — not just ocean science. A diverse, STEM-literate workforce strengthens our nation's economy and is vital to maintaining the nation's leadership in science and technology innovation. It's imperative to reinforce the importance of funding federal programs that

empower underrepresented groups to become the next generation of ocean-STEM leaders at every educational and technical level. The NSF INCLUDES (Inclusion across the Nation of Communities and Learners of Underrepresented Discoverers in Engineering and Science) program aims to increase access to and participation in STEM learning by demographic groups with historically low participation in these fields. Programs such as this – that support a more diversified academic core in the science and technology workforce – are key to growing our blue economy.

National Aeronautics and Space Administration

While trips to the moon and Mars spur excitement and wonder, it's critically important that space exploration not come at the expense of understanding our only home. ***I respectfully request \$7.25 billion for the Science Mission Directorate and \$2.5 billion for NASA Earth Science.*** This should include support for the agency's Earth-facing missions, including those proposed for elimination in the president's budget request, specifically the Plankton, Aerosol, Cloud, ocean Ecosystem (PACE) mission and the Climate Absolute Radiance and Refractivity Observatory (CLARREO) Pathfinder instrument. Both were recommendations from the 2007 Earth Science decadal survey. As support is thrown behind the space-based efforts at NASA, let's not forget how space-based ocean science can inform research related to ocean work on other moons and planets.

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In 2004, the U.S. Commission on Ocean Policy released *An Ocean Blueprint for the 21st Century*. It describes a vision where

“The oceans, coasts, and Great Lakes are clean, safe, prospering, and sustainably managed. They contribute significantly to the economy, supporting multiple, beneficial uses such as food production, development of energy and mineral resources, recreation and tourism, transportation of goods and people, and the discovery of novel medicines, while preserving a high level of biodiversity and a wide range of critical natural habitats.”

In the ensuing 16 years, we've made progress in achieving that vision, but we still have a long way to go before it becomes reality. It's increasingly becoming more and more clear that strengthening our ocean security — through transformational partnerships like NOPP and adequate and consistent funding for our federal ocean science agencies and programs — is necessary to the success and stability of our maritime nation.

Our nation doesn't exist in a vacuum. As our federal investments in ocean science and technology falter, our competitors' investments do not. Other nations, such as our great peer-competitor China, are investing more in research infrastructure and education and are threatening our global leadership in the maritime domain.

As you work to provide funding for these critical programs, COL and our member institutions (<https://oceanleadership.org/membership/>) are doing all we can to give you the subcommittee allocations necessary to fully fund these programs. I know you face difficult decisions that involve offsets and divestments to achieve a balanced budget. COL and our members stand ready to engage in discussion to help establish priorities around the ocean security framework to support these difficult decisions. Thank you for your exemplary leadership and dedicated work and for the opportunity to provide input into FY 2021.



CONSORTIUM of SOCIAL SCIENCE ASSOCIATIONS

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**Testimony in Support of Fiscal Year 2021 Funding for the National Science Foundation,
Census Bureau, National Institute of Justice, and Bureau of Justice Statistics
Prepared for the Subcommittee on Commerce, Justice, Science and Related Agencies
Committee on Appropriations, United States House of Representatives**

**Submitted by Wendy A. Naus, Executive Director
Consortium of Social Science Associations
March 13, 2020**

On behalf of the Consortium of Social Science Associations (COSSA), I offer this written testimony for inclusion in the official committee record. For fiscal year (FY) 2021, COSSA urges the Committee to appropriate \$9 billion for the National Science Foundation (NSF), \$1.68 billion for the Census Bureau, \$41 million for the National Institute of Justice (NIJ), and \$48 million for the Bureau of Justice Statistics (BJS). First, I wish to thank the Subcommittee for its longstanding support for federal science agencies. Despite tough, ongoing fiscal challenges, the Subcommittee has continued to maintain funding for basic research as a top priority. Thank you.

COSSA serves as a united voice for a broad, diverse network of organizations, institutions, communities, and stakeholders who care about a successful and vibrant social and behavioral science research enterprise. We represent the collective interests of all STEM disciplines engaged in the rigorous study of why and how humans behave as they do as individuals, groups and within institutions, organizations, and society. Social and behavioral science research is supported across the federal government, including at the National Science Foundation and the Department of Justice. Further, federal statistics produced by the Census Bureau and other federal statistical agencies provide data needed to conduct social science research to inform policy decisions. Taken together, federal social and behavioral science and statistical data help provide answers to complex, human-centered questions.

To cite just a few examples¹:

¹ <https://www.cossa.org/wp-content/uploads/2014/06/stories-one-pager.pdf>

AMERICAN ANTHROPOLOGICAL ASSOCIATION • AMERICAN ASSOCIATION FOR PUBLIC OPINION RESEARCH • AMERICAN ECONOMIC ASSOCIATION
AMERICAN EDUCATIONAL RESEARCH ASSOCIATION • AMERICAN POLITICAL SCIENCE ASSOCIATION • AMERICAN PSYCHOLOGICAL ASSOCIATION
AMERICAN SOCIETY OF CRIMINOLOGY • AMERICAN SOCIOLOGICAL ASSOCIATION • AMERICAN STATISTICAL ASSOCIATION • LAW AND SOCIETY ASSOCIATION
LINGUISTIC SOCIETY OF AMERICA • MIDWEST POLITICAL SCIENCE ASSOCIATION • NATIONAL COMMUNICATION ASSOCIATION
POPULATION ASSOCIATION OF AMERICA • SOCIETY FOR PERSONALITY AND SOCIAL PSYCHOLOGY • SOCIETY FOR RESEARCH IN CHILD DEVELOPMENT

- Major leaps in emulating human mental capabilities in the fields of information technology and computer science, such as in machine translation and artificial intelligence, have been possible thanks to basic linguistic research.
- Anthropologists applied expertise in cultural practices to guide policy and shape interventions and strategy in combatting the Ebola epidemic in West Africa.
- Research in psychology and economics has shown that individuals are not saving enough for retirement and led to enactment of the *Pension Protection Act of 2006*, encouraging the use of practices such as automatic enrollment, employer contribution, contribution escalation, and qualified default investment alternative practices.

In short, knowledge derived from social and behavioral science research has made our population healthier, our democracy fairer, our nation safer, and our economy stronger. Without these sciences, policymaking on major national and global issues would not be based on evidence, and billions of dollars would be wasted.

National Science Foundation

COSSA joins the broader scientific community in support of **\$9 billion for the National Science Foundation (NSF) in FY 2021**. Just as important, NSF and the broader U.S. scientific enterprise require stability, predictability, and sustainable funding growth, as well as federal policies that are patient and can tolerate a reasonable amount of risk in order to achieve the greatest payoff.

NSF is the only U.S. federal agency tasked with supporting basic scientific research across all fields of science. NSF supports about a quarter of all federally funded basic scientific research conducted at colleges and universities nationwide and serves as the largest single funder of university-based basic social and behavioral science research. Though NSF's Social, Behavioral, and Economic Sciences Directorate (SBE)—one of seven research directorates at NSF—represents less than five percent of the entire NSF research budget, it supports around two-thirds of total federal funding for academic basic research in the social and behavioral sciences (excluding psychology). As the primary funding source for the majority of our disciplines, stagnant or reduced funding for SBE has an outsized impact on the social and behavioral science community. As increased investment is made in NSF, we are hopeful the social, behavioral and economic sciences will see commensurate increases.

Further, while by far the smallest of the research directorates, SBE's impact is huge. The National Academies of Sciences, Engineering and Medicine stated in its 2017 consensus report, *The Value of Social, Behavioral, and Economic Sciences to National Priorities*², that “nearly every major challenge the United States faces—from alleviating unemployment to protecting itself from terrorism—requires understanding the causes and consequences of people’s behavior. Even societal challenges that at first glance appear to be issues only of medicine or engineering or computer science have social and behavioral components.”

² <https://www.nap.edu/catalog/24790/the-value-of-social-behavioral-and-economic-sciences-to-national-priorities>

While continuing to serve as the home for basic scientific discovery, NSF has also been planning and funding research activities as part of its 10 Big Ideas for Future NSF Investment over the last several years. The concepts, goals, and directions of the Big Ideas are exciting and promise to push the frontiers of science. However, we remain concerned about NSF losing its defining characteristic, which is to be the incubator for basic scientific discovery across all areas of science. While we encourage support for the Big Ideas in FY 2021, we hope that such investments do not come at the expense of NSF's core research activities. NSF's investigator-initiated, discovery-driven identity is what makes it special and has kept the American science enterprise at the leading edge of innovation. **COSSA urges the Committee to ensure a balanced approach is taken within NSF to support the 10 Big Ideas and NSF's core research activities.**

Census Bureau
U.S. Department of Commerce

COSSA requests that the Committee appropriate \$1.681 billion for the Census Bureau in FY 2021, including \$288.4 million for Current Surveys and Programs and \$1.393 billion for Periodic Censuses and Surveys. Social scientists across the country rely on the Census Bureau for accurate, timely, objective, and relevant data to better understand the U.S. population and to produce findings that help us shape policies that better serve the American people.

As peak operations for the 2020 Census wrap up, the Census Bureau will turn its attention in FY 2021 to producing the Constitutionally-mandated apportionment and redistricting data as well as publishing other data produced by the census count. In addition, the Bureau will begin the process of closing out the massive 2020 Census operation: releasing staff, closing out offices, and decommissioning equipment.

With this shift in focus away from the decennial census, the Census Bureau faces an opportunity to devote significant effort to modernize the Bureau to meet the challenges of 21st century data collection. With sufficient Congressional support, the Census Bureau can transition its massive integrated data collection processing program created for the 2020 Census into a Bureau-wide program that can take in data from across the Census Bureau's programs and surveys and create efficiencies.³ At the same time, the Census Bureau will require adequate resources to expand its data storage and analysis capabilities, continue its work to improve linking data from administrative records and big data sources, and ensure that the Bureau continues to set the standard in data security and disclosure avoidance.

In addition, **COSSA calls on Congress to fully fund the American Community Survey (ACS) and maintain its status as a mandatory federal survey.** The ACS is the only source of comparable, consistent, timely, and high-quality demographic and socio-economic data for all communities in the U.S. As a component of the Decennial Census, the ACS is a "mandatory" national survey. The accuracy of the data collected by the ACS relies on this mandatory status. Targeted cuts and

³ https://www.commerce.gov/sites/default/files/2020-02/fy2021_census_congressional_budget_justification.pdf

changes to make the survey voluntary would significantly undermine the ability to collect usable data on all U.S. counties, particularly in less populous, rural areas of the country.

National Institute of Justice and Bureau of Justice Statistics
U.S. Department of Justice

COSSA urges the Committee to appropriate \$41 million for the National Institute of Justice (NIJ) and \$48 million for the Bureau of Justice Statistics (BJS) within the U.S. Department of Justice (DOJ) in FY 2021. NIJ serves as the research arm of the Department of Justice, filling an important role in helping the agency to understand and implement science-based strategies for crime prevention and control. It supports rigorous social science research that can be disseminated to criminal justice professionals to keep communities safe. Both agencies received devastating cuts in FY 2019 and FY 2020, making increases in FY 2021 even more crucial as NIJ and BJS must now address new Congressional mandates, including implementation of the *FIRST STEP Act*.

The Bureau of Justice Statistics (BJS) is one of 13 principal federal statistical agencies. BJS produces data that provides statistical evidence needed by researchers and criminal justice policy decision makers. Taken together with NIJ, these modest annual investments represent the only dedicated sources of federal research support committed to enhancing our understanding of crime and the criminal justice system, including around topics like victimization, law enforcement, recidivism and reentry, drugs and crime, and tribal justice.

The U.S. faces numerous pressing criminal justice and law enforcement challenges, including understanding the mental health needs of people involved in the justice system, the drivers of domestic radicalization, effective solutions to opioid addiction, and ways to improve police officer safety and community relations. By working with jurisdictions at all levels to compile data and support research, DOJ—through NIJ and BJS investments— provides key insights that improve public safety. Making the results of this research available to state and local officials and the public allows justice and law enforcement professionals to learn what works, adopt best practices, and improve public safety by leveraging the best research and data to protect the public, reduce recidivism, and support law enforcement and communities. Congress must prioritize federal data collection and research if we are to provide local, state, and federal officials with the information they need to develop strategies to improve public safety in our communities.

Thank you for the opportunity to offer this statement. Please do not hesitate to contact me should you require additional information.

DATA COALITION

Commerce, Justice, and Science Subcommittee
United States House of Representatives Committee on Appropriations
Department of Commerce, Bureau of Economic Analysis

March 13, 2020

Written Testimony of Nicholas R. Hart, Chief Executive Officer - Data Coalition

Subject: Support for Effective Implementation of the Foundations for Evidence-Based Policymaking Act, the Federal Data Strategy, and Other Data Innovations in Government

Chairman Serrano, Ranking Member Aderholt, and Members of the Commerce, Justice, Science, and Related Agencies Subcommittee on Appropriations, thank you for this opportunity to provide outside written testimony on behalf of the Data Coalition.

The Data Coalition represents a broad group of technology and data analysis companies, public sector consulting and accounting firms, and nonprofits. The Data Coalition promotes policies that enable government data to be high quality, accessible, and usable. Our members have annual revenues over \$300 billion, employees in every state of the country, and a global reach on emerging innovation and technology issues.

While some federal agencies are rapidly innovating to better use the data the government already collects to improve service delivery and program implementation, there is much room for improvement across the entire federal government. For this reason, Congress in 2016 created the U.S. Commission on Evidence-Based Policymaking (P.L. 114-140), to study potential solutions for more effectively using one of government's most underutilized assets – data.

In 2017, the U.S. Commission on Evidence-Based Policymaking's 15 politically-appointed members issued a set of unanimous recommendations to Congress and the President.¹ The Evidence Commission concluded that the federal government needed to improve access to data it already collects, while simultaneously strengthening privacy and confidentiality protections for the American public. The Evidence Commission specifically recommended strategies for bolstering government's capability to improve insights from data by building capacity with evaluation officers and data leaders, by enabling new shared services for combining and protecting data, and by launching procedures for transparency about what information government already has, when it is used, and how it benefits the American people.

¹ U.S. Commission on Evidence-Based Policymaking. *The Promise of Evidence-Based Policymaking: Final Report of the Commission on Evidence-Based Policymaking*. Washington, D.C.: Government Printing Office, 2017. Available at: <https://www.cep.gov/cep-final-report.html>

The Monumental Evidence Act Establishes a New Legal Framework for Using Data

Half of the recommendations from the Evidence Commission were ultimately included in the Foundations for Evidence-Based Policymaking Act of 2018 (P.L. 115-435), which includes the OPEN Government Data Act (Title II) and the reauthorization of the Confidential Information Protection and Statistical Efficiency Act (Title III). Taken together, the titles of the Evidence Act collectively represent the greatest shift in expectations and capabilities to use data across government in my lifetime.

The bipartisan Evidence Act moved under unanimous consent in the U.S. Senate and was twice advanced through the U.S. House of Representatives. The Evidence Act is monumental in its ambition and scope, advancing a new paradigm for how government agencies are expected to use data to better achieve missions and meet the needs of the American people. The law creates new leadership roles in agencies: Chief Data Officers, Evaluation Officers, and Statistical Officials. The law establishes new processes for planning research and evaluation activities, assessing agency capabilities to support evidence building, providing public data inventories with summary information about the data government collects, encouraging government agencies to produce more open data, and strengthening a privacy framework for sharing confidential and sensitive data that is one of the strongest privacy laws in the world.

When the Evidence Act became law in January 2019, individuals in private firms, non-profit organizations, and academic institutions hoped that agencies would make rapid progress to implement key provisions. Indeed, some agencies have. But many agencies are lagging in implementation, risking success in achieving the intended gains for the American people envisioned by the bipartisan leadership and the large industry, non-profit, and academic coalition that endorsed the legislation. In the FY 2021 appropriations, Congress has an opportunity to ensure that agencies are adequately resourced to effectively implement the Evidence Act and the **Data Coalition members strongly encourage additional appropriations to support these vital activities for the American people**. But the Data Coalition also recognizes that funding alone is insufficient to support this work. Congress must also offer sustained encouragement and meaningful oversight to ensure federal agencies successfully implement the Evidence Act.

The Long-Term Federal Data Strategy Offers Additional Opportunities for Gains

Building on the congressional efforts that advanced the Evidence Act, in 2019 the administration released a 10-year plan for aligning the Evidence Act and other recent data laws and orders with emerging principles and practices. The plan was constructed from extensive stakeholder feedback, including from the Data Coalition and our members. In December 2019, the administration published a one-year action plan, outlining a set of actions all agencies are expected to undertake over the next year. Unfortunately, the plan was not paired with resources despite many of the actions aligning specifically with Evidence Act requirements and other OMB guidance.

The Federal Data Strategy provides an opportunity to drastically improve the state of the federal government's data infrastructure and governance, which is long overdue. For large departments and agencies, the governance of agency data requires senior leadership in a Chief Data Officer and a capability to manage and coordinate intra-agency data assets. For too long these activities have been overlooked and neglected in government. The Federal Data Strategy, building on the Evidence Act, makes this a priority for every federal agency. The Data Coalition members recognize that for government to be successful in the 21st Century and beyond, simply saying data is a priority will not be sufficient. Government must invest resources, both financial and human capital, to ensure government data really becomes a strategic asset.

The Federal Data Strategy is not a partisan or politicized document from the administration – it is a rationale, sensible set of policies. **The Data Coalition calls on Congress to fully support agencies in implementing the Federal Data Strategy**, including by providing resources in appropriations to address long-overdue gaps in federal agencies. Specifically, additional resources should be provided to each of the following CFO Act agencies in the subcommittee's jurisdiction to support the implementation of an office with adequate staff and expertise to enable the Chief Data Officer and Evaluation Officer to meet the goals of the Evidence Act and Federal Data Strategy: the Department of Commerce, the Department of Justice, the National Science Foundation, and the National Aeronautics and Space Administration. This funding in FY 2021 will ensure each new officer receives adequate new resources to begin successfully implementing Congress' intent in the Evidence Act and beyond.

Advancing the Evidence Commission Recommendations for a National Secure Data Service

While the Evidence Act addresses many recommendations from the Evidence Commission and the Federal Data Strategy offers yet more opportunities, there are additional legal and administrative barriers that Congress and the Executive Branch have not yet addressed. Routinely, efficiently, and securely generating evidence about government policies and programs will require further changes to federal law in coming years.

In fact, the Evidence Commission offered a compelling strategy as its headline recommendation, one that the new law does not address: to establish a National Secure Data Service. The National Secure Data Service was envisioned as a cutting-edge resource to securely and temporarily link survey and administrative data, enabling the generation of new summary insights about the economy and our government programs. The Evidence Commission outlined extensive safeguards for the National Secure Data Service to protect privacy and operate transparently. Establishing such a shared-service operation is technically, operationally, and budgetarily feasible, particularly when starting on a small scale.

The Evidence Act creates the parameters for organizational capacity and leadership, as well as an incredibly strong privacy framework within which a National Secure Data Service would operate. Congress must now take the next step to enable the data service to come to fruition.

The FY 2020 President's Budget request included initial seed funding for pilot projects related to a Federal Data Service, with requests split between the Bureau of the Census and the Bureau of Economic Analysis at the Department of Commerce. Congress incorporated some of this funding in the final FY 2020 appropriation. An additional targeted request was made by the Department of Commerce for FY 2021.

The Data Coalition strongly recommends Congress appropriate a portion of the administration's requested funding for a data service, with modification. In particular, the Data Coalition recommends the funds be appropriated exclusively to the Undersecretary for Economic Affairs office at the Department of Commerce to ensure fulfillment and alignment of the Evidence Commission's intent, which explicitly recommended against a data service being developed and maintained by the Bureau of the Census. Specifically, the Evidence Commission identified challenges under existing Title 13 authorities for data sharing activities at the Census Bureau to adequately enable the broad vision of the Evidence Commission. Without further statutory modifications to Title 13, that include clarifying the purposes for which projects can be undertaken in accordance with the Census Bureau's mission, the establishment of a new federal data service, as a shared-service function in government would be inappropriate.

Nonetheless, the Undersecretary for Economic Affairs office has considerable flexibility to work across the Department of Commerce to support this vision as intended in the unanimous recommendations of the Evidence Commission. The Data Coalition recommends appropriating \$5 million to the Department of Commerce in FY 2021 to support development of a Federal Data Service. This amount is a portion of the requested funding for functions and activities related to the development of a framework for a Federal Data Service and is consistent with the authorities granted in the Evidence Act and the vision of the Evidence Commission.

Congress Must Continue to Act to Recognize Data as a Strategic Asset for the American People

The environment across government is ripe for substantial improvements to agencies' data infrastructure while enabling more evidence-based policymaking. The new legal authorities and administrative activities offer tremendous potential for better using data to both improve the fulfillment of agency missions and to hold agencies accountable for producing results. But these activities must also be sustained and encouraged across administrations; Congress has a vital role to play in ensuring agencies succeed in this regard, so our data can truly benefit society.

The Data Coalition and its members request that Congress provide funding for the Evidence Act and Federal Data Strategy implementation, while also planning for the next generation of government data innovation by enabling secure data sharing through a National Secure Data Service. Advancing these capabilities now is too important to underfund in the current fiscal year, let alone the next.

Thank you for the opportunity to provide written testimony on these important issues. The Data Coalition members look forward to Congress' continued enthusiasm and support for evidence-based decision-making in an increasingly data-driven society.

Written Testimony

FY21 Funding: VAWA, VOCA Programs & Crime Victims Fund

Prepared for presentation to the
U.S. House Appropriations Subcommittee on
Commerce, Justice, Science, and Related Agencies

Submitted By:

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March 12, 2020

Chairman José Serrano, Ranking Member Robert Aderholt, and distinguished members of the Commerce, Justice, and Science Appropriations Subcommittee, the **Daughters of Penelope (DOP)**, an international service organization for women of Greek heritage and Philhellenes, which is dedicated in part to supporting victims of domestic violence, is requesting support for **Victims of Crime Act (VOCA) (Office of Justice Programs - OVC)** and **Violence Against Women Act (VAWA) (Office of Violence Against Women - OVW)** programs at the **Department of Justice**. Specifically, we request a **Crime Victims Fund** cap for FY2021 to be set at least at **\$2.65 billion** and without any transfers to programs not authorized under the VOCA statute; and we support a strong investment of **\$601 million** for **VAWA** programs and for Congress to pass a strong bipartisan-backed reauthorization of VAWA.

VOCA Programs & Crime Victims Fund

The Victims of Crime Act (VOCA) created the Crime Victims Fund (CVF), which serves as a mechanism to fund compensation and services for the nation's victims of federal crime. The Fund is comprised of money from criminals, and by law, the Fund is dedicated solely to victim services. For example, the Fund is used to help pay for state victim compensation and assistance programs and grants to victim service providers. A considerable amount supports victims' out-of-pocket expenses such as medical and counseling fees, lost wages, and funeral and burial costs. According to the Department of Justice, in FY2017, state VOCA victim assistance grants supported an estimated 14,000 victims' services projects administered by nearly 7,800 public and community-based agencies in the United States.¹ These agencies provided services to nearly millions of victims of crime, including victims of murder, assault and sexual assault, domestic violence, child abuse, stalking and elder abuse, among many others.

The Crime Victims Fund is financed by fines, forfeitures, or other penalties paid by federal crime offenders. Therefore, the Crime Victims Fund is not funded by taxpayer dollars. However, it is unfortunate Congress often carves out funds from the CVF to use

¹ <https://www.justice.gov/fmd/page/file/1039211/download>, Page 58.

as offsets for other government programs. Because CVF is comprised of non-taxpayer dollars, it should not be considered available for use for non-VOCA programs in the federal budget. Moreover, according to a previous statement of the Congressional Victims' Rights Caucus, "not only does raiding the Crime Victims Fund violate the intent of the law, but it violates the [VOCA] statute itself..." Therefore, we recommend to the Subcommittee that the Fund be used only for programs authorized under the VOCA statute. However, recent appropriations bills passed by Congress, and previous administrations' budget requests, have carved out funds from the Crime Victims Fund for non-VOCA authorized programs. As examples, the FY2020 appropriations year-end legislative package transferred \$435 million from the CVF to VAWA programs and the administration's FY2021 budget proposes a \$498.5 million transfer from the Fund to VAWA programs. We request the elimination of transfers that harm the Fund's long-term viability and ability to commit fully to crime victims. Another unfortunate ramification of allowing transfers from the Fund is that it causes politicization of the Fund. This is why in the past we have supported bipartisan-backed legislation (such as the **Crime Victims Fund Preservation Act of 2018** in the 115th Congress) that creates a "lockbox" to ensure that money in the Fund cannot be used for anything other than victims' programs authorized under the VOCA statute and that permanently excludes the Crime Victims Fund from future government sequestration. Finally, we recommend setting the Crime Victims' Fund cap to at least \$2.65 billion. Congress established an appropriation cap on funds available for distribution intended to maintain the CVF as a stable source of support for future victim services. At the cap level, Congress will not only ensure the continuation of enhanced services to victims to meet their needs, but it also does not contribute or add to the national debt or deficit because these are non-taxpayer funds.

VAWA Programs

Domestic violence is a pervasive, life-threatening crime affecting millions of individuals across our nation regardless of age, gender, socio-economic status, race or religion. The statistics are alarming. According to the National Network to End Domestic Violence (NNEDV)²:

- More than 1 in 3 women have experienced rape, physical violence, and/or stalking by an intimate partner in their lifetime.
- Approximately 7.9 million women are raped, physically assaulted, and/or stalked by a current or former intimate partner each year.
- 1 in 5 women and 1 in 71 men have experienced rape in her or his lifetime.
- Nationwide, an average of 3 women are killed by a current or former intimate partner every day.

According to the Centers for Disease Control and Prevention (CDC) and The National Intimate Partner and Sexual Violence Survey (NISVS), 2010-2012 State Report:

- In the United States, Intimate partner contact sexual violence, physical violence, and/ or stalking was experienced by 37.3% of U.S. women during their lifetime.³
- One in 4 women and 1 in 9 men have experienced severe physical violence by an intimate partner during their lifetime.⁴

² NNEDV Domestic Violence Fact Sheet, accessed https://nnedv.org/wp-content/uploads/2019/07/Library_General_DV_SA_Factsheet.pdf

³ <https://www.cdc.gov/violenceprevention/pdf/NISVS-StateReportBook.pdf>

⁴ <https://www.cdc.gov/violenceprevention/pdf/NISVS-infographic-2016.pdf>

- In 2015, 1270 women and men were murdered by an intimate partner (e.g. husband, wife, boyfriend, girlfriend).⁵

Also, of concern, are the following stats:

- On average, nearly 20 people per minute are physically abused by an intimate partner in the United States. During one year, this equates to more than 10 million women and men.⁶
- Nationwide, an average of 3 women are killed by a current or former intimate partner every day.⁷
- Approximately 15.5 million children are exposed to domestic violence annually.⁸

Our nation's response to intimate partner and domestic violence is driven by VAWA programs. Each of these programs is critical to ensuring that victims are safe, that offenders are held accountable, and that our communities are more secure. Thanks to VAWA, steady progress has been made there are many victims who still suffer in silence. A 2019 24-hour survey of domestic violence programs across the U.S. found that although 19,159 Hotline calls were answered (averaging more than 13 calls every minute). However, 11,336 requests for services (such as emergency shelter, transportation, or legal representation) went unmet because programs lacked the resources to provide them.⁹ Sixty-eight percent of the unmet services were for Housing and Emergency Shelter. In total, 77,226 victims were served in one day. The unconscionable gap between need and resources only widens.

Daughters of Penelope's Work to Support Domestic Violence Shelters

Why are VAWA and VOCA programs important to the Daughters of Penelope?

In addition to our chapters supporting domestic violence shelters in their respective local communities, the Daughters of Penelope is a national sponsor and stakeholder of two domestic violence shelters—**Penelope House in Mobile, Alabama**; and **Penelope's Place in Brockton, Massachusetts**. In the past, the Daughters of Penelope has supported WIN Hellas, which is an NGO based in Athens, Greece that is active in the prevention of violence against women.

Regarding Penelope House, it was the first of its kind in Alabama when it opened its doors in 1979. Since then, Penelope House is recognized as a model shelter for others to emulate. VAWA and VOCA grant funding has been critical in helping Penelope House to meet its mission of providing safety, protection and support to victims of domestic violence and their children through shelter, advocacy, and individual and community education. Penelope House has been awarded VAWA and VOCA grants from the following programs: Shelter Services, Court Advocate Program, and Transitional Living Program. Portions of these grants help to fund the case managers, case and court advocates, and children's counselors and program coordinators, among other employees who help to provide the life-saving support to domestic violence victims and their children.

Statistics – Effectiveness and Importance of VAWA & VOCA Grant Funding

⁵ <https://www.cdc.gov/violenceprevention/pdf/NISVS-StateReportBook.pdf>

⁶ https://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf

⁷ NNEDV Domestic Violence Fact Sheet, accessed <https://nnev.org/mdocs-posts/domestic-violence-and-sexual-assault-factsheet/>

⁸ *Ibid.*

⁹ 14th Annual National Domestic Violence Counts National Summary.

- **VOCA/VAWA grant funding comprised 30% of Penelope House's 2019 budget.**
- VOCA is the largest source of Penelope House's funding.

Penelope House's Court Advocacy Program is funded by VOCA & VAWA. It's stats for clients served are:

- Adult Clients: 7,202
- Children: 7,304
- Court Appointments with Clients: 5,795
- Clients Assisted to obtain protection from abuse or no contact orders: 1,340

VOCA supports the salaries and benefits for seven Court/Victim Advocates who provide services to victims of domestic violence throughout Mobile, Washington, Clarke and Choctaw Counties of Alabama as they navigate within the court system. (VOCA grant funding has become increasingly important to Penelope House because Penelope House's services has been expanded to include more counties in Alabama.)

VAWA supports a full-time Court Advocate Administrative Assistant and a portion of the salary for a Court/Victim Advocate for the Court Advocacy Program. The Court Advocate Administrative Assistant provides administrative support to Court/Victim Advocates and assistance to the Court Advocacy Supervisor. The Assistant also collects and compiles program data needed for the evaluation of the Court Advocacy Program. The Court Advocate Administrative Assistant is dually trained to serve as a Court/Victim Advocate when necessary in case of illness or any other absence of court advocates. Thus, a victim will not have to be alone as he/she attempts to navigate within the court system.

Penelope House's Emergency Shelter Program is funded by VOCA. It's 2019 service stats are:

- Adults sheltered: 381
- Children sheltered: 483
- Total Client Service Hours: 13,219
- Total Nights of shelter provided: 9,417
- Crisis calls: 1,612
- Meals Served: 26,895

RECOMMENDATION

The Daughters of Penelope (DOP) is requesting support for **Victims of Crime Act (VOCA)** and **Violence Against Women Act (VAWA)** programs, which are vital to DOP programs that serve its mission. Specifically, we request a Crime Victims Fund cap for FY2020 to be set at least \$2.65 billion and without any transfers to programs not authorized under the VOCA statute; and we support a strong investment of \$601 million for VAWA programs. The Crime Victims Fund is not funded by taxpayer dollars. Therefore, the cap can be sustained or raised without adding to the national debt or deficit and transfers (or carve outs) must be eliminated in FY2021 and going forward.

Clearly, as the missions of domestic violence centers across the country, such as Penelope House, have expanded into jurisdictions due to the unfortunate increased need to provide victims' services, the viability of the CVF and VOCA and VAWA grants have become increasingly important to meet the victims' needs. Thank you for the opportunity to present and submit our written testimony before the Subcommittee.



Ecological Society of America

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Testimony for the Record

Oswaldo Sala, President of the Ecological Society of America

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

Regarding the National Oceanic and Atmospheric Administration FY 2021
Budget

March 13, 2020

The Ecological Society of America (ESA) is the nation's largest society of professional ecologists representing over 9,000 members across the country. **We write to urge you to support at least \$5.7 billion in funding for the National Oceanic and Atmospheric Administration (NOAA) for Fiscal Year 2021, including at least \$592 million for the Office of Oceanic and Atmospheric Research and at least \$83 million for the National Sea Grant College Program.**

NOAA continues to serve as the nation's premier environmental intelligence community, supporting U.S. economic growth and job creation, enhancing public safety, and protecting and managing natural resources. We urge you to preserve funding for NOAA and to make strong investments in the agency and its research.

Strong Investments in NOAA Translate to Economic, Ecological, National Security, and Public Health Benefits

Over half of the American population lives along our coasts. NOAA provides critical data and services that are essential to protecting these coastal communities, maintaining coastal economies, and managing our coastal resources. NOAA contributes a range of atmospheric and oceanic data, products, and services that benefit America's economy, quality of life, and scientific competitiveness:

- Timely and accurate National Weather Service forecasts and warnings that reduce vulnerability to extreme weather events such as Hurricanes Florence (2018), Harvey (2017), Irma (2017) and Maria (2017) and destructive tornadoes.

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- Environmental monitoring, analysis, and data that reduce risks to people and property, including harmful algal bloom forecasts. Maintenance and stewardship of valuable coastal and marine resources, including sustainable management of fisheries
- Innovative geostationary and polar satellite systems that provide essential data and observations. Polar-orbiting satellites provide 85% of data that feed weather forecast models, forecasts that in turn provide over \$35 billion in economic benefit to U.S. households.
- Cutting-edge scientific research and development that has led to new technologies and scientific advances.
- Training the next generation of atmospheric and oceanic scientists. In 2018, NOAA trained more than 4,400 postsecondary students in related sciences through NOAA-funded programs.

FY 2021 Funding for Research and Critical Offices

Programs of importance to the ecological community are NOAA's **Office of Oceanic and Atmospheric Research (OAR)**, the **National Ocean Service (NOS)**, and the **National Marine Fisheries Service (NMFS)**. These offices support intramural and extramural research critical to NOAA's mission of managing marine and coastal resources to meet the nation's environmental, economic, and social needs.

OAR provides the essential research foundation for NOAA's work. This office supports laboratories and programs across the U.S. and collaborates with external partners. NOAA collaborations include 16 NOAA-funded Cooperative Institutes consisting of 42 universities and research institutions across 23 states and the District of Columbia and 34 University-based Sea Grant College programs. ESA appreciates that Congress has rejected the administration's requests to eliminate the National Sea Grant College program. In 2018, the Sea Grant program supported nearly 2,000 graduate and undergraduate students and provided \$624 million in economic benefits. OAR research contributes to accurate weather forecasts, enables communities to plan for and respond to climate events such as drought, wildfires and sea-level rise, and enhances the protection and management of the nation's coastal and ocean resources.

NOS and NMFS both play critical roles in the stewardship and management of our nation's natural resources. NOS works to preserve and enhance coastal resources, ecosystems, and economies.

NMFS is responsible for the stewardship of our ocean resources, providing the science necessary to sustain and revitalize our fisheries and marine habitats and ecosystems. ESA urges you to provide strong support for these NOAA offices.

Robust Support for NOAA Is Critical to Our Nation's Resilience and Scientific Leadership

NOAA is an essential agency that plays a key role not only in understanding and predicting changes in climate, weather, and oceans, but also in protecting communities and ecosystems. We appreciate your past support for this critical agency, and we urge you, in the interest of ensuring our nation's continued and future resilience and scientific leadership, to continue this support and provide **\$5.7 billion for NOAA in FY 2021**. Thank you for your consideration of this request.

Robert Blacato
National Coordinator
Elder Justice Coalition
March 13, 2020

Chairman Serrano and Ranking Member Aderholt:

As your Subcommittee develops its FY2021 appropriations bill, the Elder Justice Coalition urges you to prioritize the prevention of elder abuse, neglect, and exploitation by including funding for the following programs in the **Department of Justice**:

- **\$5.8 million for U.S. Attorneys Offices’ elder justice protection and prosecution efforts (first-time funding);**
- **\$4.2 million for the General Legal Activities’ Civil Division’s Elder Fraud Initiative (an increase of \$1.2 million); and**
- **\$6.0 million for the Office on Violence Against Women’s Abuse in Later Life/Elder Program (an increase of \$1.0 million).**

These are the funding levels requested by the President’s budget. We urge you to provide at least these levels of funding for these programs.

Elder abuse is a crisis in America today. According to the Department of Justice, there are more than six million victims of elder abuse, roughly one of every ten persons over 60.¹ Further, elder fraud and scams are extremely prevalent. In 2017, an FBI report said that some 50,000 people over 60 lost over \$342 million just to internet fraud and scams—and that these are only the reported cases of financial exploitation.² One recently-published report noted that “senior citizens may lose nearly 25 times more to scammers than what is reported. This would translate into 5 million victims a year with aggregate losses of more than \$27 billion.”³

The population age 65 and over increased from 37.8 million in 2007 to 50.9 million in 2017 (a 34% increase) and is projected to reach 94.7 million in 2060.⁴ With this unprecedented growth, it is critical that we have strong protections for our seniors.

These appropriations would provide:

- Funding to support the U.S. Attorneys’ Offices in essential case analytics capabilities, enhancing investigation, discovery, case development, and trial preparation for the prosecution of elder fraud;
- Funding to support and coordinate the Department’s enforcement and programmatic agendas in combatting elder abuse, neglect, and financial fraud and scams; and
- Funding to support grants to community organizations working with survivors of elder domestic abuse.

¹ <https://www.justice.gov/archives/opa/blog/fighting-back-against-hidden-epidemic-elder-abuse>

² https://pdf.ic3.gov/2017_IC3Report.pdf

³ <https://www.comparitech.com/blog/vpn-privacy/elder-fraud-by-state/>

⁴ <https://acl.gov/sites/default/files/Aging%20and%20Disability%20in%20America/2018OlderAmericansProfile.pdf>

Currently, the Department is combating elder abuse and exploitation with limited resources; over the past year, prosecutors have charged more than 400 defendants in a nationwide elder fraud sweep. The defendants' schemes have caused more than one billion dollars in losses for seniors. This is an excellent start, but the Department needs more resources to continue and expand this work.

The direct medical costs associated with elder abuse exceed \$5 billion annually.⁵ Abuse victims often end up having to turn to other federal programs, especially Medicare and Medicaid, and financial exploitation victims may require other assistance, including income support. Many of these costs can be avoided if we make this investment today, including relief from the heavy emotional toll of abuse for older adults and their families.

Providing this funding is a step in the right direction to protecting seniors. We look forward to continuing to work with the Committee and Subcommittee on these important issues and thank you for your consideration of our request.

⁵ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1448306/>



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Testimony of
Robert K. D. Peterson, PhD, Science Policy Committee Chair and Past President
Entomological Society of America
On
Fiscal Year 2021 Appropriations for the National Science Foundation
Submitted to the
Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies
United States House of Representatives

March 13, 2020

The Entomological Society of America (ESA) respectfully submits this statement for the official record in support of funding for the National Science Foundation (NSF). **ESA requests a robust fiscal year (FY) 2021 appropriation of \$9 billion for NSF, including strong support for the Directorate for Biological Sciences (BIO).**

Research in entomology and other basic biological sciences provides the fundamental discoveries that advance knowledge and facilitate the development of new technologies and strategies for addressing societal challenges related to economic growth, national security, and human health. Because insects constitute two out of every three species, fundamental research on their biology has provided foundational insights across all areas of biology, including cell and molecular biology, genomics, physiology, ecology, behavior, and evolution. In turn, these insights have been applied toward meeting challenges in a wide range of fields, including conservation biology, habitat management, livestock production, and pest management.

Insects have long played an essential role as model organisms for understanding basic biological processes across all organisms, including people. Insects are often ideal for biological models in laboratory experiments because they are generally small and inexpensive to obtain, they complete development rapidly, and they can be maintained without the special facilities required for vertebrate animals.

The common fruit fly, *Drosophila melanogaster*, for example, has been the subject of NSF-funded research that has profoundly transformed the understanding of human health in countless ways. Equally important, the ability to dramatically reduce the cost of sequencing genomes has played a critical role in advancing science in the last two decades. In 2018, entomologists were able to complete one of the first genome sequences by a single lab for under \$1,000 using the fruit fly.¹ This breakthrough not only expanded the accessibility of genome sequencing but also changed the way scientists understand the fruit fly itself as a model organism. Previously it was thought each fruit fly was essentially genetically identical. This study revealed there are

¹ Solares, Edwin A et al. "Rapid Low-Cost Assembly of the *Drosophila melanogaster* Reference Genome Using Low-Coverage, Long-Read Sequencing." G3 (Bethesda, Md.) vol. 8,10 3143-3154. 19 Jul. 2018, doi:10.1534/g3.118.200162

significant differences in the sequences of many important genes, indicating that genome variation is much greater than previously believed. This will likely have tremendous medical value to patients, health care workers, and scientists.

NSF is the only federal agency that supports basic research across all scientific and engineering disciplines, outside of the medical sciences. Each year, the foundation supports an estimated 300,000 researchers, scientific trainees, teachers, and students, primarily through competitive grants to approximately 2,000 colleges, universities, and other institutions in all 50 states. NSF also plays a critical role in training the next generation of scientists and engineers through programs like the NSF Research Traineeship, ensuring that the United States will remain globally competitive in the future.

One program, the NSF Graduate Research Fellowship, selects and supports science and engineering graduate students demonstrating the exceptional potential to succeed in science, technology, engineering, and mathematics (STEM) careers. The NSF's Graduate Research Fellowship and Postdoctoral Fellows Programs have also been instrumental in supporting researchers at the forefront of soft robotics and space exploration. Recently, NSF funded several projects focused on soft robots, which are considered the best candidate for strong, mobile robots for exploration of harsh and dangerous environments. NSF funded successful projects to learn from insects to develop innovations in robotics. The results include a "robofly" with biologically inspired sensors for rapid flight stabilization,^{2,3} the "RoboBee" project which pioneered an amphibious, micro-scale autonomous robot,⁴ and vision-guided perching robots.⁵ However, much is still unknown about the exact physical and biological mechanisms insects use to sense, move, and navigate through the world. For the United States to continue to be a world leader in robotics innovation, it is critical to fund research on the biology, physiology, and morphology of insects.

Through activities within the BIO Directorate, NSF advances the frontiers of knowledge about complex biological systems at multiple scales, from molecules and cells to organisms and ecosystems. In addition, the directorate contributes to the support of essential research resources, including biological collections and field stations. NSF BIO is also the nation's primary funder of fundamental research on biodiversity, ecology, and environmental biology.

One NSF BIO-supported project that illustrates the broad reach of basic entomological research is focused on fundamental insect physiology. The investigators are testing a hypothesis about the mechanism insects use to transport blood, nutrients, and gases throughout their bodies.⁶ Their research on these transport processes will inform our understanding of insects' success as agricultural pests and disease carriers as well as our ability to mitigate those traits. A deeper

² Paul Yu Oh. Robotic Insect Flight Stabilization Using Biomimetic Sensors. Award Number: 0412541

³ https://www.nsf.gov/news/news_videos.jsp?cntn_id=138802&media_id=80678&org=NSF

⁴ <https://www.ien.com/product-development/news/20781982/robobees-may-lead-to-autonomous-robotic-insects>

⁵ <https://news.psu.edu/story/532491/2018/08/21/research/mechanical-engineering-faculty-studies-flying-insects-create-better>

⁶ Socha, John; Harrison, Jon; Miller, Laura; and Pendar, Hodjat. A New Hypothesis for Cardio-respiratory Mechanics in Insects. Award Number: 1558052

knowledge of these transport systems will also provide insights into those possessed by other animals and impact the design of new mechanical systems. This investment has already led to the breakthrough discovery of proteins found in carabid beetles with valuable applications in bioengineering and biomedical technology. Carabid beetles are special in their ability to produce caustic chemicals that they spray as a defense mechanism against predators. Due to the toxic nature of these chemicals, carabid beetles must have a way of producing and, more importantly, storing these chemicals without harming their own body. Using novel microscopy techniques, NSF-funded researchers discovered that the gland system that produces, stores, and propels these chemicals is comprised of an elastomeric protein called resilin.⁷ In addition to furthering our understanding of the natural world, the discovery of resilin in carabid beetle caustic chemical secretory glands has biomedical and bioengineering applications due to its impermeability, resistance to chemicals, and flexibility.

NSF-funded research by scientists at Tufts University discovered that two genes are allowing the European corn borer moth to adapt to climate change by enabling synchronization between their life cycle and seasonal environmental changes. The invasive European corn borer moth is unique in its apparent ability to perfectly time its life cycle with the seasons so that populations do not die off from unexpectedly long or short winters. Genetic analysis of moths from across a range of climates (longer summers and shorter winters in the south, shorter summers and longer winters in the north) in the United States revealed genetic variations in two genes (known as clock genes) which were associated with development and generation time. The results of this study suggest potential mechanisms with which species will be able to adapt to changes in climate that expose them to variable season lengths.

NSF BIO also supports the development of technologies that directly impact economic sectors that are highly dependent on entomology. NSF recently awarded funding for a Small Business Innovation Research (SBIR) Phase I project aimed at ensuring healthier honey bee populations through data analysis and modeling.⁸ The project seeks to build newer and more robust algorithms capable of autonomously analyzing data generated by networked sensors placed in beehives. The information derived from the resultant data sets could then be used to develop models capable of predicting the infiltration of pests and disease in hives before it actually occurs. Ultimately, the successful commercialization of this technology could revolutionize an entire agricultural sector that has suffered significantly because of honey bee colony collapse.

In addition to funding research, NSF BIO plays a critical role in the curation, maintenance, and enhancement of physical-biological collections. These collections and their associated data sets serve a variety of purposes, and while they are particularly important to the field of entomology, their value to the broader scientific enterprise cannot be overstated. Physical collections enable the rapid identification and mitigation of costly invasive pests that affect agriculture, forestry, and human and animal health. This is only achievable because such collections are continuously being updated to reflect environmental changes, evolutionary developments, and shifting migratory patterns of invasive species around the world. NSF also supports workshops designed to provide hands-on training in collections curation and management, with a particular emphasis

⁷ <https://www.sciencedirect.com/science/article/pii/S146780391830183X>

⁸ Symes, Ellie. SBIR Phase I: Data Analytics on Honeybee Hives Using IoT Sensor Data. Award Number: 1746862

on students and early-career researchers.⁹ Workshops like this, across numerous disciplines, help ensure the long-term availability of a STEM-trained workforce.

While collections-focused awards like that mentioned above are encouraging, ESA is concerned by the continued downward trend of federal funding for biological collections. Recent advancements in imaging, digitization, and data collection and storage technologies have caused some to question the necessity of continued support for existing biological collections. ESA recognizes that technological development is spurring substantive discussion about the future of biological collections. However, while these new developments and advancements will hopefully yield new benefits for biological research, they are not a replacement for physical biological collections. Given their continuing relevance and broad application to domestic homeland security, public health, agriculture, and food security, and environmental sustainability, ESA firmly supports continued federal investment in programs supporting collections such as NSF's Collections in Support of Biological Research (CSBR).

Given NSF's critical role in supporting fundamental research and education across science and engineering disciplines, ESA supports an overall FY 2021 NSF budget of \$9 billion. ESA requests robust support for the NSF BIO Directorate, which funds important research studies and biological collections, enabling discoveries in the entomological sciences to contribute to understanding environmental and evolutionary biology, physiological and developmental systems, and molecular and cellular mechanisms.

ESA, headquartered in Annapolis, Maryland, is the largest organization in the world serving the professional and scientific needs of entomologists and individuals in related disciplines. As the largest and one of the oldest insect science organizations in the world, ESA has over 7,000 members affiliated with educational institutions, health agencies, private industry, and government. Members are researchers, teachers, extension service personnel, administrators, marketing representatives, research technicians, consultants, students, pest management professionals, and hobbyists.

Thank you for the opportunity to offer the Entomological Society of America's support for NSF research programs. For more information about the Entomological Society of America, please see <http://www.entsoc.org/>.

⁹ Song, Hojun and Shockley, Floyd. Towards a Sustainable Management of Insect Collections in the U.S. through the Entomological Collections Management Workshop. Award Number: 1640919



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Contact:

Benjamin H. Krinsky, PhD
Associate Director for Legislative Affairs
Federation of American Societies for Experimental Biology (FASEB)

Testimony of the
Federation of American Societies for Experimental Biology
Prepared for the
House Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies
Representative José Serrano, Chair
Representative Robert Aderholt, Ranking Member

On
FY 2021 Appropriations for the National Science Foundation

The Federation of American Societies for Experimental Biology (FASEB) respectfully requests a minimum of \$9.4 billion in fiscal year (FY) 2021 for the National Science Foundation (NSF).

With a mandate to support fundamental research across all fields of science, engineering, and mathematics, the NSF is the cornerstone of our nation's scientific enterprise. Through its gold standard merit review process, NSF distributes funding that enables critical scientific breakthroughs, generating new knowledge and technologies that benefit society and our planet.

Among federal science agencies, NSF has the unique capacity to:

Support interdisciplinary research: By leveraging its research portfolio across the sciences, NSF funds cutting-edge research at the interface of the physical, biological, and social sciences to tackle profound challenges, including climate change.¹

Organize and lead research partnerships: The NSF coordinates and leads interagency research endeavors, including partnerships with NIH and the DOE Office of Science. These collaborations advance public health and clean energy, the development of artificial intelligence, and other national priorities.²

Train the next generation of scientists: NSF plays a key role in supporting scientific education, training young scientists who will work across different disciplines, and broadening participation in science and engineering among underrepresented groups.³

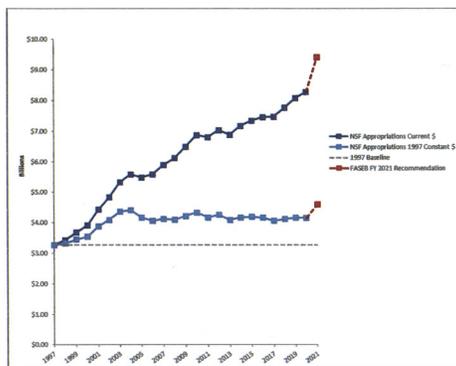
The American Physiological Society • American Society for Biochemistry and Molecular Biology • American Society for Pharmacology and Experimental Therapeutics
American Society for Investigative Pathology • American Society for Nutrition • The American Association of Immunologists • American Association for Anatomy
Society for Developmental Biology • American Peptide Society • Association of Biomolecular Resource Facilities • The American Society for Bone and Mineral Research
American Society for Clinical Investigation • Society for the Study of Reproduction • The Society for Birth Defects Research & Prevention • The Endocrine Society
The American Society of Human Genetics • American College of Sports Medicine • Biomedical Engineering Society • Genetics Society of America
The Histochemical Society • Society for Pediatric Research • Society for Glycobiology • Association for Molecular Pathology • Society for Redox Biology and Medicine
Society For Experimental Biology and Medicine • American Aging Association • U. S. Human Proteome Organization • Society of Toxicology • Society for Leukocyte Biology

Despite its critical role in advancing science and innovation, NSF's budget has not grown in real dollars in nearly 20 years (Figure 1). As a result, in 2017, because of a shortfall of \$3.8 billion in requested funding, NSF was unable to support a multitude of highly worthy proposals.⁴

NSF's budget must be commensurate with both current and emerging scientific challenges and opportunities. Providing NSF with a \$9.4 billion budget (\$1.1 billion above FY 2020) would support a 3 percent budget increase across the agency's core research and education programs. The agency could move ahead with plans to support key NSF-wide priorities, including 10 Big Ideas, Convergence Accelerators, and Mid-Scale Research Infrastructure.⁵

FASEB FY 2021 Recommendation: at least \$9.4 billion for NSF

Figure 1: NSF Appropriations, FY 1997-2021



¹ NSF's 10 Big Ideas, National Science Foundation, Alexandria, VA

² NSF Collaborations With Federal Agencies and Others, National Science Foundation, Alexandria, VA

³ Education and Human Resources Directorate, National Science Foundation, Alexandria, VA

⁴ Report on the National Science Foundation's Merit Review Process, Fiscal Year 2017, National Science Foundation, Alexandria, VA

⁵ National Science Foundation Convergence Accelerators and NSF 10 Big Ideas Funding, FY 2020 Budget Request to Congress, National Science Foundation, Alexandria, VA



**RECORD TESTMONY OF REBECCA BROWN,
DIRECTOR OF POLICY FOR THE INNOCENCE PROJECT,
FOR THE COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
SUCOMMITTEE OF THE HOUSE COMMITTEE ON APPROPRIATIONS**

March 13, 2020

On behalf of the Innocence Project, and as a member of the Innocence Network, a coalition of approximately 60 local innocence organizations working to exonerate the innocent and prevent wrongful convictions nationwide, thank you for the Subcommittee's critical funding increases and strong support for innocence and forensic science programs in FY21. Thank you also for allowing me to submit written testimony for the record as you consider budget requests for FY21. I urge you to robustly fund the following programs at the Department of Justice and the National Institute of Standards and Technology at the Department of Commerce, including:

- **\$10 million** for the Wrongful Conviction Review Program at the Department of Justice (DoJ), Bureau of Justice Assistance (*the Wrongful Conviction Review Program is a part of the Capital Litigation Improvement Program*);
- **\$10 million** for the Kirk Bloodsworth Post-Conviction DNA Testing Program at the DoJ, National Institute of Justice (NIJ);
- **\$30 million** for the Coverdell Forensic Sciences Improvement Grant Program at NIJ;
- **\$4.15 million** to support forensic science standards setting activities at the National Institute of Standards and Technology (NIST);
- **\$15 million** for NIST to support forensic science research and measurement science.

These innocence and forensic science programs increase the accuracy and fairness of the criminal justice system, provide the strongest possible forensic science tools to justice system stakeholders, and generate greater public safety for our nation.

National Registry of Exonerations data show that the number of exonerations has significantly increased since federal innocence programs - the Bloodsworth Post-Conviction DNA Testing and Wrongful Convictions Review programs - began to receive funding in 2008 and 2009, respectively. *This dramatic increase in the number of exonerations is in part a result of the federal decision to invest in these programs to help ensure the accuracy and integrity of the criminal justice system.* In the 20 years prior to the initiation of innocence program funding (from 1989 to 2008), the rate of exonerations was much lower. *In 2016, the number of exonerations was at its peak at 180 exonerations, and in recent years exoneration totals have been approximately 150 per year – or on average, more than 12 exonerations per month.* These effective program outcomes show the power and need to invest in federal innocence and forensic science programs.

Freeing innocent individuals and preventing wrongful convictions through reform *greatly benefits public safety.* Every time DNA identifies a wrongful conviction, it enables the possible identification of the person who actually committed the crime. *Such true perpetrators have been identified in more than half of the DNA exoneration cases.* Unfortunately, many of these individuals went on to commit additional crimes while an innocent person was convicted and incarcerated in their place.

To date almost 370 individuals in the United States have been exonerated through DNA testing, including 21 who served time on death row. These innocents served an average of 14 years in prison before exoneration and release. However, the value of federal innocence and forensic science programs is not to just these exonerated individuals. It is important to fund these critical programs because reforms and procedures that help to prevent wrongful convictions ***enhance the accuracy of criminal investigations, strengthen criminal prosecutions, and result in a stronger, fairer system of justice that provides true justice to victims of crime.***

Wrongful Conviction Review Program

We know that wrongful convictions occur in cases where DNA evidence may be insufficient or unavailable to prove innocence. The National Registry of Exonerations currently lists over 2,500 exonerations since 1989, the vast majority of which did not have the presence or benefit of testable DNA. The Wrongful Conviction Review Program provides critical support to ensure that experts are available to navigate the complex landscape of post-conviction litigation, as well as oversee the thousands of volunteer hours local innocence organizations leverage to help investigate these complex non-DNA cases and support the significant legal work they require. ***The Wrongful Conviction Review Program has contributed to approximately 30 exonerations over the past four years.***

The Wrongful Conviction Review Program provides funding to local innocence organizations so that they may provide this type of expert, high quality, and efficient representation for innocent individuals. The program's goals are both to alleviate burdens placed on the criminal justice system through costly and prolonged post-conviction litigation ***and to identify, whenever possible, the person who actually committed the crime.***

In recent years, approximately 5-10 percent of local innocence organizations received Wrongful Conviction Review funding. To continue and expand this important work, ***we urge you to provide \$10 million for the Wrongful Conviction Review Program in FY21. (Please note the Wrongful Conviction Review Program is a part of the Capital Litigation Improvement Program.)***

I also urge that you please include in the report for the FY21 Commerce, Justice, Science, and Related Agencies Appropriations bill the FY20 report language for the Wrongful Conviction Review program. It described the need for legal representation and investigation services for individuals with post-conviction claims of innocence. It also directed at least 50 percent of funds appropriated to the Capital Litigation Improvement and Wrongful Conviction Review grant programs support Wrongful Conviction Review grantees providing high quality and efficient post-conviction representation for defendants in post-conviction claims of innocence. It also clarified that Wrongful Conviction Review grantees shall be nonprofit organizations, institutions of higher education, and/or state or local public defender offices that have in-house post-conviction representation programs that show demonstrable experience and competence in litigating postconviction claims of innocence. Finally, the report language directed that grant funds shall support grantee provision of post-conviction legal representation of innocence claims; case review, evaluation, and management; experts; potentially exonerative forensic testing; and investigation services related to supporting these post-conviction innocence claims.

The Bloodsworth Post-Conviction DNA Testing Program

The Bloodsworth Program supports states and localities that want to pursue post-conviction DNA testing in appropriate cases, and grantees range from state and local prosecutor offices to law enforcement agencies and crime labs. These grantees can collaborate with local innocence organizations when appropriate. For example, a Bloodsworth grant to Arizona allowed the state's Attorney General's Office to partner with the Arizona Justice Project to create the Post-Conviction DNA Testing Project. This effort canvassed incarcerated individuals in Arizona, reviewed cases, located evidence, and filed joint requests with the court to have evidence released for DNA testing. In addition to identifying the innocent, *Arizona Attorney General Terry Goddard noted that the "grant enable[d] [his] office to support local prosecutors and ensure that those who have committed violent crimes are identified and behind bars."*¹

The Bloodsworth program is a powerful investment for states seeking to free innocent individuals and identify the individuals who actually committed the crimes. ***The program has resulted in the exonerations of 51 wrongfully convicted persons in 14 states. The person who actually committed the crime was identified in 13 of those cases.*** For example, Virginian Thomas Haynesworth, who was wrongfully incarcerated for 27 years, was freed thanks to Bloodsworth-funded DNA testing that also revealed the person who actually committed the crime. The culpable person in that case went on to terrorize the community by attacking twelve women, with most of the attacks and rapes occurring while Mr. Haynesworth was wrongfully incarcerated. Given the importance of this program to both innocent individuals and public safety, we ***urge you to provide the \$10 million to continue and expand the work of the Bloodsworth Post-Conviction DNA Testing Program in FY21.***

The Coverdell Program

The Coverdell Program provides state and local crime laboratories and medical examiner offices with much needed federal funding to carry out forensic testing and analysis both efficiently and effectively. As forensic science budgets find themselves severely stretched in many states and localities as a result of the opioid epidemic, and as federal bodies recommend the implementation of new policies, standards, and guidelines, the Coverdell program funds are critical to ensure that crime labs can function well and produce accurate and reliable results.

Additionally, in recognizing the need for independent government investigations in the wake of allegations of forensic negligence or misconduct, Congress created the forensic oversight provisions of the Coverdell Program to help ensure the integrity of and public confidence in forensic evidence. Specifically, Congress requires that a State or unit of local government shall submit to the Attorney General certification that a government entity exists and an appropriate process is in place to conduct independent external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of the forensic results committed by employees or contractors of any forensic laboratory system, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility in the State that will receive a portion of the grant amount.

¹Arizona receives federal DNA grant, <http://community.law.asu.edu/news/19167/Arizona-receives-federal-DNA-grant.htm> (last visited Mar. 13, 2012).

As the program supports both the capacity of crime labs to process forensic evidence and the essential function of ensuring the integrity of forensic investigations in the wake of serious allegations of negligence or misconduct, we **urge you to provide \$30 million for the Coverdell Program in FY21.**

Forensic Science Improvement

To continue the critical work to improve forensic science, and help prevent wrongful convictions, we urge you to provide **the following amounts in FY21 for forensic science improvements, including:**

- **\$4.15 million** directed to the **National Institute of Standards and Technology (NIST)** at the Department of Commerce to support forensic science technical standards development, including **\$3.15 million** to support the Organization of Scientific Area Committees (OSAC) and **\$1 million** to support technical merit evaluations.
- **\$15 million** for NIST to support forensic science research and measurement science.

As the federal entity that is both perfectly positioned and institutionally constituted to conduct measurement science and foundational research in support of forensic science, NIST's work will improve the validity and reliability of forensic evidence, a need cited by the National Academy of Sciences 2009 report, *Strengthening Forensic Science in the United States: A Path Forward.*² NIST's reputation for innovation will result in technological solutions to advance forensic science applications and achieve a tremendous cost savings by reducing court costs posed by litigating scientific evidence.

The OSAC is seen by many as the most significant federal forensic science initiative in recent years. State and local forensic scientists, who conduct the vast majority of forensic science casework, are in strong support and are significantly involved in this effort. In order for a standard to qualify for the registry that the OSAC maintains, it must demonstrate that it is technically sound. Some forensic science methods have not yet received an evaluation of their technical merit and NIST needs further support to conduct these vital reviews. The forensic science activities and research at NIST will help greatly to improve forensic disciplines and propel forensic science and the criminal justice system toward greater accuracy and reliability.

Conclusion

Thank you so much for your leadership in helping to ensure the accuracy, integrity, and reliability of our nation's criminal justice system. We urge you to support all of the aforementioned programs, including the Wrongful Conviction Review; Bloodsworth; Coverdell; and NIST forensic science programs. If you have any questions, or need additional information, please contact Jenny Collier, Federal Policy Advisor to the Innocence Project, at jcollier@colliercollective.org.

² National Research Council. *Strengthening Forensic Science in the United States: A Path Forward*. Washington, DC: The National Academies Press, 2009. doi:10.17226/12589, p. 22-23.



Howard Fienberg
VP Advocacy
Insights Association

The Honorable Jose Serrano (D-NY)
The Honorable Robert Aderholt (R-AL)
U.S. House CJS Appropriations Subcommittee

March 13, 2020

RE: Census Bureau FY21 Appropriations

Dear Chairman Serrano and Ranking Member Aderholt,

The Insights Association, the leading nonprofit association representing the marketing research and data analytics industry, urges that the Census Bureau (under the Department of Commerce) receive at least \$1.681 billion in the Fiscal Year 2021 (FY21) CJS Appropriations legislation.

The White House requested \$1.672 billion. The actual Census Bureau budget for FY20 was \$7.574 billion. and the drop in spending from year 10 of a decennial cycle to year 1 of the next is mostly on par with the FY21 request.

This funding will prove essential not just in the completion of the 2020 Census (which stretched into FY21), but to support the Census Bureau's overall operations and the ongoing American Community Survey (ACS, formerly known as the census long form), as well as start the decade of preparations for the 2030 Census.

Our members include both marketing research and data analytics companies and organizations, as well as the research and analytics professionals and departments inside of non-research companies and organizations. Insights Association members are the world's leading producers of intelligence, analytics and insights defining the needs, attitudes and behaviors of consumers, organizations, employees, students and citizens. With that essential understanding, leaders can make intelligent decisions and deploy strategies and tactics to build trust, inspire innovation, realize the full potential of individuals and teams, and successfully create and promote products, services and ideas.

Research studies in the U.S. require the most accurate census data in order to produce statistically representative samples of the U.S. population, or segments thereof. Even the most essential Federal government surveys, like the American Community Survey (ACS) (formerly

known as the census “long form”) and the Economic Census, are built on decennial census data. Without accurate census data, American businesses can’t know what America needs (to paraphrase the 2000 Census tagline).

While the Trump Administration’s overall FY21 budget request for the Census Bureau is in line with prior decennial cycles, Congress cannot afford to take the details of Census Bureau appropriations lightly. The upcoming fiscal year is scheduled to feature important Census Bureau activities, including:

- Processing 2020 Census data results and sharing it with the President for apportionment purposes by December 31, 2020, and then to the states by April 1, 2021 and the public by December 2021.
- Conducting coverage and quality operations, including the 2020 Census post-enumeration survey;
- Closing down 2020 Census field operations and decommissioning related equipment and devices;
- Launching the Frames initiative, which will integrate data on persons, places, and the economy for use in all Census Bureau surveys, censuses, and official products;
- Conducting research on financially sustainable collection methods or alternative sources of comparable data on the economic well-being of Americans and program participation as part of the Survey of Income and Program Participation (SIPP);
- Establishing an enterprise-wide capability to expand the use of administrative records to improve sample survey operations, data quality, and data products and continuing support for the Administrative Records Clearinghouse; and
- Developing and implementing tools and software as part of the agency’s avoidance disclosure (data confidentiality) activities.

The only deviation between the White House request and the Insights Association request is \$9.135 million – the amount that the White House recommended removing from the Current Surveys and Programs account for the Survey of Income and Program Participation (SIPP). While not a high priority for IA members, the fact that the Administration in its Congressional Justification considered SIPP “*crucial to the measurement of the effectiveness of existing Federal, state, and local programs*” and “*the major source of information on the economic wellbeing of Americans over time*”¹ suggests that the funding should not be reduced. According to the White House budget request: “*The data are used to estimate future costs and coverage for government programs, such as food stamps, and to provide improved statistics on the distribution of income in the country. In FY 2021, this survey will provide a broader context for analysis by adding questions on a variety of topics not covered in the core section, such as childcare, wealth, program eligibility, child support, utilization and cost of health care, disability, school enrollment, taxes, and annual income.*”

¹ Page CEN-36. Census Bureau FY 2021 Congressional Budget Justification.
https://www.commerce.gov/sites/default/files/2020-02/fy2021_census_congressional_budget_justification.pdf

Finally, because the biggest portion of 2020 Census spending is occurring right now, in FY20, the Insights Association remains focused on current Census Bureau spending levels and the fact that the White House seems determined to try to carry over more than \$1 billion into FY21. We urge appropriators to keep close watch on 2020 Census operations and spending plans, especially now with the cascade of coronavirus uncertainties hitting just as self-response goes live.

Thank you for the opportunity to testify on FY21 CJS appropriations. The Insights Association is happy to answer any questions or concerns.

Sincerely,



Howard Fienberg
VP Advocacy
Insights Association



**HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON
COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES
WRITTEN TESTIMONY ON THE “FY2021” APPROPRIATIONS TESTIMONY FOR
THE DEPARTMENTS OF JUSTICE AND COMMERCE
BY THE HONORABLE W. RON ALLEN, TRIBAL CHAIRMAN/CEO
JAMESTOWN S’KLALLAM TRIBE
March 13, 2020**

On behalf of the Jamestown S’Klallam Tribe, I am pleased to submit this written testimony on our funding priorities and requests for the Fiscal Year 2021 Department of Justice and Department of Commerce Budgets. Our Budget Request endorses the requests and recommendations of the Northwest Indian Fisheries Commission, the Pacific Salmon Commission and the National Congress of American Indians. Decades of gross underfunding of Tribal criminal justice systems, complex jurisdictional issues, and the failure of the Federal government to fulfill its public safety obligations to Indian Country has led to the public safety problems that plague our communities today. American Indians/Alaska Natives suffer disproportionate rates of crime and victimization as documented by the Department of Justice (DOJ), the Bureau of Indian Affairs’ Office of Justice Services, and the U.S. Commission on Civil Rights. There are staggering unfulfilled Federal obligations/unmet needs for public safety and justice as quantified by the Office of Justice Services’ Annual Report to Congress noting that the total estimated need for law enforcement exceeds \$1 Billion; Existing Detention Centers exceed \$242 million; and Tribal Courts exceed \$1 Billion. Congress took historic steps to address some of the structural barriers to public safety and justice in Indian Country with the passage of the Tribal Law and Order Act (TLOA) in FY2010 and the Violence Against Women Act (VAWA) of 2013 but implementation cannot occur without sufficient resources.

TRIBAL SPECIFIC REQUESTS – DEPARTMENT OF JUSTICE

1. Provide Recurring Base Funding for Tribal Justice Programs
2. Hold Indian Country Harmless from Budgetary Reductions, Rescissions, and Sequestration
3. Data Collection to Support Funding Requests

NATIONAL REQUESTS AND RECOMMENDATIONS - DEPARTMENT OF JUSTICE

1. Fully Fund the Tribal Law and Order Act (TLOA)
2. Fully Fund Violence Against Women Act (VAWA)
3. Office of Justice Programs (OJP) – Create a Ten Percent (10%) Tribal Set-Aside for Tribes
4. Victims of Crime Act Funding – Provide a five percent (5%) set aside
5. Fund COPS Program - \$52 million

REGIONAL REQUESTS AND RECOMMENDATIONS – DEPARTMENT OF COMMERCE (Support the FY 2020 request of the Pacific Salmon Commission)

1. Provide \$110 million for the Pacific Coastal Salmon Recovery Fund (NOAA/NMFS)
2. Provide \$18.3 million for the Pacific Salmon Treaty, including the additional \$5.5 million for the 2008 Chinook Salmon Agreement (NOAA/NMFS)
3. Provide \$25.9 million for the Mitchell Act Hatchery Program (NOAA/NMFS)

TRIBAL SPECIFIC REQUESTS**1. Provide Recurring Base Funding for Tribal Justice Programs**

Stable base funding at sufficient levels is essential for viable and effective Tribal justice institutions. Grant funding is highly competitive, short-term, the application process is complex, the administrative burden on Tribes is excessive and there are numerous restrictions imposed on how Tribes may use the funds. Simply put, competitive grants create barriers to effectively and efficiently providing public safety and justice in Tribal communities. Reducing administrative inefficiencies would improve program effectiveness and increase the ability of Tribes to leverage the Federal dollar. Base funding coupled with more flexibility would allow for more effective and efficient use of the Federal dollar and stronger Tribal justice systems resulting in safer communities for Tribal citizens, residents and visitors.

2. Hold Indian Country Programs Harmless from Budgetary Reductions, Rescissions, Sequestration and Government Shutdowns

Decades of unfulfilled Federal obligations has devastated Tribal communities who continue to face persistent funding shortfalls as documented by the U.S. Civil Rights Commission 2018 Report: *Broken Promises Continuing Federal Funding Shortfall for Native Americans*. Since 2000, there have been approximately twenty (20) across the board rescissions to core Tribal government programs. Sequestration, reductions and rescissions further exasperate an already precarious budget situation undermining the Tribes' ability to maximize program operations and their ability to provide basic public safety and justice services to their citizens. In addition, many of these reductions are permanent rescissions and the cumulative effect over the years has critically impacted Tribal communities. Then, in January 2019, Tribal Nations ability to protect the health and welfare of their citizens was further jeopardized by the longest partial government shutdown in U.S. history. Self-Governance Tribes in particular, did not receive funding for public safety and justice services. Until Tribes attain exclusive taxing jurisdiction within their Tribal lands, Federal support remains critical to ensure the delivery of essential public safety and justice services to our Tribal citizens. The Federal trust obligation must be honored, and vital public safety programs and services must be sustained and held harmless in any budgetary impasse.

3. Improve Data Collection to Support Tribal Funding Requests

Data is critical to support Tribal policy goals, implementation of programs and services, managing impacts of the Federal investment and community planning for program success. Accurate data can capture the community needs and guide Tribal investments resulting in efficient and effective use of resources and strong Tribal justice systems. However, there is a lack of consistent, available data and data gathering throughout the Federal agencies. OMB and the agencies must work together with Tribes to develop uniform measures that track Federal spending for Native American programs and services and that capture the unfulfilled Federal obligations.

NATIONAL REQUESTS AND RECOMMENDATIONS DEPARTMENT OF JUSTICE**1. Fully Fund the Tribal Law and Order Act (TLOA)**

The Tribal Law and Order Act was an important step in empowering Tribes to better address the unique public safety challenges and reduce the prevalence of violent crime in Indian country. However, effective implementation of TLOA is contingent upon adequate Federal funding.

Funding is needed to implement the comprehensive and improved measures that were enacted to address the public safety crisis in Tribal communities. The entire Tribal justice system is dependent on this funding to carry out the functions of law enforcement, courts, and detention facilities, and to provide rehabilitation and preventive services. Tribal justice systems are the cornerstone that paves the way for economic development and Tribal self-sufficiency.

2. Fully Fund Violence Against Women Act (VAWA) Including \$5 million for VAWA Special Domestic Violence Criminal Jurisdiction

The Office on Violence Against Women provides funding for Tribes to address violence against women in their communities. It is estimated that 83% of American Indians/Alaska Natives (AI/AN) will experience intimate partner violence, stalking and/or sexual violence in their lifetime and over 90% of these crimes are committed by non-Natives. Funding for this effort is derived from other OVW Programs and combined into a single source called the "Grants to Tribal Governments Program". Therefore, it is imperative to Tribes that these other programs receive full funding so the Tribal grant program will, in turn, receive full funding. The root cause of these high rates of violence was a justice system that forced Tribal governments to rely on distant Federal, and in some cases, state officials to investigate and prosecute incidences of domestic violence committed by non-Natives against Native women. The statistics on violence against Native women show that outside law enforcement has proven ineffective in addressing these crimes of violence. Between 2005 and 2007, U.S. Attorneys declined to prosecute nearly 52 percent of violent crimes that occurred in Indian country; and 67 percent of cases declined were sexual abuse related cases. It is unconscionable to force Tribes to submit to a system of justice that declines to prosecute over half the criminal cases brought before it and leaves our Native women without judicial recourse. To address this, in 2013, Congress also recognized and affirmed the inherent sovereign authority of Tribes to exercise Special Domestic Violence Criminal Jurisdiction over Indians and Non-Indians who commit certain crimes in Indian country. The original legislation authorized \$5 million for Tribes to implement the new authority and we urge Congress to fund the program at \$5 million for FY2021.

3. Office of Justice Programs (OJP) – Create a 10% Tribal Set-Aside for all (OJP) Programs and Allow for Greater Flexibility

The Office of Justice Programs (OJP) provides funding to Tribes to address public safety and criminal justice needs in Indian communities. We are advocating for a 10% Tribal set-aside to allow for a more flexible grant structure for Tribes. Although Congress and the Administration have taken steps in recent years to try and address some of these concerns through the passage of the TLOA in 2010 and the Reauthorization of the VAWA in 2013, significant funding is needed in order to implement these new authorities to address the crisis level need in Indian country and elevate the safety and wellness of our Tribal citizens and communities. Tribal court systems are evolving to meet the increasing demands of Tribal communities and ensure that Tribal citizens are provided with adequate legal representation and protection. Under TLOA and VAWA Tribal courts are required to expand judicial services and meet certain costly thresholds, including, providing public defenders, recording criminal proceedings, and retaining legally trained and licensed Tribal judges. Without adequate funding for Tribal court systems, decisions to arrest, prosecute and detain will be based on financial restraints rather than in the best interest of public safety. Stable funding for Tribal courts is a prerequisite to ensure a safe, healthy and thriving Tribal community.

4. Provide a Five Percent (5%) Tribal Set-Aside for Victims of Crime Act Funding

For the past three years, Congress has directed that a portion of the Crime Victims Fund go directly to Tribal Nations. We urge Congress to continue to provide a 5% Tribal Set Aside on a recurring annual basis. Crime victimization rates on Tribal lands have been estimated as much as 250% higher than the national rate and the rate of murder of American Indian/Alaska Native women on some reservations are 1000% higher than the national average. Tribal governments, like state governments, are responsible for addressing the needs of victims in their communities. In addition, Tribes urge DOJ to discontinue the competitive grants and provide funding directly to Tribes based on criteria developed in consultation with Tribes.

5. Fund the COPS Program - \$52 million

The COPS Office provides funding to Tribes for law enforcement officers. The funding can also be used for training, equipment, vehicles, and technology. There is a great need for additional law enforcement officers throughout Indian Country, but limited resources have led to inadequate funding for justice systems, specifically, in the area of hiring, retention and training of law enforcement officers. It is imperative for the safety of Tribal citizens and surrounding communities that a significant increase in funding is allocated for Tribal law enforcement officers and programs.

REGIONAL REQUESTS AND RECOMMENDATIONS

1. \$110 million for the Pacific Coastal Salmon Recovery Fund (NOAA/NMFS) - In FY2020 Appropriators provided a total of \$65 million for the Pacific Coastal Salmon Recovery Fund (PCSRF). These funds have significantly decreased from their peak of \$110 million in FY2002. The Tribes' overall goal in the PCSRF program is to restore wild salmon populations and to protect and restore important habitat in Puget Sound and along the Washington coast. These funds support policy and technical capacities within Tribal resources management to plan, implement, and monitor recovery activities. An investment of \$110 million would bolster the economic, ecological, social, and cultural benefits for Tribes.

2. \$18.3 million for the Pacific Salmon Treaty - The U.S. Section estimates that this funding is needed to implement national commitments created by the Treaty (NOAA/NMFS) - The Pacific Salmon Commission (PSC) establishes fishery regimes, develops management recommendations, assesses each country's (U.S. and Canada) performance and compliance with the treaty, and is the forum for all entities to work towards reaching an agreement on mutual fisheries issues.

3. \$25.9 million for the Mitchell Act Hatchery Program (NOAA/NMFS) - Funding is provided for the operation and maintenance of hatcheries that release between 50 and 60 million juvenile salmon and steelhead in Oregon and Washington. This program has historically provided fish production for Tribal treaty and non-Tribal commercial and recreational fisheries in the Columbia River, and it also contributes to ocean fisheries from Northern California to Southeast Alaska.

I would like to extend my thanks to the Subcommittee for an opportunity to submit testimony on the FY2021 Appropriations for DOJ and DOC.

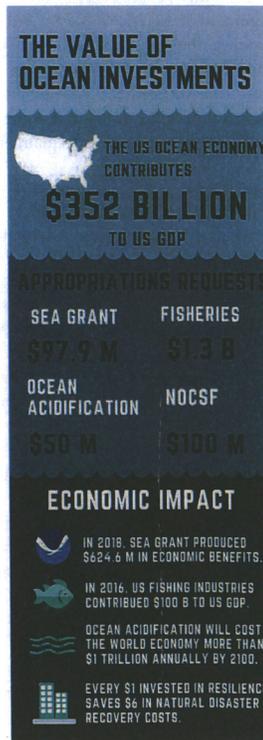


March 13, 2020

Testimony of the Joint Ocean Commission Initiative to the U.S. House Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies for NOAA, NSF, and NASA for FY 2021

Chairman Serrano, Ranking Member Aderholt, and other distinguished Members of the Subcommittee on Commerce, Justice, Science, and Related Agencies, we thank you for the opportunity to submit written testimony regarding the Fiscal Year (FY) 2021 Commerce, Justice, Science, and Related Agencies appropriations bill. We are deeply appreciative of the comprehensive funding that you provided to ocean priorities in FY 2020. We recognize the difficulty of allocating resources in these challenging fiscal times. We laud your decision to support key ocean accounts reflective of the immense value of the ocean and coasts to a nation intrinsically reliant on and connected to the ocean. For FY 2021, we are again facing a long list of accounts that need the active support of Congress. These include bedrock staples such as Sea Grant, Coastal Zone Management Grants, ocean observations, ocean acidification, and fisheries management. Proposed cuts to these programs would undermine our investments and compromise our ability to address the ongoing impacts of a changing climate, protect and promote economic development, safeguard our citizens, and responsibly balance the use of our oceans and coasts.

The Joint Ocean Commission Initiative (Joint Initiative) is a collaborative, bipartisan effort to catalyze action and monitor progress toward meaningful ocean policy reform. We believe that a continued commitment to protecting base funding and core programs at NOAA, NSF, and NASA is an investment that will save lives, protect national security, grow our economy, and preserve the health of our oceans and coasts. Ocean observations play a critical role in maintaining our undersea superiority. Ocean and coastal resources provide fundamental goods and services, including food, minerals, transportation, medicines, tourism, and recreational opportunities. Ocean and coastal environments are often the first line of defense when it comes to promoting resilience and protecting American communities from severe weather events. Yet the ocean is disproportionately impacted by increasing emissions from human activities. It has already absorbed over 90 percent of the heat trapped by human-generated CO₂. The nexus of climate and oceans is clear, and the US needs to lead when it comes to supporting climate research, education, and adaptation. Robust support for key accounts at NOAA, NSF, and NASA is key to US leadership.



Based on the need for significant and sustained investment to invigorate public-private partnerships, address the significant link between oceans and disruptive climactic variations, and energize national, regional, state, and local initiatives, **we strongly support increasing NOAA's overall budget to a minimum of \$6.7 billion, NSF's overall budget to a minimum of \$9.2 billion, and NASA Earth Science's budget to a minimum of \$2.2 billion.** We believe the recommendations in this testimony represent a modest investment relative to the threats and opportunities facing oceans and coastal communities, as the benefits they confer significantly outweigh the costs.

Research, Exploration, and Observation

A critical component of America's economic, military, and diplomatic power lies in its ocean science, research, education, exploration, monitoring, and observation enterprises. Especially given the pace of observed changes in climate and ocean chemistry, we strongly urge the Subcommittee to protect vital ocean science and research capabilities.

Observation and monitoring programs, as well as other scientific and data programs, are integral to NOAA's ability to accurately forecast weather. They are central for NOAA's protection and management of America's coastal and ocean resources and for the U.S. military's navigation and extreme weather preparedness. We ask that your committee continue to support enhanced capabilities for observation and monitoring by **allocating \$550 million to NOAA's Office of Oceanic and Atmospheric Research (OAR) and \$53 million to NOAA's Sustained Ocean Observations and Monitoring Program.** We also suggest the committee **allocate \$50 million for the Ocean Exploration program** to maintain the pace, scope, and efficiency of exploration.

It is also critical to **fund climate research at OAR at no less than \$200 million to promote high-priority climate science** that advances our understanding of Earth's climate system and foster the application of this research in risk management and adaptation efforts

In addition, **we recommend allocating \$9.2 billion for the NSF.** NSF's investment in the geosciences – which includes ocean sciences – has spurred innovations, addressed salient national and global challenges, galvanized new economic sectors, generated countless jobs, and led to the development and implementation of advanced technologies. Finally, **we recommend you allocate \$2.2 billion in funding for NASA's Earth Science Division** to improve national capabilities to predict climate, weather, and natural hazards, and better manage national resources.

Education and Extension

The National Sea Grant College Program works to better understand, conserve, and utilize America's coastal resources, making it critical to coastal states, communities, and economies. Sea Grant works to extend the findings of marine and coastal research to impact American livelihoods. For example, Sea Grant programs support fisheries and aquaculture business development and help Americans plan for and respond to extreme weather events. We are alarmed by the President's proposal to eliminate funding for Sea Grant, and we urge this committee to secure the benefits that Sea Grant provides by **allocating \$97.9 million to Sea Grant in FY 2021, which includes \$15 million for Sea Grant Marine Aquaculture.**

Likewise, we are equally alarmed by the elimination of funding for environmental education and ocean stewardship at NOAA. We urge the committee to provide **\$15 million for the Bay-Watershed**

Education and Training (B-WET) program and \$8 million for Environmental Literacy Programs (ELP), which are essential for STEM education and encouraging environmental stewardship.

Resilience and Security

Variability in oceanographic and atmospheric conditions, coupled with demographic changes that increasingly crowd our coasts, make the impact of storms and flooding events more severe. Changing weather and charged geopolitical relationships heighten the already serious need for ocean and coastal security. Ocean and coastal communities must be safeguarded and made more resilient. Congress took a pioneering first step with the FY 2018 Omnibus by authorizing \$30 million for the National Ocean and Coastal Security Fund (NOCSF). **We ask this subcommittee to continue leading on ocean and coastal security by allocating \$100 million for the NOCSF in FY 2021.** We further recommend that **at least \$4 million be allocated for regional data portals** used to support critical ocean partnerships that encourage collaboration and data sharing on the regional scale. In addition, we recommend a **total allocation of \$80 million to Coastal Management Grants and a minimum allocation of \$35.5 million for the National Estuarine Research Reserve System in FY 2021.** These programs support vital federal/state partnerships to help protect our coasts and preserve millions of acres of coastal habitat, buffering against rising seas and storm events.

NOAA's National Ocean Service (NOS) is also critical for sustained resilience and security. **We strongly recommend that NOS receive an allocation of \$650 million.** NOS funding supports programs that ensure safe and efficient transportation and commerce; preparedness and risk reduction; and stewardship, recreation, and tourism. For example, NOAA's Office for Coastal Management delivers technical assistance communities need to address storm preparedness, erosion, development, habitat loss, sea level rise, and threats to water quality. Moreover, the National Centers for Coastal Ocean Science provides coastal managers with the scientific information they need to protect public health, preserve valued habitats, and foster sustainable community interaction with coastal ecosystems. In addition, NOS supports the Integrated Ocean Observing System (IOOS), which plays an instrumental role in collecting and distributing data that is used at the national, regional, state, and local levels. **We recommend IOOS be supported at recommends \$45.25 million** to meet the safety, economic and stewardship needs of the nation.

The NOS is also responsible for administering the Office of National Marine Sanctuaries and a range of restoration projects that dramatically enhance the resilience of coastal communities and ocean environments. **National Marine Sanctuaries require \$66.5 million to protect iconic species** like migratory whales and majestic seabirds, as well as massive coral reefs and towering kelp forests, so essential to ocean health. It is worth noting that these investments pay serious economic dividends: National Marine Sanctuaries generate approximately \$8 billion annually for local economies and NOAA's restoration projects create an average of 17 jobs for every \$1 million invested. Moreover, every dollar invested in strengthening coastal communities against storm surge mitigates six dollars in losses. We ask the subcommittee to support the NOCSF and the NOS to bolster the nation's economic and environmental resilience and security.

Ocean Acidification

Ocean acidification is evident along every shoreline and is having major impacts on economies worldwide. By changing the chemistry of seawater, ocean acidification endangers shellfish, corals, and other marine life that form calcium shells or skeletons and disrupts marine food webs. In the

United States, ocean acidification poses a fundamental risk to our fisheries and aquaculture industries. **We strongly urge you to allocate a minimum of \$50 million for NOAA's Integrated Ocean Acidification program.** Funding the Integrated Ocean Acidification program at elevated levels will support critical research, monitoring, education, and outreach. It will help develop a better understanding of the causes, impacts, and scale of ocean acidification and identify interventions to help protect fisheries and aquaculture.

Sustainable Fisheries

Fishing is a cornerstone of the ocean economy and an important aspect of American history and culture. Since 1976, we have seen tremendous progress toward creating and maintaining sustainable fisheries domestically and internationally. Much of this progress can be credited to your Subcommittee's commitment to scientifically-sound fishery management and the tireless efforts of U.S. fishermen, regional fishery management councils, state commissions, scientists, and managers.

However, America's fisheries are currently facing unprecedented challenges including changing ocean conditions, impacts from land-based activities, shifts in historic stock distributions, increasingly complex data requirements, and a rapidly growing recreational fishing sector. NOAA Fisheries requires elevated funding to address these numerous challenges. For example, better science and real-time data can improve the quality of management decisions and provide regional management councils with more tools to assess the current status of fish stocks. **To protect America's fisheries and the jobs that rely on them, we recommend allocating \$1.2 billion to the National Marine Fisheries Service to fully implement the Magnuson-Stevens Fishery Conservation and Management Act. In addition we urge you to provide \$179 million for fisheries data collections, with an increase of \$6 million for surveys and stock assessments.** We also urge you to support full implementation of the U.S. Seafood Import Monitoring Program to address IUU fishing and other initiatives to spread sustainable fisheries management globally.

Concluding Remarks

The Joint Initiative greatly appreciates your commitment to addressing the challenges of our maritime nation, and in particular to the ocean-climate nexus, so critical to the future of our blue planet. We thank you for the substantial funding allotted to ocean priorities in FY 2020, and we appreciate your consideration of our FY 2021 request. We will continue to track progress on key ocean and coastal programs and accounts in FY 2021 and beyond, and we stand ready to assist you in advancing positive and lasting changes in the way we manage our nation's oceans and coasts.

Joint Initiative Co-Chairs and Leadership Council Members

The Honorable Christine Todd Whitman | The Honorable Norman Mineta
 Frances Beinecke | Don Boesch | Lillian Borrone | The Honorable Norm Dicks | Quenton Dokken |
 Robert Gagosian | Sherri Goodman | Scott Gudes | The Honorable Conrad Lautenbacher | Margaret
 Leinen | The Honorable Jane Lubchenco | Julie Packard | The Honorable Leon Panetta | John Pappalardo
 | The Honorable Pietro Parravano | Randy Repass | Andrew Rosenberg | Paul Sandifer



**National Alliance to
End Sexual Violence**

Written Testimony of Terri Poore, Policy Director
National Alliance to End Sexual Violence
House Committee on Appropriations Subcommittee on
Commerce, Justice, & Science
Sexual Assault Services Program & Crime Victims Fund
March 12, 2020

On behalf of the National Alliance to End Sexual Violence (NAESV) representing 56 state and territorial sexual assault coalitions and more than 1500 local rape crisis centers, we respectfully **request \$50 million for the Sexual Assault Services Program (SASP) at the Office on Violence Against Women, Department of Justice.** We are grateful for your recognition of the need to invest in services and for an increase in SASP in FY 2020 from \$37.5 million to \$38 million, however, an increased investment is required to meet the need. Additionally, **we request a steady release of funding from the Victims of Crime Act (VOCA) Crime Victims Fund (CVF) in fiscal year 2021 at the Office for Victims of Crime, Department of Justice, reflecting deposits and funds levels, updated language to help increase deposits, funding for tribal services, and no transfers from the CVF to pay for other appropriations issues.**

Data from the Centers for Disease Control and Prevention's (CDC) *National Intimate Partner and Sexual Violence Survey (NISVS)* reveals that domestic violence, sexual assault, dating violence, and stalking are insidious, pervasive, and deadly crimes. Nearly one in five women have been raped in their lifetime; nearly one in two women have experienced some form of sexual violence. With the #MeToo movement and high-profile cases of sexual violence, there's more demand than ever for recovery services. Our message to survivors must be clear: when you come forward for help and support, it will be available.

Our nation has made such phenomenal progress in understanding and addressing violence against women, because Congress has made a national, ongoing, annual investment. SASP and VOCA fund rape crisis centers through state formula grants, ensuring that victims of sexual assault have access to vital medical services, legal advocacy, and counseling. Advocates help the criminal justice system respond more effectively – more police reports, more prosecutions and more convictions equal safer communities. According to the Office on Violence Against Women's most recent report to Congress, over 55,000 victims were served by the SASP program

in one year. Over 4,000 agencies, including over 1000 rape crisis centers, rely on VOCA assistance grants to provide critical direct services for over 3.4 million victims a year.

Victims of sexual assault suffer. They are more likely to struggle professionally, academically and from depression, post-traumatic stress disorder, substance abuse, and to contemplate suicide. SASP funds ensure quality services. Through support of coalitions which provide training and technical assistance, SASP helps ensure that victims receive high quality services and improved responses from the criminal justice system. SASP funds also support underserved communities. Grants to culturally specific organizations help support intervention and related assistance for underserved victims and communities of color.

According to our 2019 data, half of programs have a waiting list for counseling services with many survivors waiting many weeks or even months for counseling. 44% lack a therapist on staff. Attention to campus and military sexual assault cases, as well as high profile media cases, has meant more victims have come forward needing critical recovery services. 84% of programs experienced increased demand last year. Programs must be expanded to meet the demand.

As a result of the increases in the VOCA cap over the last several years, many programs have received an increase in VOCA funds. Programs have:

- Hired new advocates & increased wages to improve retention;
- Hired forensic nurses;
- Served more trafficking survivors;
- Opened satellite offices in rural areas;
- Reached more children;
- Started support groups for youth & elders;
- Provided transportation support and housing assistance to victims;
- Offered therapy to survivors; and
- Added text/chat counseling capabilities and other technological improvements.

Responses from our 2019 Rape Crisis Center Survey on the impact of VOCA funds include these quotes:

“The VOCA increase has changed our program completely. We can now offer career-sustaining wages and benefits to all our employees. Now we have an emergency assistance fund for victims and this is life-changing!”—a Wisconsin advocate

“We’ve been able to increase direct services to victims that would NEVER have happened without VOCA funds. Now we can respond to victims via text/chat which enables more victims to seek help.” --a Pennsylvania advocate

“The additional monies and match waivers have been extremely helpful. The slow movement of funds and strict regulations have been concerning.”—an Alabama advocate

However, of deep concern to advocates, deposits to the fund have been shrinking considerably in the past years. At the same time, releases from the CVF rose to an all-time high in 2018. Advocates warned the increase could not be sustained. Now the current health of the fund is

greatly compromised. Estimates suggest a **\$740 million cut to victim assistance grants to states in FY 2020 as a result of shrinking deposits to the fund**. Programs need a steady stream of funding that can be relied on year in and year out. Large fluctuations in the cap do not benefit survivors or victim services providers.

Congress must update language to increase deposits to the fund to avoid painful cuts to local programs and increased gaps in survivor services. Unless revenues into the Fund are supplemented, there is a good chance that the entire Fund balance could be depleted within five years. Fund deposits should be supplemented with payments made pursuant to deferred and non-prosecution agreements.

We ask Congress to invest and update these lifesaving programs that are so vital to our work to support survivors.

If you have any additional questions at the importance of increasing funding for SASP or addressing the VOCA CVF, please feel free to contact me at terri@endsexualviolence.org.



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NAICJA

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

March 12, 2020

On behalf of the National American Indian Court Judges Association (NAICJA), this testimony addresses important programs in the **Department of Justice (DOJ)**. Specifically, NAICJA joins the National Congress of American Indians (NCAI) in requesting:

Program	NCAI FY 2021 Request
DOJ: Tribal Grants: Eliminate competitive grant funding process and utilize Justice Department appropriations as base funding so that tribal nations determine their own priorities	Use DOJ appropriations as base funding.
DOJ: Tribal Set-Aside from OJP	Create a 10 percent tribal set-aside for all discretionary OJP programs.
DOJ: Tribal Set-Aside from Crime Victims Fund	Create a 5 percent set-aside for tribal governments.
DOJ: Tribal Youth Program under the Juvenile Accountability Block Grants program	\$25,000,000; <i>Vital Tribal Youth programs now funded at lowest level since established in 1990s</i>
DOJ: Tribal Civil and Criminal Legal Assistance (TCCLA) Grant	\$3,000,000
DOJ: Community Oriented Policing Services (COPS) Tribal Law Enforcement	\$52,000,000
DOJ: Tribal programs under the Violence Against Women Act (VAWA)	Fully fund all VAWA-authorized programs including the Sexual Assault Clearinghouse.

NAICJA is a national, non-profit association comprised of tribal justice personnel, including tribal leaders, judges, justices, court administrators, court clerks, Indian law practitioners and scholars, and others devoted to supporting and strengthening tribal justice systems. NAICJA's mission, as a national representative membership organization, is to strengthen and enhance tribal justice systems through education, information sharing, and advocacy. Established in 1969, NAICJA has a long history of dedication to providing educational support for tribal court judges and court-related personnel.

The federal government's trust responsibility to Tribal nations is at the heart of NAICJA's recommendation to follow National Congress of American Indian's (NCAI's) [FY 2021 Indian country budget request](#). Like all other governments, Tribal nations are responsible for the protection and care of their citizens and residents on tribal lands. Through treaties and other agreements, Tribes ceded tribal lands for the promise of protected self-governance and adequate resources from the United States. Those promises are the foundation of the government-to-government relationship that exists today.

Part of the federal trust responsibility to Indian tribes includes basic governmental services in Indian Country, funding for which is appropriated in the discretionary portion of the federal budget. Tribal governments exist to protect and preserve their unique cultures, identities, and natural environments for posterity. As governments, tribes must deliver a wide range of critical services, such as education, workforce development, youth programs, and first-responder and public safety services, to their citizens. The federal budget for tribal governmental services reflects the extent to which the United States honors its promises to Indian people.

Yet tribal justice systems historically have been under-funded and continue to be under-funded in most tribal communities. In 1991, the 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."¹ In 2014, the Attorney General's Advisory Committee on American Indian and Alaska Native Children Exposed to Violence noted that Department of Justice (DOJ) funding for tribal justice systems has been consistently decreasing in recent years.² The Indian Law and Order Commission (ILOC) noted that in addition to funding shortfalls, DOJ's short-term, competitive funding approach is deficient because it reflects federal priorities rather than tribal ones, favors hired grant-writers, requires tribes to compete against each other, and offers only three-year programs that often leave tribes with staff turnover and short-term programs.³

Further, the Civil Rights Commission continued reporting on this topic with *A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country* in 2003 and *Broken Promises: Continuing Federal Funding Shortfall for Native Americans* in 2018. *Broken Promises* found that "Federal funding for Native American programs across the government remains grossly inadequate to meet the most basic needs the federal government is obligated to provide...Since 2003, funding for Native American programs has mostly

¹ United States Commission on Civil Rights, [The Indian Civil Rights Act: A Report of the United States Commission on Civil Rights](#) 71 (June 1991).

² ATTORNEY GENERAL'S ADVISORY COMMITTEE ON AMERICAN INDIAN AND ALASKA NATIVE CHILDREN EXPOSED TO VIOLENCE, U.S. DEP'T OF JUSTICE, [Report of the Advisory Committee on American Indian and Alaska Native Children Exposed to Violence: Ending Violence So Children Can Thrive](#) 53 (November 2014).

³ INDIAN LAW AND ORDER COMMISSION, [A Roadmap for Making Native America Safer: Report to the President & Congress of the United States](#) 83 (2013) [*hereinafter* ILOC REPORT].

remained flat, and in the few cases where there have been increases, they have barely kept up with inflation or have actually resulted in decreased spending power.”⁴

DOJ funding across programs affecting Indian country should be dramatically increased and the mechanism for distributing those funds should be modified. As sovereign nations, tribes should not have to compete for short-term grants that reflect federal priorities. Rather, funds should be allocated as flexible base funding.

Create a 10 percent tribal allocation across all Office of Justice Programs (OJP) programs.

A 10 percent OJP tribal set-aside would streamline the federal funding process by which tribal nations receive resources to establish tribal courts; assist in developing detention facilities; provide legal assistance; develop and maintain juvenile delinquency prevention programs; and provide substance abuse prevention programs. Further, the tribal set-aside gives tribal nations the flexibility to develop a comprehensive strategy on how best to spend those resources. It also would create new possibilities for coordinating BIA and DOJ funding to reduce inefficiencies and unnecessary administrative costs.

Include tribal governments in disbursements from the Crime Victims Fund.

The Crime Victims Fund (CVF) is the federal government’s primary funding source for providing services to victims of crime. Unlike state and territorial governments, who receive an annual formula distribution from the CVF, Indian tribes were only able to access CVF funds via pass-through grants at the discretion of the states or by competing for very limited resources administered by the DOJ. This system left a significant unmet need in most tribal communities—communities where crime victimization rates far exceed the national average.

For the past three years, Congress has directed a portion of the overall disbursements from the CVF to tribal nations. The 5 percent tribal set-aside included in the FY 2020 appropriations bill will direct \$132 million to support and improve crime victim services on tribal lands. This funding has the potential to transform the crime victims’ services infrastructure on tribal lands, and it is imperative that it be appropriated on an annual basis to sustain the programs and services that will be developed. We urge appropriators to keep disbursements from the CVF at the increased level and to direct an amount equal to 5 percent of overall CFV disbursements to tribal governments on a non-competitive basis.

If Congress declines to adopt the flexible 10 percent set-aside across OJP programs, restore FY 2010 levels of \$25 million in funding for the Tribal Youth Program (TYP) under the Juvenile Accountability Block Grants Program.

Native youth living in sovereign tribal nations face numerous overlapping barriers to safety, wellness, academic achievement, and positive youth development. Barriers occur

⁴ United States Commission on Civil Rights, [Broken Promises: Continuing Federal Funding Shortfall for Native Americans](#), 4 (December 2018).

at the individual, family, community, and regional levels, resulting in disproportionate involvement with juvenile justice, child welfare, and other youth-serving systems. Today's Native youth continue to grapple with the effects of collective intergenerational and historical traumas, including the persistent poverty that characterizes many tribal communities located on remote and under-resourced reservations.

TYP is the first OJJDP program dedicated to prevention, intervention, and juvenile justice system improvement in Native communities. In the past four years of the DOJ Coordinated Tribal Assistance Solicitations, Purpose Area 9 (TYP) has received the greatest number of grant applicants and categorically received the least amount of funding during that same four-year period, resulting in on average only 9-10 Tribal Youth Programs applications being funded each year. The sheer number of applications in this purpose area is indicative not only of an unmet need in Indian country but also of a tribal commitment to prioritizing their youth. Further exacerbating the issue, TYP is currently funded at its lowest level since its establishment in the 1990s. Due to this decreased funding, hundreds of Tribal communities across the United States are left grappling with how to ensure that their most cherished resource is provided equal opportunity as other youth in this country to *heal, thrive, and realize their life potential*. Funding for the Tribal Youth Program should be restored to its FY 2010 level of \$25 million.

Fund the Tribal Civil and Criminal Legal Assistance, Training and Technical Assistance (TCCLA) grant program at a level of \$3 million.

The Indian Tribal Justice Technical and Legal Assistance Act of 2000 (Public Law 106-559) authorized DOJ to award grants to non-profit entities, such as the 25 Indian Legal Services programs connected with the Legal Services Corporation (LSC), to provide civil and criminal legal assistance to both tribal governments and their justice systems and to individual indigent tribal citizens. In addition to individual representation, Indian Legal Services programs are currently assisting more than 160 tribes and/or tribal judicial systems.

Increase funding of tribal law enforcement programs under DOJ's Community Oriented Policing Services (COPS) Grants to \$52 million.

Since the creation of the COPS Office, more than 2,000 grants totaling more than \$400 million have been awarded to tribal nations to hire more than 1,700 new or redeployed law enforcement officers. It has also helped tribes to obtain necessary law enforcement training, equipment, vehicles, and technology. The COPS Office has taken a proactive approach toward addressing the needs of tribal nations and has become one of the primary resources available to tribal law enforcement agencies attempting to develop and maintain a fundamental policing infrastructure and upgrade outdated equipment. Yet, there is still a tremendous unmet need within tribal justice systems for more COPS funding.

Fully fund the programs authorized in the Violence Against Women Act (VAWA), including the funds authorized for tribal implementation of VAWA special domestic violence criminal jurisdiction.

It is estimated over 85 percent of American Indian and Alaska Native women will experience violent victimization in their lifetimes. No area of need is more pressing or compelling than the plight of American Indian and Alaska Native women and children fleeing physical and sexual violence. OVW provides funding to tribal governments to address violence against women in their communities. OVW's largest source of funding for tribal governments is the Grants to Tribal Governments Program, which is funded via statutory allocations from other OVW programs. Fully-funding these OVW programs results in full funding for the Grants to Tribal Governments Program and for the implementation of Special Domestic Violence Criminal Jurisdiction.

Conclusion

Thank you for your consideration of this testimony.

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

“FY 2021 Public Witness Testimony”

Statement of Carson Fox, J.D.
Chief Executive Officer, National Association of Drug Court Professionals

March 13, 2020

To Chairman Serrano, Ranking Member Aderholt, and distinguished Members of the Subcommittee, I am honored to have the opportunity to submit my testimony on behalf of this nation’s more than 4,000 drug courts and the 150,000 people they will connect to lifesaving addiction and mental health treatment this year. For more than three decades, drug courts have offered unprecedented success in finding solutions to the nation’s opioid and other addiction epidemics by simultaneously promoting both public health and public safety. **I am requesting the Congress maintain the enacted fiscal year 2020 numbers of \$80 million for the authorized Drug Court Discretionary Grant Program (Pub. L. 115-271) and \$23 million for the authorized Veterans Treatment Court Program at the Department of Justice (Pub. L. 114-198).**

I serve as the chief executive officer of the National Association of Drug Court Professionals. In my role, I have the privilege of seeing the positive change drug courts are making in communities large and small throughout the country. These programs are providing an actionable, evidence-based solution to communities in crisis over the unprecedented growth of opioid use disorders in nearly every state and county. The 35,000 people working in American drug courts today are on the front lines of an addiction epidemic, providing individualized care to the justice system’s most vulnerable, preventing needless overdoses, cutting addiction-related crime, and saving taxpayer dollars.

Through drug courts, people involved in the justice system due to an underlying substance use or mental health disorder are connected to treatment, services, and judicial supervision. Many of these lifesaving programs would not exist today without these authorized programs created by Congress through years of bipartisan support. The restored lives of so many thousands are thanks in no small part to this support.

When I began my career as a South Carolina prosecutor in the 1990s, I saw what so many across the country were seeing: the same individuals repeatedly appearing before the courts for crimes committed in service to their substance use disorders. While the courts, law enforcement, and taxpayers bore a great burden in this revolving door, it was the children and families of those stuck in the cycle of addiction who bore the greatest cost.

More than three decades later, the costs of substance use are still the same, but drug courts are helping mitigate them in all 50 states. Drug courts and other treatment courts are on the front lines of the opioid/stimulant epidemic, including the recent rise in methamphetamine use. These

programs are leading a comprehensive, evidence-based response that uses community-based treatment, including FDA-approved medication; coordinates with local law enforcement to ensure stringent supervision; and offers wraparound services to improve housing, employment, and family reunification.

But the evidence showing drug courts work isn't just anecdotal. Drug courts not only are the most researched criminal justice innovation in American history, they continue to be proven the most successful. In fact, the Government Accountability Office (GAO) examined over 30 scientifically rigorous studies involving more than 50 drug courts throughout the country. The GAO found re-arrest rates for drug court graduates to be up to 58 percent below comparison groups, and cost-benefits as high as \$47,852 per participant.

The GAO identified the Department of Justice National Institute of Justice Multi-Site Drug Court Evaluation (MADCE) as "the most comprehensive study on drug courts to date." This five-year study confirmed that drug courts improve education, employment, housing, and financial stability for nearly all participants. In addition, the MADCE found that they promoted reunification, reduced foster care placements, and increased the rate of addicted mothers delivering fully drug-free babies.

To bring all this research together, in 2013, NADCP released the *Adult Drug Court Best Practice Standards*. The standards incorporate more than a quarter-century of what is known about drug courts, defining appropriate practice for drug courts across a spectrum of highly researched principles, including target populations, team member roles, equity and inclusion, evaluation, and others.

Since their release, the effect of the standards on the drug court field has been profound. New drug courts are using the standards as the foundation for building a successful program, and existing courts are using them to adopt new policies, retool old ones, and expand capacity. In fact, grants issued by the Department of Justice and other agencies to drug court programs require fidelity to the *Adult Drug Court Best Practice Standards*. In response, a majority of states have either adopted the standards as their primary operational guide, are receiving training and technical assistance from NADCP to do so, or are incorporating the standards into their state guidelines for drug courts.

Beyond the statistics, there are real people whose lives and families are profoundly changed by the drug court model. I can think of many dozens of inspiring drug court success stories I've encountered in my career, people who are parents, veterans, professionals, young and old; drug courts have saved individuals from every walk of life.

Take, for example, Travis from Carroll County, Maryland. Raised by a supportive family, he was active in sports, had college scholarship offers, and even toured Europe as a young man playing rugby. But when multiple tragedies struck his young life, Travis turned to opioids as a solution. Soon the pills gave way to heroin, and Travis entered full-blown addiction. For more than 15 years, he cycled in and out of treatment programs and jail, racking up one criminal charge after another. Finally, his crimes caught up with him, and Travis was given a choice: serving eight to ten years in a state prison or drug court. He chose drug court and hasn't looked back.

The Carroll County Drug Court team got Travis the help he needed, connecting him to treatment services while holding him accountable for his actions in service to his addiction. Like many drug court participants, he struggled at first, but he says that when drug court exposed him to recovery for the first time, the light came on, and his life started getting, in his words, amazing.

Today, Travis's job sends him all over the world, where he supervises employees as well as millions of dollars of merchandise. This is something, he says, that never would have been possible while he was living in addiction.

There's also Tim. Tim served in the United States Marine Corps and was among the first to deploy to Iraq. He was also one of the first to return, before the country understood what struggles service men and women would face readjusting to civilian life. Tim used drugs and alcohol to help numb the confusion and sudden loss of camaraderie, and just days after returning home to Pennsylvania, he found himself in trouble with the law. But through veterans treatment court, Tim completely turned his life around, getting treatment and the services he earned through the Department of Veterans Affairs, while adhering to strict accountability structure.

Today, Tim is again a loving husband and father. He is a certified peer specialist who works full-time as a veteran mentor in the Philadelphia Veterans Treatment Court, helping fellow veterans through the very program that saved his life. The governor of Pennsylvania recently pardoned Tim for his past charges, giving him a free and clear future.

Stories like those of Travis and Tim are not unique in drug courts and veterans treatment courts. These programs are coming to the aid of thousands each year facing incarceration for crimes with the highest levels of recidivism, crimes ranging from forgery and theft to fraud and driving while impaired. By placing individuals in drug court, we are cutting off the cycle of repeat crime and saving taxpayers millions.

As the nation searches for ways out of the opioid crisis and greater addiction epidemic, drug courts and veterans treatment courts can be one solution. These programs are on the front lines of ensuring we have an effective, evidence-based response that saves lives, reunites families, and makes our communities safer.

Treatment courts nationwide have benefited, and continue to benefit, greatly from federal funding provided by the Department of Justice. I encourage this committee to focus on proven programs such as these which guarantee financial returns and measurable success. There is no better example than drug courts and other treatment courts.



**Testimony of Arturo Vargas, Chief Executive Officer
NALEO Educational Fund
to the House Appropriations Committee's
Subcommittee on Commerce, Justice, Science, and Related Agencies
Concerning Census Bureau FY21 Appropriations**

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CHIEF EXECUTIVE OFFICER

Mr. Arturo Vargas

¹ deceased

On behalf of the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund, I write to urge your support for appropriations of at least \$1.681 billion for the Census Bureau in FY21. We also request that you adopt bill language that ensures that the Census Bureau continues to publish comprehensive American Community Survey (ACS) data.

NALEO Educational Fund is the nation's leading nonprofit organization that facilitates the full participation of Latinos in the American political process, from citizenship to public service. Our Board members and constituency encompass the nation's more than 6,800 Latino elected and appointed officials, and include Republicans, Democrats and Independents. NALEO Educational Fund is a national leader in Census outreach, community education and policy development. Since the 1990 Census, our organization has conducted outreach campaigns to promote the full and accurate count of the Latino community. Together with media and community-based organizational partners, we are conducting ¡HAGASE CONTAR! ("Make Yourself Count!") and ¡HAZME CONTAR! ("Make Me Count!") campaigns to drive response to the 2020 Census through dissemination of community education materials; promotion of a toll-free Census information hotline staffed by bilingual operators; technical assistance for community groups; and direct assistance to Latino residents with completing Census forms. NALEO Educational Fund was a member of U.S. Census Bureau national advisory committees from 2000 through 2019, and presently serves as the co-chair of the Leadership Conference on Civil and Human Rights' Census Task Force, and of the National Hispanic Leadership Agenda's Census Task Force.

Congress Must Fully and Timely Fund the Census Bureau in FY21

Decennial Census data are fundamentally important to ensuring that our government fairly represents Americans' values and interests, and that the public and private sectors invest wisely in our communities. The Census Bureau's production of data in support of reapportionment and redistricting does not end with collection of data during FY20, but extends into FY21, when the Bureau must compile and publish files used to determine political representation for the next decade, and undertake other significant projects to close out the decennial Census. These efforts have deadlines set forth in statute, and consequences that extend far into the future. It is critical to the success and accuracy of the 2020 Census that they be timely and adequately funded.

During FY21, the Census Bureau will perform post-enumeration surveying to assess the accuracy of decennial Census data, and the degree of under- and overcounting of various populations that share demographic characteristics.

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This program yields some of the most helpful information and insights available to the Bureau as it works to achieve greater precision and efficiency in future data gathering. The counterpart operation that followed the 2010 Census demonstrated that Latino children aged 0-4 were among the most undercounted groups in the nation, and that while aggregated accuracy had improved, disproportionate undercounts of populations of color, youth, renters, LGBTQ residents, and others persisted. The 2020 Post-Enumeration Survey will take place at a particularly critical time for the Census Bureau, as it takes stock of its first large-scale online operation, and looks to expand its use of administrative records. In addition to reviewing the accuracy of the decennial Census and implementing other experimental initiatives, in FY21 the Census Bureau will launch a new system for integration of multiple sources of data, and will conduct research on alternative methods of data collection that reduce costs to the government.

Finally, in FY21 the Census Bureau must finalize data releases from the 2017 Economic Census and begin work on its 2022 Economic Census and Census of Governments, which provide extensive data upon which both the public and private sectors rely. It will conduct some of its experimentation through the Survey of Income and Program Participation (SIPP), which the Administration describes as, "crucial to the measurement of the effectiveness of existing Federal, state, and local programs" and "the major source of information on the economic wellbeing of Americans over time." In spite of planning to add questions on topics including child care, wealth, child support, utilization and cost of health care, disability, school enrollment, taxes, and annual income, the Administration's budget proposes a cut of \$9,135,000 for the survey.

Upholding the quality of this important work requires that Congress provide the Census Bureau with adequate funding consistent with lifecycle cost projections set forth over this past decade leading up to the 2020 Census. We request that you fund the Census Bureau's Periodic Censuses and Programs account at the requested level of \$1,392,709,000, and its Current Surveys and Programs account at \$288,403,000, a level that preserves adequate and consistent funding for the SIPP and its use to find more accurate ways of estimating future use of government programs and other key public policy inputs.

Congress Must Preserve the American Community Survey

Since its inception in 2005, the ACS has been an incomparably valuable source of current data about Americans' characteristics, experiences, and needs. Because it provides the most up-to-date information possible, the ACS is a significant improvement over its alternative. By combining multiple years of consistent, comparable data collection, the ACS produces accurate statistics about large and small populations whose timeliness improves the effectiveness of everything ranging from language assistance in elections to business investments.

Throughout its existence, the ACS has included a question about respondents' citizenship which has been thoroughly tested, and designed to balance utility against the imperative to respect respondents' privacy and ask the minimum necessary. The Census Bureau sends the ACS to just a small fraction of American households in any year, and the fact that the survey does not seek comprehensive information has helped allay concerns about its use

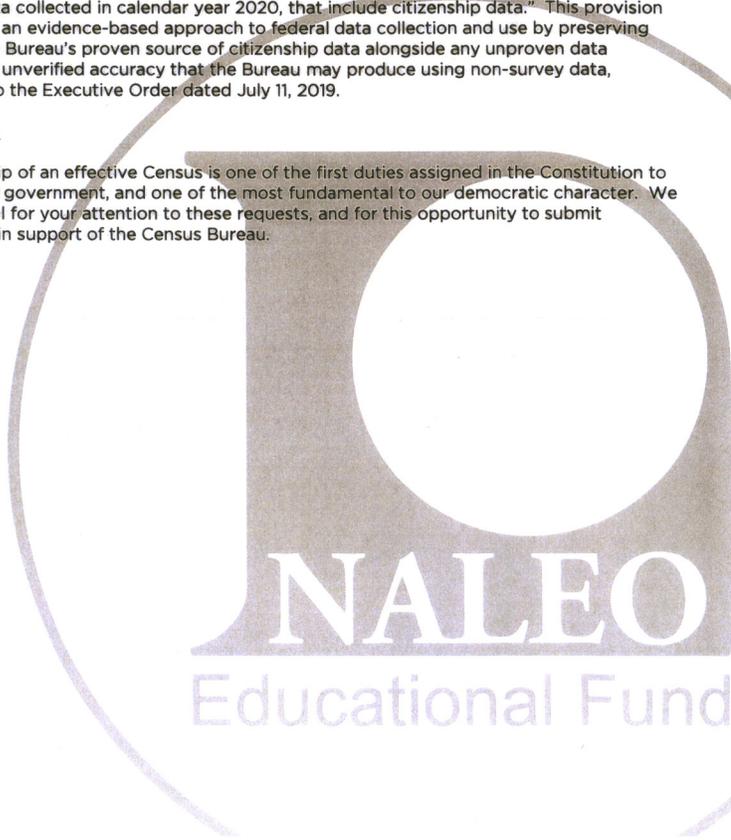
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for any law enforcement-related or other secondary purpose. As a result of the Census Bureau's careful approach and extensive experience, the ACS has proven effective for a wide variety of uses that require accurate and detailed statistics about the numbers of residents who are and are not U.S. citizens.

We request that you endorse continued publication and use of these data by including the following bill language in the funding provision for the Census Bureau's Periodic Censuses and Programs Account: "Provided further, That of the amount provided under this heading, such sums as are necessary shall be used to collect, compile, analyze, prepare, and publish American Community Survey one-year statistics for 2020, and five-year statistics that include data collected in calendar year 2020, that include citizenship data." This provision carries out an evidence-based approach to federal data collection and use by preserving the Census Bureau's proven source of citizenship data alongside any unproven data product of unverified accuracy that the Bureau may produce using non-survey data, pursuant to the Executive Order dated July 11, 2019.

Conclusion

Stewardship of an effective Census is one of the first duties assigned in the Constitution to the federal government, and one of the most fundamental to our democratic character. We are grateful for your attention to these requests, and for this opportunity to submit testimony in support of the Census Bureau.

The logo for NALEO Educational Fund features a large, stylized letter 'D' in a dark grey color. Inside the upper curve of the 'D' is a white circle. Below the 'D', the word 'NALEO' is written in a bold, white, serif font. Underneath 'NALEO', the words 'Educational Fund' are written in a smaller, blue, sans-serif font. The entire logo is set against a light grey background that has a faint circular outline.

NALEO
Educational Fund



**Testimony of Tara L. Perry, Chief Executive Officer
National Court Appointed Special Advocate (CASA)/Guardian ad Litem (GAL)
Association**

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

Fiscal Year (FY) 2021 Department of Justice Funding

March 13, 2020

Chairman Serrano, Chairwoman Lowey, Ranking Members Aderholt and Granger, and Members of the Commerce, Justice, Science, and Related Agencies Subcommittee, thank you for the opportunity to submit remarks on the Department of Justice (DOJ) FY 2021 budget including funding for the Court Appointed Special Advocates (CASA) Program through the Office of Justice Programs' State and Local Law Enforcement Assistance Account at the FY 2020 House level of \$12.5 million.

CASA/GAL advocacy is a well-established model strongly associated with improved long-term outcomes for child victims, for which the need continues to be critical. With Congressional support at the requested level, the CASA/GAL network in 49 states and the District of Columbia will enhance and advance specialized training, tools, and resources to continue delivering vital one-on-one best-interest advocacy that addresses the complex and ever-evolving needs of traumatized children who have been victimized by one or more primary caregivers.

Emerging issues such as the commercial sexual exploitation of children and our nation's growing opioid epidemic – for which children account for an increasing number of victims – both necessitate a greater specialization within one-on-one advocacy, with a keen and deliberate focus on progressing toward the call within the Victims of Child Abuse Act to serve every child victim. As we enrich CASA/GAL advocacy to encompass evolving direct service needs, our national network will further strengthen its capacity to serve over 271,000 child victims of abuse and neglect.

Child victimization and maltreatment by primary caregivers is distressingly on the rise, and with it, so too rises the impact on the child and society. Traumatized victims of child abuse and

neglect face significant and multiple risk factors, most notably, juvenile delinquency, adult criminality, and poor educational performance that affects future employment and stability. These issues result in a hefty impact on federal, state, and local spending – at least one-quarter of the DOJ budget is dedicated to our nation’s prison system, and at the same time, the Centers for Disease Control and Prevention (CDC) estimates the economic and social costs of child abuse and neglect to total \$124 billion nationwide per annum. Local CASA/GAL programs offer an effective service to child victims of abuse and neglect that improves outcomes, increases the efficient functioning of our court systems, and saves hundreds of millions in federal and state taxpayer dollars annually in the process.

CASA/GAL programs are, at the heart of their operation, a highly effective leveraging of community-based resources to provide dedicated and sustained one-on-one advocacy for child victims and advise the courts of the child’s best interests and needs throughout abuse and neglect proceedings. Research has shown that the presence of a caring, consistent adult in the life of a child victim is associated with improved long-term outcomes. These efforts, which focus on helping the child find a safe, permanent home where they can both heal and thrive, require thorough background screening, specialized training, and resources to promote a nationwide system of programs that adhere to and assure the highest quality of services and care for the child victim.

CASA Program funds through DOJ achieve and uphold national standard setting, assessment, accountability, and evaluation across 950 local, state, and tribal programs to promote improved child outcomes and effective stewardship of public investments in victim advocacy. Evidence-based practices, intensive technical assistance, direct program guidance and partnerships, and national program standards and quality assurance processes all lie at the foundation of effective CASA/GAL program service delivery in communities across the nation.

Given the nature of the CASA/GAL advocates’ intensive work with child victims of abuse and neglect, standards of rigorous screening, training, supervision, and service are implemented nationwide, with Congressional support, to ensure consistent quality for victims who directly benefit from having their needs and rights championed in the courtroom and in the community. Comprehensive pre-service, in-service, and issue-focused training curricula – including training in disproportionality, cultural competency, and working with older youth – ensures a cutting edge approach to victim services centered on the child thriving well into the future as a member of the community. Federal support is foundational to the solid and high-quality functioning of a national child advocacy network for victims of abuse and neglect.

As the needs of child victims of abuse and neglect grow and change, so must the specialization of one-on-one advocacy and services by CASA/GAL programs. Since the Victims of Child Abuse Act was passed, the landscape of victims’ services for children has evolved significantly. Researchers and practitioners know more now than ever about trauma, and its associated impacts on child development, as well as the significant and multiple risk factors and issues faced by abused and neglected children such as mental health/ post-traumatic stress disorder (PTSD), commercial sex trafficking, overmedication, and the growing effects of substance abuse and the opioid epidemic in particular. Further, we know that youth of color in particular face very significant challenges – in addition to victimization – on their path to a thriving adulthood.

CASA/GAL advocates bring one-on-one attention and a dedicated focus to each of the issues that the child victim faces, but additional resources are needed to enhance and build their knowledge base as part of a continuous advocacy development process.

These complex issues warrant adaptive and responsive training, technical assistance, and resources, while continuing on a trajectory of maintaining quality care and services within current CASA/GAL caseloads and also simultaneously building the capacity to take on additional cases when appointed by the court. National CASA Association is committed to continuous improvement of training, technical assistance, and resource delivery to strengthen and support local CASA/GAL programs and state organizations to help advocates remain at the forefront of emerging child welfare issues.

Federal support at the requested level is instrumental to bridging advocacy training and best practice tools into multiple and new emerging issue areas including child sex trafficking, substance abuse and opioid-overuse, and the overmedication of child victims, for example. Advocates need to be well versed in warning signs for these issues, as well as the available services, resources, and coordination of community and court efforts in order to best address the child victim's case.

FY 2021 funding of \$12.5 million will be targeted to fortifying resources and training for CASA/GAL programs in the area of commercial sexual exploitation based upon existing best practices and models. In addition, this federal funding will be used to target resources to serve over 271,000 child victims of abuse and neglect, and continue efforts toward the development of state CASA/GAL organizations in the states currently without this resource that enhances support of program service delivery in local communities. Additional projects include sustaining development of training on best practices in addressing the needs of children impacted by the opioid epidemic and other forms of substance abuse, child sex trafficking, unaccompanied children and addressing racial disproportionality in child welfare and the need for racially and culturally sensitive recruitment and matching of CASA/GAL advocates.

According to the most recent government data available, the number of child maltreatment cases has increased to nearly 700,000 per annum. This remains a significant population with equally significant and complex issues and risk factors. Without the benefit of a specially trained CASA/GAL advocate that is able to devote dedicated time and attention to the details of the case, the child victim faces a complex and cumbersome court process and foster care system that is overwhelmed, overburdened, and under-resourced. Our ability as a national network to serve every child victim of abuse and neglect is directly tied to strengthening and expanding a foundational and interwoven program of advocate training, technical assistance, standards, tools, and resources that are funded with DOJ support.

While children who are the victims of maltreatment have suffered deep layers of trauma, these experiences do not have to be their only life story. Juvenile detention and adult incarceration do not have to be the path to their future. Substance abuse, PTSD, homelessness, and joblessness do not have to be the basis of their experiences. We can change their trajectory, together, with Congressional support.

Caring, dedicated, and extensively trained CASA/GAL advocates bring about positive changes in the lives of child victims. Full funding is needed to continue expanding the advocate pipeline, enhance the training, resources, and services provided to and through CASA/GAL programs, and strengthen outcomes for future members of our nation's workforce.

We urge the Subcommittee to fund the Court Appointed Special Advocates Program at the FY2020 House level of \$12.5 million in FY 2021 to address the overwhelming need for dedicated advocacy on behalf of child victims of abuse and neglect. Thank you for your consideration

**Testimony of National Congress of American Indians
The House Appropriations Committee
Subcommittee on Commerce, Justice, Science and Related Agencies**

March 13, 2020

On behalf of the National Congress of American Indians (NCAI), this testimony addresses important programs in the Department of Justice and Department of Commerce. As the most representative organization of American Indian and Alaska Native tribal nations, NCAI serves the broad interests of tribal governments across the United States. As Congress considers the FY 2021 budget and beyond, leaders of tribal nations call on decision-makers to ensure that the promises made to Indian Country are honored in the federal budget. Specifically, NCAI requests the following:

AGENCY	PROGRAM	NCAI FY 2021 Request
Commerce	Minority Business Development Agency	\$42,000,000 and continue the initiative to provide MBDA support for Native American Business Enterprise Centers .
Commerce	Office of Native American Business Development	\$2,000,000
Commerce	Pacific Coastal Salmon Recovery Fund	\$110,000,000
Commerce	Salmon Management	Provide \$25.9 million for NOAA Mitchell Act Hatchery Programs
Commerce	2020 Census	Provide the Census Bureau with at least \$1.681 billion in FY 2021
NSF	Education and Human Resources Funding for Tribal Colleges and Universities	\$16,000,000
DOJ	Tribal Grants: Eliminate competitive grant funding process and utilize DOJ appropriations as base funding where tribes determine priorities	Use DOJ appropriations as base funding with tribes setting own priorities
DOJ	Tribal Set-Aside from Office of Justice Programs	Create a 10 percent tribal set-aside for all discretionary Office of Justice Programs (OJP) programs
DOJ	Tribal Youth Program under the Juvenile Accountability Block Grants Program	\$25,000,000
DOJ	Crime Victims Fund	Create a 5 percent set-aside for tribal governments

DOJ	Community Oriented Policing Services (COPS) Tribal Law Enforcement	\$52,000,000
DOJ	Tribal programs under the Violence Against Women Act (VAWA)	Provide full authorized amount

Department of Justice

The public safety problems that continue to plague tribal communities are the result of decades of gross underfunding for tribal criminal justice systems; a uniquely complex jurisdictional scheme; and the historic, abject failure by the federal government to fulfill its public safety obligations on American Indian and Alaska Native lands. Crime rates in tribal communities are among the highest in the nation and American Indians and Alaska Natives experience rates of violent crime that are 2.5 times the national average. Residents and visitors on tribal lands deserve the safety and security that is taken for granted outside of Indian Country. Increased and streamlined funding in the following program areas will have a huge impact on safety in tribal communities for tribal citizens, residents, and visitors to tribal lands.

Include tribal governments in disbursements from the Crime Victims Fund (a mandatory account). The Crime Victims Fund (CVF) is the federal government’s primary funding source for providing services to victims of crime. NCAI expresses our sincere gratitude to appropriators for providing a direct funding stream for tribal governments from the CVF for the past three years. For this funding to achieve its purpose, it needs to continue to be recurring funds that tribal governments can plan on in order to ensure program stability for victims for the long term. We urge appropriators to direct an amount equal to 5 percent of overall CVF disbursements to tribal governments again this year.

Create a streamlined tribal allocation across Office of Justice Programs (OJP) programs. For several years the Administration has proposed bill language that would streamline and consolidate OJP tribal programs by allocating seven percent from all discretionary OJP programs to address Indian country public safety and tribal justice needs. In past years, both the House and Senate CJS Subcommittees have supported this request, but it has never been enacted. One of the biggest shortcomings of DOJ tribal funding is that it is administered as competitive funding. In order to obtain this funding, tribal nations – on behalf of their tribal justice systems – must compete against each other under priorities and guidelines established by DOJ. As a result, tribal nations must develop projects that align with changing DOJ priorities and cannot count on funding continuing beyond the current grant period. A streamlined OJP tribal allocation would significantly improve the federal funding process by which tribal nations receive resources to establish tribal courts; assist in developing detention facilities; provide legal assistance; develop and maintain juvenile delinquency prevention programs; and provide substance abuse prevention programs. Further, the tribal allocation would give tribal nations the flexibility to develop a detailed strategic plan on how best to spend those resources.

If Congress declines to adopt the flexible allocation across OJP programs, restore FY 2010 levels of \$25 million in funding for the Tribal Youth Program under the Juvenile Accountability Block Grants program. Although Native children comprise only 2.2 percent of the overall youth population, they are arrested at a rate of more than two-to-three times that of other groups. According to a recent

DOJ report, “[s]ubstance abuse, depression, and gang involvement fuel a vast majority of the offenses for which American Indian juveniles are disproportionately confined.” Funding for the Tribal Youth Program has decreased significantly in recent years and should be restored to its FY 2010 level of \$25 million.

Increase funding of tribal law enforcement programs under DOJ’s Community Oriented Policing Services (COPS) Grants to \$52 million. Since the creation of the COPS Office, more than 2,000 grants totaling more than \$400 million have been awarded to tribal nations to hire more than 1,700 new or redeployed law enforcement officers. It has also helped tribal nations to obtain necessary law enforcement training, equipment, vehicles, and technology. Yet, there is still a tremendous unmet need within tribal justice systems for more COPS funding. The COPS Office has acknowledged that due to limited resources, it has not been able to adequately fund tribal justice systems, particularly in the area of hiring/retaining tribal law enforcement officers. In a report released in December 2010, the COPS Office described its practice of intermittent funding as “problematic,” especially “when referring to hiring of officers.” Indian Country urges Congress to significantly increase funding for tribal law enforcement programs under the COPS program.

Fully fund the programs authorized in the Violence Against Women Act (VAWA), including the funds authorized for tribal implementation of VAWA special domestic violence criminal jurisdiction. It is estimated that over 85 percent of American Indian and Alaska Native women will experience violent victimization in their lifetimes. OVW provides funding to tribal governments to address violence against women in their communities. OVW’s largest source of funding for tribal governments is the Grants to Tribal Governments Program, which is funded via statutory allocations from other OVW programs. Fully funding these OVW programs results in full funding for the Grants to Tribal Governments Program.

The Violence Against Women Reauthorization Act of 2013 (VAWA 2013) recognized and affirmed the inherent sovereign authority of Indian tribes to exercise Special Domestic Violence Criminal Jurisdiction (SDVCJ) over all persons—Indian and non-Indian—who commit crimes of dating violence, domestic violence, and violations of protection orders within Indian country. The bill authorized \$5 million per year for 5 years for Indian tribes to implement the VAWA 2013 provisions and otherwise strengthen tribal justice systems. In FY 2020, \$4 million was appropriated for this program. We urge Congress to appropriate the full amount authorized for VAWA implementation purposes so that more communities are able to take advantage of this lifesaving law.

Department of Commerce

Provide \$42 million for the Minority Business Development Agency (MBDA). The Minority Business Development Agency (MBDA) was created to support minority business development centers to provide business consulting and financing services. Initial funding for the MBDA was set at \$63 million, but this budget has since decreased. Funding the MBDA at \$42 million will assist tribal nations in obtaining vital business consulting, financing services, and procurement of technical assistance.

Fund the Office of Native American Business Development at a minimum of \$2 million as part of the Commerce Department Management Budget. The establishment of the Office of Native American Business Development (ONABD) was codified by the enactment of the Native American Business Development, Trade Promotion and Tourism Act of 2000, Public Law 106-464 (the 2000 Act). However, since its establishment, ONABD has relied on base resources from the MBDA to

coordinate federal programs for financial and technical assistance to increase business, expand trade, and support economic development on tribal lands. In its FY 2016 budget request submitted to Congress, MBDA noted the absence of appropriations to support ONABD since it was created by the 2000 Act, and also the lack of appropriations to implement other aspects of Public Law 106-464 and the Indian Tribal Regulatory Reform and Business Development Act of 2000. In order to carry out its mission, ONABD must receive adequate and sustained support to implement Indian policy initiatives and expand Native American business development initiatives both domestically and internationally.

Provide the Census Bureau with at least \$1.681 billion in FY 2021. The census is a critical and powerful information source that will significantly influence American policy for the coming decade. An accurate count is necessary to ensure the fair distribution of billions of dollars to tribal nations and American Indian and Alaska Native people across the United States. Certain population groups are at higher risk of being missed in the decennial census – groups considered hard-to-count. Native people especially on reservations and in Alaska Native villages have been historically underrepresented in the census. In the 2010 Census, the Census Bureau estimates that American Indians and Alaska Natives living on reservations or in Native villages were undercounted by approximately 4.9 percent, more than double the undercount rate of the next closest population group. We urge Congress to ensure sufficient funding for a successful 2020 Census.

Conclusion

Thank you for your consideration of this testimony. For more information, please contact Virginia Davis, Senior Advisor, at vdavis@ncai.org.

Testimony to the U.S. House Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies, from Don Saunders, Senior Vice President, Policy, and David Miller, Manager, Policy Initiatives, National Legal Aid & Defender Association, March 2020

This testimony is submitted on behalf of the National Legal Aid & Defender Association (NLADA), America's oldest and largest national nonprofit organization whose resources are exclusively dedicated to promoting excellence in the delivery of legal services in order to advance access to justice for all. We are grateful for the opportunity to provide comments to the committee regarding the Legal Services Corporation and U.S. Department of Justice programs.

Legal Services Corporation

We urge this committee to recognize the urgent need to improve access to justice by providing at least \$734.5 million for the Legal Services Corporation (LSC). Our country is built on a set of shared and deeply-held values. Of these, equal justice is preeminent; without the promise that the law is applied to all people without regard for their wealth, power, or any other status, the remaining promises of our democracy are rendered meaningless. As members of the committee know, we have not always delivered equal justice for all. However, we have made strides since our country's founding and today, the annual investment in LSC is one of the most direct and consequential ways in which the federal government supports the fair and equal administration of justice.

LSC grantee organizations provide civil legal aid to Americans in every ZIP code, helping low-income people and their families to navigate, understand, and properly participate in serious legal matters. Our legal systems are highly complex and, when people do not receive assistance, they are far more likely to experience injustice and life altering negative consequences. The primary areas in which LSC grantees provide assistance are directly related to the maintenance of basic human needs. An extraordinary body of research demonstrates consistently that access to a lawyer dramatically improves a person's chance of receiving a fair outcome in court.

In housing-related issues, which are one of the most commonly-addressed issues for LSC grantees, one recent study found that "fully represented tenants win or settle their cases 96% of the time... compare[d] with just 62% of tenants without any representation."¹ Family law is the most frequently addressed issue category. Legal assistance in this setting has critical short and long-term effects on the health and wellbeing of grantee clients, as access to legal aid is associated with improvements in physical safety, psychological health, and economic self-sufficiency for victims of domestic and intimate partner violence.² Other important services provided by LSC grantees include helping veterans access benefits they have earned through military service, and protecting vulnerable individuals from consumer fraud, and helping our senior citizens with such issues as elder abuse, wills and powers of attorney.

Despite the bipartisan agreement about the need to improve our investment in LSC, and the resulting increases in its appropriation level in recent years, demand continues to outstrip supply. Eligible potential clients continue to be turned away from grantees because there are not sufficient resources available to assist every person in need of help. As a result, last year

¹ Luke Grundman & Muria Kruger, *Legal Representation in Evictions – Comparative Study*, 2018

² Carolyn Copps Hartley & Lynette Renner, *The Longer-Term Influence of Civil Legal Services on Battered Women*, U.S. Department of Justice, 2016

NLADA wrote to LSC to recommend that they request an increase of \$320 million in basic field grants for FY2021, in order that grantees be able to address an additional 100 percent of eligible legal problems for clients seeking help. Our estimate of the increase needed is based on data published in LSC's budget request to Congress for FY2020, which indicated that an increase of \$176 million would enable grantees to address an additional 55 percent of client need.

This investment is justified both on the basis that it directly improves the lives of American families in every community, and also because it provides an extraordinarily high economic return on the investment of federal resources. A 2014 social return on investment analysis revealed that in Alabama, every dollar spent on civil legal aid provided communities in the state \$8.84 in direct and long-term financial benefits, partly as a result of a reduction in taxpayer spending on community services, the need for which is lessened by legal help resolving the underlying problem of which community services addressed only the symptoms. For example, legal assistance in the medical setting can help patients identify and eliminate social or environmental factors causing a chronic condition, removing recurrent healthcare spending on the management of that condition.³

LSC plays an indispensable role in our civil justice delivery systems that is far broader than the sum of its grantee distributions. The agency targets services to acutely underserved geographic locations, which are predominantly rural areas. The LSC investment not only provides access to justice where it would not exist otherwise, but in doing so it provides a structure into which other public and private funds are invested, and through which pro bono contributions are made possible. Currently, LSC grants comprise around one-third of grantee budgets on average, but these non-LSC funds could not be used as efficiently, if at all, without the basic structure provided by LSC.

Broader still is LSC's role as a national locus for data and innovation. LSC convenes experts from across the country to facilitate information sharing and the development of improved delivery models to enable all of its grantees to use their federal dollars ever more effectively and efficiently. The LSC Technology Innovations Grants and associated conference have birthed various important technological concepts and advances that have enhanced the ability of LSC grantees and other providers of civil legal aid to provide services to populations that are difficult to reach. Extreme need relates not only to geography but also to certain types of service delivery, particularly during a regional or national crisis. In recent years, LSC has developed task forces to guide its grantees in responding to natural disasters and the opioid crisis, both of which have created severe legal consequences for affected individuals and their communities. These functions are certain to be central as the COVID-19 pandemic continues to develop and the legal needs of affected communities become clear.

We offer the same recommendation to this committee as we provided to LSC last year. In order to more fully meet our nation's promise of equal justice and to achieve the social and economic benefits that doing so would create, we urge the committee to consider an appropriation of at least \$734.5 million for FY2021.

U.S. Department of Justice Programs

³ See: Dayna Bowen Matthew, *The Law as Healer: How Paying for Medical-Legal Partnerships Saves Lives and Money*, Brookings Institution, 2017

Tribal Civil and Criminal Legal Assistance, Training and Technical Assistance

We also urge this Subcommittee to support the work done on behalf of Native Americans by Indian Legal Services by maintaining funding within the Department of Justice, Office of Justice Programs, State and Local Law Enforcement Assistance account at a level similar to that provided in recent years, which is approximately \$1 to 2 million for the Tribal Civil and Criminal Legal Assistance, Training and Technical Assistance grant program (TCCLA). This could be either within a specified line item for “assistance to Indian tribes,” such as the \$38 million Congress appropriated in FY 2020, or within a tribal set-aside percentage of Office of Justice Programs accounts, as the House Appropriations Committee provided in the FY2020 CJS appropriations bill, and which the Administration has again proposed as an up to 7% tribal set-aside in the FY2021 budget request in section 212 (3) of General Provisions.

Through FY 2019, many of the consortium of the 24 Indian Legal Services programs connected with the Legal Services Corporation and operating in 23 states have been awarded funding under the TCCLA grants program. In addition to using TCCLA funds to provide legal representation to thousands of American Indian and Alaska Native individuals in tribal and state courts, Indian Legal Services programs are currently assisting more than 160 tribal governments and/or tribal judicial systems to enhance or develop their justice systems. In at least 46 tribal courts, these programs provide the only public defender service available.

Examples of the Indian Legal Services programs’ tribal civil justice assistance work done under TCCLA awards include initial drafting of tribal laws as well as revisions to civil codes, policies and procedures; developing alternative resolution systems, based on tribal customs and traditions; and developing and conducting tribal court advocate training programs. Civil and criminal representation of individuals in tribal and state courts ranges from counseling and advice to full representation in trials and appeals. This has included family law, probate, employment, disability benefits claims, public housing, property disputes, debt collection, child welfare and juvenile delinquency matters; *guardian ad litem* work in high conflict custody, guardianship, and parental termination cases; representation of families in Indian Child Welfare Act cases in state court; and addressing the impact on individuals and families from substance abuse and correlated incidents of criminal activity by reforming tribal sentencing guidelines.

The Indian Legal Services programs’ tribal criminal work under TCCLA has included assisting tribes with revisions to their criminal codes for compliance with these statutes, as well as drafting and updating codes, policies and procedures, and drafting of civil and criminal codes, including children’s codes, and rules of procedure; tribal court development, restructuring and improvement; training of judicial, law enforcement and justice systems personnel and tribal court lay advocates and guardians *ad litem*; and negotiation or litigation to address jurisdictional issues with state court systems. Lay advocate and peacemaker trainings have been done with tribal colleges and university law schools. Several Indian Legal Services programs have worked with the tribes and their tribal courts to establish “Wellness Courts,” in which instance a defendant appears before a tribal court judge and county district court judge simultaneously. The programs are engaged in helping 18 of the 160 tribes they serve to implement the Tribal Law and Order Act of 2010 (TLOA) and the Violence Against Women Reauthorization Act of 2013 (VAWA).

In FY 2021, whether Congress provides funding to the DOJ for Indian Country tribal justice and law enforcement programs as an overall sum, as in FY2020, or as a tribal set-aside of a percentage of overall DOJ funding, as the Administration has proposed for FY2021, we request

that bill and report language direct that some DOJ funding be allocated for the purpose of the provision of both tribal civil and criminal legal assistance to individual tribal citizens and to tribal judicial systems pursuant to the Indian Tribal Justice Technical and Legal Assistance Act (Public Law 106-559).

John R. Justice Student Loan Repayment Assistance Program

Public defenders fulfill the constitutional right to counsel; they are essential to due process and our concept of liberty. They protect the rights of defendants in criminal cases and work to ensure that case outcomes are fair and just. A law degree is a requirement of all public defenders, but obtaining such a degree routinely leaves graduates with a six-figure student loan debt. This debt can make it financially impossible to enter low-paying jobs at public defender organizations, or to remain in those jobs for long enough to gain the experience needed to become a highly effective advocate for their clients. When this happens, it slows the functioning of the entire court system as less experienced defense attorneys and prosecutors require more time to process the same caseload.

The John R. Justice program provides relief from student loan debt by contributing to an individual's monthly student loan payments, which helps alleviate some of the problems that lead to recruitment difficulties and higher rates of turnover in public defender and prosecutor offices. However, the FY2020 appropriation for John R. Justice was just \$2 million. This level of funding severely limits the scope and effectiveness of the program. We therefore request that this committee fully fund the John R. Justice program at the authorized amount of \$25 million for FY2021.

Violence Against Women Act (VAWA) Programs

The prevalence of domestic and intimate partner violence has declined in recent years. That is in part attributable to the enactment of the Violence Against Woman Act and the impact of its programs. Despite this welcome reduction, much work remains to be done. Even now more than 1 in 3 women and more than 1 in 4 men in the United States have experienced rape, physical violence, and/or stalking by an intimate partner. We urge the committee to provide an appropriation that builds on the prior success of VAWA programs, but also reflects the urgency of the need to broaden their reach. None of this appropriation should be drawn from the Crime Victims Fund administered by the Department of Justice Office for Victims of Crime, because this reduces the total amount available to serve victims of crime and jeopardizes the sustainability of Crime Victims Fund over the long-term.

Specifically, we request \$59 million for grants for civil legal assistance for victims, which is the level recommended by the National Network to End Domestic and Sexual Violence. Civil legal aid is an integral part of the continuum of services that help victims to meet acute short-term needs but also improve their wellbeing across a variety of measures over the long term. Common legal needs experienced by individuals and families who have experienced or are experiencing domestic violence include obtaining protective or restraining orders that protect their immediate physical safety, representation through the divorce process as well as help in custody, visitation, and child support matters. Legal assistance not only provides physical protection but also creates improved psychological and economic outcomes for survivors over the long term.

**Testimony in Support of FY 2021 Funding for the
National Science Foundation**

March 12, 2020

Submitted by:

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Submitted to:

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

The Natural Science Collections Alliance appreciates the opportunity to provide testimony in support of fiscal year (FY) 2021 appropriations for the National Science Foundation (NSF). We encourage Congress to provide the NSF with at least \$9 billion in FY 2021. We also request that Congress and the White House include in any economic recovery measure natural history museums, botanical gardens, and other science centers that may suffer significant budget disruptions resulting from reduced public attendance or closures associated with responding to the COVID-19 outbreak. Many natural history museums have significant public programming, including formal and informal science education and outreach programs. The loss of revenue from these programs can significantly impact the budgets of these institutions, many of which already operate on tight budgets with little margin for revenue loss.

The Natural Science Collections Alliance is a non-profit association that supports natural science collections, their human resources, the institutions that house them, and their research activities for the benefit of science and society. Our membership consists of institutions that are part of an international network of museums, botanical gardens, herbaria, universities, and other institutions that contain natural science collections and use them in research, exhibitions, academic and informal science education, and outreach activities.

Scientific collections (for example, biological specimens and samples, paleontological specimens), and the collections professionals and scientists who care for and study these resources, are a vital component of our nation's research infrastructure. These collections contribute to the expansion of our bioeconomy. Whether held at a museum, government managed laboratory or archive, or in a university science department, these scientific resources form a coordinated network of data (for example, genetic, tissue, organism, and environmental) that are a unique and irreplaceable foundation from which scientists are studying and explaining past and present life on earth.

Natural science collections advance scientific research and education, and that informs actions to improve public health, agricultural productivity, natural resource management, biodiversity conservation, and American economic innovation. Current research involving natural science collections also contributes to the development of new cyberinfrastructure, data visualization

tools, and improved data management practices. The Office of Science and Technology Policy (OSTP) and the Office of Management and Budget specifically recognized the importance of scientific collections to our nation's bioeconomy in this year's S&T funding priorities memorandum to federal agencies. A few examples of how scientific collections have saved lives, enhanced food production, and advanced scientific discovery include:

- Scientists used museum specimens in U.S. collections to gather data on the distribution of the mosquito *Culex quadrofaciatus*, which is known to carry West Nile Virus and other pathogens. They then modeled the distribution under different scenarios of changing climates to predict regions where the species may expand in the future. Predicting the spread of the mosquitoes helps the health care community prepare for disease outbreaks and where they will happen.
- Researchers from Boston University documented Tau proteins in the brains of fluid preserved museum specimens of Downy Woodpecker (*Dendrocopus pubescens*). These proteins are also found in traumatic brain injuries in humans. Because of the life history traits of woodpeckers, the researchers argue these birds may have evolved a level of resistance to traumatic head injuries that could have implications for treatments for humans.
- In 1993, a deadly new disease appeared in the southwestern United States. Using NSF-supported biological collections at Texas Tech University and University of New Mexico, the agent was determined to be Hantavirus carried by a few species of rodents. When rodent populations increased following an El Niño weather event, the animals spread into human environments and increased the transmission of Hantavirus. With the vector known, it was possible to lessen the risk to humans by reducing opportunities for disease transmission. Using other specimens, scientists have now identified more than 40 other strains of Hantavirus worldwide that are carried by bats, moles, and shrews. Similar work is underway to identify the carrier of Ebola in Africa.
- Citrus bacterial canker disease wreaks havoc on fruit crops in Florida. Using plant specimens collected a century ago, scientists have analyzed the bacterium and traced its source. Knowledge of how the bacteria spreads allows scientists to develop effective control methods and to protect the U.S. citrus industry.

Scientific collections enable us to tell the story of life on Earth. There are more than 1,600 biological collections in the United States. These resources are the result of more than 200 years of scientific investigation, discovery, and inventory of living and fossil species. Scientists have collected, studied, and curated more than one billion specimens within those collections. This work is on-going as new questions continue to be asked.

The institutions that care for scientific collections are important research infrastructure that enable other scientists to study the basic data of life; conduct biological, geological, anthropological, and environmental research; and integrate research findings from across these diverse disciplines. Their professional staff members train future generations with the tools and

expertise required to move science forward. In-house institutional staff expertise is vital to the development and deployment of this critical research infrastructure.

Last year, the Biodiversity Collections Network issued a community-informed call for the development of an Extended Specimen Network, or ESN. The report, *Extending U.S. Biodiversity Collections to Promote Research and Education*, outlined a national agenda that leverages digital data in biodiversity collections for new uses and called for building an Extended Specimen Network. This endeavor requires robust investments in our nation's scientific collections, whether they are owned by a federal or state agency or are part of an educational institution or free-standing natural history museum or other research center. Because the NSF is the only agency to support research in all fields of science, it is ideally suited to lead a national effort to build the Extended Specimen Network, which will require the engagement of the computer and information scientists, geoscientists, life and environmental scientists, and anthropologists.

In 2019, the United Nation's (UN) Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) issued a warning that about a million species of plants and animals worldwide face extinction within the next few decades. This would not only be an unprecedented loss of global biodiversity but also a loss of valuable genetic knowledge that have implications for human health and well-being. Robust investments must be made to support efforts to grow and digitize natural history collections before this important information is lost.

The NSF plays a unique role in protecting and expanding access to our nation's scientific collections. NSF supports research that uses existing collections as well as studies that gather new natural history specimens. NSF's Directorates for Biological Sciences (BIO), Geosciences (GEO), and Social and Behavioral and Economic sciences support research and student training opportunities in natural history collections. The NSF is also an important supporter of national biological research infrastructure that houses natural history collections, such as living stock collections and field stations.

NSF funds state-of-the-art work to digitize high priority specimen collections. The result of this effort is that irreplaceable biological specimens and their associated data are now accessible through the Internet to researchers, educators, and the public. More than 120 million specimens are now online, with millions more awaiting digitization. This effort involves biologists, computer scientists, and engineers in multi-disciplinary teams who develop innovative imaging, robotics, and data storage and retrieval methods, and projects using crowd-sourcing are engaging the broader public. These new tools expedite the digitization process and contribute to the development of new products and services of value to other industries. Museum specimens and associated data represent an extraordinary resource for teaching core concepts in science.

In addition to supporting research, NSF's science, technology, engineering, and mathematics (STEM) education programs enhance the ability of museums, botanic gardens, zoos, and other research institutions to provide science learning opportunities for students. NSF's Advancing Informal STEM Learning program furthers our understanding of informal science education outside of traditional classrooms. The program makes important contributions to efforts to make STEM more inclusive of historically underrepresented groups.

Conclusion

Investments in the National Science Foundation have always been in the national interest. Scientific collections contribute to improved public well-being and national economic security. It is not possible to replace this important documentation of our nation's heritage. Specimens collected decades or centuries ago are increasingly used to develop and validate models that explain how species, including viruses, parasites, and pathogens have dispersed around the world, as well as how and when they might infect humans now and in the future.

The NSF is the primary funding source that provides support to institutions that preserve at-risk scientific collections. These small grants help ensure these collections are not destroyed and their data lost.

Investments in NSF programs that support natural science collections research and education are essential if we are to maintain our global leadership in innovation. Please support funding of at least \$9 billion for NSF for FY 2021.

Thank you for your thoughtful consideration of this request and for your prior support of the National Science Foundation.

**HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE
AND RELATED AGENCIES**

TESTIMONY OF THE NEZ PERCE TRIBE

MARCH 13, 2020

The Nez Perce Tribe (Tribe) appreciates the opportunity to provide written testimony to the Committee as it evaluates and prioritizes FY 2021 appropriations for the Department of Commerce and the Department of Justice (DOJ). This testimony addresses spending allocations for the Pacific Coastal Salmon Recovery Fund and Salmon Management Activities within the National Oceanic and Atmospheric Administration (NOAA), and funding or set-asides for the grants provided to tribes within the Department of Justice.

As detailed below, for FY 2021, the Tribe recommends both preservation of the Pacific Coastal Salmon Recovery Fund—which has again been proposed to be eliminated—and funding for the Pacific Salmon Recovery Fund at \$70 million but no less than \$65 million; funding for Salmon Management Activities at \$122.5 million, an increase in excess of the FY 2020 enacted level of \$58 million directly tied to implementation needs of the Pacific Salmon Treaty; full funding for DOJ programs authorized under the Tribal Law and Order Act; a minimum of \$38 million for assistance to Indian tribes, which is the amount enacted in FY 2020 through the Office of Justice Programs (OJP), with flexibility in program funding, or in the alternative the seven percent tribal set-aside proposed by the Administration in the FY 2021 budget request in DOJ General Provisions, Section 212(3); maintaining the tribal set-aside of five percent out of Crime Victims Fund distributions; and providing tribal funding under the Community Oriented Policing Services program at \$30 million or greater.

The Nez Perce Tribe is a federally-recognized Indian tribe with treaty-reserved fishing, hunting, gathering, and pasturing rights in the Snake River Basin and Columbia River Basin. In its 1855 Treaty, the Tribe reserved, and the United States secured, “the right of taking fish at all usual and accustomed places in common with the citizens of the Territory; and of erecting temporary buildings for curing, together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.”¹

It is the Tribe’s desire that all species and populations of anadromous and resident fish and their habitats be healthy and harvestable throughout the Tribe’s usual and accustomed fishing places. The Tribe has long had an interest, and played an active role, in restoring anadromous and resident fish runs—including fall and spring Chinook, steelhead, sockeye, lamprey, bull trout, and white sturgeon—throughout all of the areas where the Tribe reserved treaty fishing rights. The Tribe is involved in these efforts to protect implementation of treaty rights, to restore species

¹ Treaty with the Nez Percés, June 11, 1855, 12 Stat. 957. The Treaty with the Nez Percés, June 9, 1863, 14 Stat 647, preserved the off-reservation rights that the Tribe reserved in its 1855 Treaty.

and conditions consistent with the Treaty, and to protect the long-term productivity of their natural resources.

The Tribe's Department of Fisheries Resources Management (DFRM) is one of the largest and most successful tribal fisheries programs in the United States,² with offices located at Lapwai, Sweetwater, Orofino, McCall, Powell, and Grangeville, Idaho, as well as Joseph, Oregon. The DFRM has an annual operating budget of over \$22 million and employs 190 tribal and non-tribal employees, 150 of whom are full-time.

The DFRM manages its own salmon fish hatchery at Cherrylane, Idaho, as well as ten acclimation sites in Idaho and Oregon. In addition, the DFRM manages Kooskia National Fish Hatchery and co-manages Dworshak National Fish Hatchery. The DFRM also coordinates with the Idaho Department of Fish and Game and the U.S. Fish and Wildlife Service on production from other salmon and steelhead hatcheries throughout Idaho. The Tribe is committed to this work and requests that the United States properly fund the programs that are an instrumental part of the overall work on fish recovery.

Pacific Coastal Salmon Recovery Fund

The Pacific Coastal Salmon Recovery Fund (PCSRF) was established by Congress in FY 2000 to protect, restore, and conserve Pacific salmonids and their habitats. The congressionally-authorized activities that were funded under the PCSRF program are focused on maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing. With PCSRF funding, states and tribes have leveraged additional resources to collectively implement 13,200 projects to conserve West Coast salmon.³ The Tribe requests PCSRF be funded at least at the FY 2020 level of \$65 million for FY 2021 but ideally requests it be funded at \$70 million to support on the ground restoration actions.

PCSRF has been used by the Tribe to restore coho (silver) salmon to the Tribe's reservation in the Clearwater River, a distance of 500 miles from the ocean. Coho were extirpated from the Clearwater River over 40 years ago and most of these fish returned only as far as the lower Columbia River. Through the PCSRF (and Mitchell Act funds) the Tribe is able to rear and release almost one million coho into the Clearwater River, restoring their presence in the Snake River Basin. The Tribe views these returns as a tremendous success with counts of coho numbering more than 18,000 in 2014.

In 2017, the Tribe worked with Oregon Department of Fish and Wildlife and the Confederated Tribes of the Umatilla Indian Reservation to also have the first release of coho in the Lostine River, a tributary of the Grande Ronde River. After decades of extirpation, these fish are being restored to some of the best habitat in the Columbia River Basin. Continued funding for the

² The Nez Perce Tribe's DFRM received the 2015 Honoring Nations award with High Honors from The Harvard Project on American Indian Economic Development.

³ National Oceanic and Atmospheric Administration Budget Estimates Fiscal Year 2019 at NMFS-65.

operation of these hatchery supplementation efforts is needed to maintain the populations of most species of salmon and steelhead in this “breadbasket” of salmon habitat, located upstream of eight Columbia River dams.

Salmon Management Activities

The Mitchell Act provides for the conservation of the fishery resources of the Columbia River and is administered by NOAA’s National Marine Fisheries Service. Funding for the Mitchell Act component of NOAA Fisheries supports the operations and maintenance of Columbia River hatcheries through grants and contracts to the states of Washington, Oregon, and Idaho, and to the U.S. Fish and Wildlife Service, to mitigate the loss of salmon on the Columbia and Snake rivers.

The Tribe believes that an FY 2021 funding level of \$122.5 million for Salmon Management Activities is justifiable, an increase exceeding the FY 2020 enacted level of \$58 million directly tied to implementation needs of the Pacific Salmon Treaty. However, the Tribe recognizes that under the budget caps that Congress agreed to for FY 2020 and FY 2021, Congress will only be able to fund non-defense discretionary program spending at a very modest increase over FY 2020. As a result, while higher funding levels are needed and can be justified, we urge that for FY 2021, Congress maintain FY 2020 levels of \$58 million for Salmon Management Activities by the National Marine Fisheries Service, of which no less than \$35.5 million would be for implementation of the Pacific Salmon Treaty, and \$22 million would be for the operation and maintenance of Mitchell Act hatcheries.

The importance of this funding cannot be overstated as the comprehensive, geographic nature of its application in the Pacific Northwest provides for an integrated infrastructure for fish management. In addition, these funds allow for fish to be grown at other facilities that are used at Nez Perce Tribal production facilities. Other regional agencies also use the funds to grow fish that enhance treaty fishing opportunities for Nez Perce Tribal members on the Columbia River.

Department of Justice Tribal Assistance Grant Funding

Providing law and order is one of the fundamental requirements of any functioning government. However, tribes are limited in the resources available to commit to these programs as the United States has historically underfunded such programs in Indian Country. The Tribe relies on the grant programs of the Department of Justice to help grow the capacity of our tribal law and order system.

In order to provide law enforcement, victims services, and tribal justice to Indian and non-Indian residents on the reservation, the Tribe has relied on programs such as the Coordinated Tribal Assistance Solicitation grants program, the Tribal Juvenile Healing to Wellness Court program, the Comprehensive Tribal Victim Assistance Program, the Tribal Justice Systems Infrastructure Program, Violence Against Women Act programs, the Justice Systems and Alcohol and Substance Abuse Program, and the Children’s Justice Act Partnership program. These programs

need to continue to be funded at the most robust level possible in FY 2021, given spending constraints.

As stated above, the Tribe recommends full funding for programs authorized under the Tribal Law and Order Act. The Tribe also recommends either continuation of the \$38 million for “assistance to Indian tribes” enacted in FY 2020 under the State and Local Law Enforcement Assistance account in the Office of Justice Programs (OJP) grants, or inclusion of the President’s requested seven percent tribal set-aside of OJP funds. The set-aside would provide a substantial increase for these programs and is the preferred method of funding. Under either funding scenario in FY 2021, there needs to be flexibility provided in program funding so that the funding is not narrowly allocated to tribes solely through competitive grant programs.

The Tribe strongly supports the five percent from the Crime Victims Fund for grants to Indian tribes to improve services for victims of crime. This tribal set-aside will provide some \$132 million to the Office for Victims of Crime for tribes. This approach is preferable to the Administration’s proposed specific funding amount of \$115 million for FY 2021 for tribal victims’ services. The Tribe urges this Subcommittee to continue the bill language contained in Section 501 of the final FY 2020 Appropriations Act that directed that five percent of the total for the Crime Victims Fund be available to assist Native American victims of crime.

Finally, the Tribe urges this Subcommittee to fund the Tribal Resources Grant Program under the Office of Community Oriented Policing Services (COPS) programs at \$30 million, an increase of \$3 million over FY 2020, and to maintain a level of \$3 million for the Tribal Access Program.

We also ask the Subcommittee to reject the Administration’s proposal, repeated in the FY 2021 budget request, to move the Office of COPS to the Office of Justice Programs, which already oversees six program offices.



Northwest Indian Fisheries Commission

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**WRITTEN TESTIMONY OF LORRAINE LOOMIS, CHAIRPERSON
 NORTHWEST INDIAN FISHERIES COMMISSION
 SUBMITTED TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
 COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
 ON THE FISCAL YEAR 2021 BUDGET FOR THE
 NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION**

March 13, 2020

Chairman Serrano, Ranking Member Aderholt, and Honorable Members of the Subcommittee, my name is Lorraine Loomis and I am the Chair of the Northwest Indian Fisheries Commission (NWIFC). The NWIFC is comprised of the twenty tribes that are party to *United States v. Washington*, which upheld the tribes' treaty-reserved right to harvest and manage various natural resources on and off-reservation, including salmon and shellfish. On behalf of the NWIFC, I'm providing testimony for the record on the natural resources and fishery management program funding requests for the National Oceanic & Atmospheric Administration (NOAA)/National Marine Fisheries Service (NMFS) Fiscal Year 2021 (FY21) appropriations. These programs support the management of salmon fisheries, which contribute to a robust natural resource-based economy and the continued exercise of tribal treaty rights to fish.

SUMMARY OF FY21 APPROPRIATIONS REQUESTS

- ❑ **\$70.0 million for NOAA Pacific Coastal Salmon Recovery Fund**
- ❑ **\$7.0 million for NOAA Hatchery Genetic Management Plans**
- ❑ **\$86.29 million for NOAA Pacific Salmon Treaty**
- ❑ **\$25.9 million for NOAA Mitchell Act Hatchery Programs**
- ❑ **\$20.0 million for NOAA Fisheries Disaster Assistance Program**

The member tribes of the NWIFC ceded much of the land that is now western Washington in exchange for reserving the continued right to harvest and manage various natural resources including salmon and shellfish. Salmon are, and have always been, the foundation of tribal cultures, traditions and economies in western Washington. To ensure that tribal treaty rights and lifeways are protected and not rendered meaningless, it is essential that the federal government provide support to all aspects of salmon management including harvest planning and implementation (e.g. Pacific Salmon Treaty), hatchery production, (e.g. Mitchell Act Hatchery Programs and Hatchery Genetic Management Plans) and habitat protection and restoration (e.g. Pacific Coastal Salmon Recovery Fund).

JUSTIFICATION OF REQUESTS

- **Provide \$70.0 million for NOAA Pacific Coastal Salmon Recovery Fund (PCSRF)**

We respectfully request \$70.0 million for PCSRF, an increase of \$5.0 million over the FY20 enacted level, but consistent with the Senate's proposal for FY20. It is worth noting that this request is a significant departure from the PCSRF peak level of \$110.0 million in FY02 or

subsequent years in which budget authority was maintained upwards of \$80.0 million through FY11. We ultimately would like to see PCSRF funding fully restored to FY02 levels, but we recognize that budget conditions may necessitate an incremental increase in the short term. Nevertheless, we continue to support the original congressional intent of these funds that would enable the federal government to fulfill its obligations to salmon recovery and the treaty fishing rights of the tribes.

The PCSRF is a multi-state, multi-tribe program established by Congress in FY00 with a primary goal to help recover salmon throughout the Pacific coast region. Through PCSRF, tribes work collaboratively to help protect and restore salmon habitat in an effort to increase natural salmon productivity. To accomplish this, tribes implement scientifically-based salmon recovery plans developed for each watershed in concert with federal, state, and local partners. Tribes also participate in sustainable harvest management activities such as monitoring of fish abundance, which is then used to forecast adult returns and subsequently develop annual harvest rates that achieve conservation objectives and provide for tribal and non-tribal harvest opportunities. Since its inception, PCSRF has been the primary salmon recovery response. This has resulted in over 1.1 million acres of spawning and rearing habitat restored and protected, and re-establishing salmon access to 11,980 miles of previously inaccessible streams in our region.

- **Provide \$7.0 million for NOAA Hatchery Genetic Management Plans (within Pacific Salmon), including \$2.0 million for implementation.**

We respectfully request \$7.0 million to expedite NMFS's review and approval of the backlog of western Washington Hatchery Genetic Management Plans (HGMPs), and, at a minimum, \$2.0 million of that funding directed toward implementation of those plans that are now approved. We also request an explanatory statement clarifying that program funding may be used to pass-through to, or contract with tribes to implement those plans that are already approved. Review and approval of HGMPs is necessary to provide hatcheries with ESA coverage. The FY20 appropriations provided \$65.0 million for the Pacific Salmon account, which funded HGMP review, and also provided report language directing continued expedited review. NMFS's FY21 proposed budget requests a decrease of \$3.763 million for HGMP review, despite reported progress with new funding, still facing a backlog of plans, and rising implementation needs.

NMFS uses the information provided by HGMPs to evaluate a hatchery's impacts on salmon and steelhead listed under the ESA. With the lack of improvement in salmon stocks, hatchery operations have become even more important to achieving recovery goals and maintenance of salmon fisheries. However, the lack of improvement in natural origin salmon has also resulted in scrutinizing hatcheries for their potential genetic impacts on natural spawning populations. This has resulted in increasingly specific performance standards and management expectations included in tribes' HGMPs. Tribes need help addressing the escalating costs of hatchery management associated with the monitoring and adaptive management practices called for by HGMPs. For example, requirements to closely monitor natural and hatchery produced salmon interactions on the spawning ground are costly and time-intensive. Therefore, the tribes request that HGMP funding is increased and flexible enough to address these rising costs.

- **Provide \$86.29 million to implement the national commitments in the renegotiated Pacific Salmon Treaty agreements (within NOAA Salmon Management Activities)**

We support the Pacific Salmon Commission (PSC) U.S. Section's request of \$42.3 million for annual operational costs, plus \$43.99 million in one-time implementation costs, for a total of \$86.29 million for the national commitments in the newly renegotiated Pacific Salmon Treaty (PST) Annex Chapters. FY20 appropriations for NOAA-Salmon Management Activities-PST provided \$35.6 million, a much-appreciated increase of \$20 million above FY19 levels, but still only a fraction of the U.S. Section's needs to implement the revised agreements.

Adult salmon returning to most western Washington streams migrate through U.S. and Canadian waters and are harvested by fishers from both countries. For years, there were no restrictions on the interception of returning salmon by fishers of neighboring countries. Eventually, the U.S. and Canada agreed to cooperate on the management of salmon by developing and ratifying the PST in 1985. The PSC was created to implement the PST and is responsible for developing management recommendations and assessing compliance with the treaty. Negotiations to revise the provisions of the Annex Chapters were successfully completed in 2018 and 2019. These chapters contain the specifics for implementing the treaty for each species in each geographic area. These revised chapters represent the combined efforts of the participants to ensure healthy salmon populations for the next ten years, and as such include national commitments to improve current management strategies.

Within our collective request to support the PSC and implement the PST, we specifically request the following. Of the \$43.99 million in one-time implementation funding requested, \$23.13 million is for Puget Sound critical stock habitat restoration (identified in the Biological Opinion associated with implementation of the PST) to provide critical risk reduction measures for several Chinook salmon runs. Of the \$42.3 million in operations funding, we specifically request \$8.7 million for Sound Science, which includes \$2.5 million for the Coded Wire Tag (CWT) Program; \$5.39 million for the Puget Sound Critical Stock Augmentation Program; and \$5.6 million to increase prey availability for ESA-listed killer whale. The Puget Sound Critical Stock Augmentation Program is important because it provides funding for operation and maintenance costs for hatchery augmentation programs needed to meet the terms of the treaty. These hatchery efforts were initiated in 2008 and enhanced in the new agreements because the conservation needs of these populations could not be met by harvest restrictions alone. The CWT Program produces data that is widely used by state, federal and tribal fisheries managers to evaluate hatchery contributions to catch, smolt to adult survival rates, spawner abundance on spawning grounds, differential in-hatchery treatments, and other important information that supports fisheries management and research.

- **Provide \$25.9 million for NOAA Mitchell Act Hatchery Programs (within Salmon Management Activities)**

We respectfully request \$25.9 million for the Mitchell Act Hatchery Programs. The FY20 appropriations provided a total of \$22.0 million. The request for an additional \$3.9 million in Mitchell Act funds above the FY20 funding level is to ensure that mitigation hatcheries operate

at full production level to meet federal obligations. This program is funded through the Salmon Management Activities subactivity.

Mitchell Act hatchery production is intended to mitigate for fish and habitat loss caused by the federal hydropower dam system on the Columbia River. Funding for these programs supports the operation and maintenance of hatcheries that release between 50 and 60 million juvenile salmon and steelhead in Oregon and Washington. These programs provide fish production for tribal treaty and non-tribal commercial and recreational fisheries in the Columbia River, and also contribute to ocean fisheries from Northern California to Southeast Alaska. Unfortunately, overall production from these hatcheries has been reduced from more than 110 million to fewer than 60 million fish due to inadequate funding.

Adequate funding for Mitchell Act hatcheries is of particular importance to us because it supports salmon production for tribal treaty harvest along the Washington coast. Additionally, adequate funding to ensure full production from the Mitchell Act hatcheries dampens the impact of Canadian and Alaskan ocean fisheries on Washington fisheries under the terms of the PST.

- **Provide \$20.0 million for NOAA Fisheries Disaster Assistance Program**

We respectfully request \$20.0 million to restore funding for the Fishery Disaster Assistance Program, which was not funded in FY20. Our request is an increase of \$5.0 million above the FY19 enacted level. Numerous salmon fisheries disasters have adversely impacted Washington tribes and the financial impact from these disasters is severe. Unforeseen natural and manmade disasters can have grave and unexpected impacts on tribal treaty fishing and the livelihoods of tribal members who are economically dependent upon these fisheries. Because of the seasonal nature of fishing, a single disaster can have significant impacts on annual revenues needed to maintain boats and gear, forcing fishers to drop out of the sector, and therefore sometimes lead to diminished fishing fleets. An ongoing Fisheries Disaster Assistance Program is a much-needed stop gap measure to prevent the collapse of this important economic sector during difficult times. We therefore respectfully request annual appropriations to maintain and enhance the Fisheries Disaster Assistance Program, which is needed to ensure a resilient national fishing fleet.

CONCLUSION

The treaties between the federal government and Indian tribes, as well as the treaty-reserved rights to harvest, manage and consume fish and shellfish, are the “supreme law of the land” under the U.S. Constitution (Article VI). It is therefore, critically important for Congress and the federal government to provide continued support in upholding the treaty obligations and carrying out its trust responsibilities. An important component of these obligations is to fully fund the aforementioned sustainable salmon fisheries management programs that provide for improved harvest planning, hatchery production and habitat management. We respectfully urge you to continue to support our efforts to protect and restore our treaty-reserved rights and natural resources that in turn will provide for thriving economies for both Indian and non-Indian communities alike. Thank you.

Jeff Watters, Senior Director, Government Relations, Ocean Conservancy
Testimony for the Subcommittee on Commerce, Justice, Science and Related Agencies
FY 2021 Appropriations for the National Oceanic and Atmospheric Administration

Thank you for this opportunity to provide Ocean Conservancy's recommendations for FY 2021 funding for NOAA. Ocean Conservancy has worked for nearly 50 years to address threats to the ocean through science-based, practical policies that protect our ocean and improve our lives. To learn more about Ocean Conservancy's support for a strong ocean budget at NOAA, see www.TheMoreYouNOAA.org.

We greatly appreciate the Subcommittee's efforts to ensure a positive outcome for NOAA in the FY 2020 omnibus, which made important investments in NOAA ocean programs, including Integrated Ocean Acidification, Marine Debris and Regional Ocean Data and Partnerships.

We reject the Trump administration's proposed budget for NOAA in FY 2021, which includes a 13 percent cut to the agency and would once again wholly eliminate vital ocean and coastal programs. As described in this testimony, we support funding for NOAA ocean programs at or above FY 2020 funding levels to maintain current efforts and provide targeted increases as appropriate.

NOAA's mission to understand, protect, restore, and manage our ocean, coasts, and Great Lakes is vitally important to sustain these resources and our economy. The U.S. ocean and coastal economy contributes \$352 billion annually to the nation's GDP and supports 3 million jobs. There is a good reason that NOAA is in the Department of Commerce, and adequate funding is vital to support a healthy and resilient ocean that can maintain and grow our coastal economies and communities.

Much of the U.S. ocean is under federal jurisdiction, and yet many of NOAA's most successful programs focus on pushing resources and decision-making power out to regions, states and communities. NOAA is providing leverage for hardworking people on the coast and on the water who are fighting for a stronger economy and a healthier ocean, through region-by-region fishery management, region-specific programs, extramural funding that supports state agencies and universities, place-based conservation in our estuaries and oceans, and more.

As you craft the FY 2021 spending bills, we ask that you consider the balance between NOAA's oceanic and atmospheric missions, and the nexus between the two. Americans should not have to choose between weather forecasts and ocean and coastal resources like coral reefs and marine mammals. We need both. NOAA's ocean programs support many other federal agencies and missions that will also suffer if NOAA funding is cut. For example, ocean observations and monitoring provide critical information for severe storm tracking and weather forecasting. Ocean programs also facilitate homeland security and national defense functions, including U.S. Navy operations and U.S. Coast Guard search and rescue missions.

We continue to raise the alarm about this administration's proposals to eliminate vital NOAA programs like Coastal Zone Management Grants, Sea Grant, National Centers for Coastal and Ocean Science, and the National Estuarine Research Reserve System, among others. **We also**

offer recommended funding increases for the following NOAA programs and additional testimony below.

Account, Program or Activity	FY 2020 enacted	FY 2021 recommendation
Operations Research and Facilities		
<i>National Ocean Service</i>		
Coastal Science, Assessment, Response and Restoration: Marine Debris	\$8.5 m	\$10 m
Coastal Zone Management and Services: Regional Ocean Data Portals	\$1.5 m	\$4 m
National Marine Sanctuaries	\$55.5	\$58 m
National Estuarine Research Reserves	\$27.5	\$31 m
IOOS Regional Observations	\$39 m	\$45.25 m
<i>National Marine Fisheries Service</i>		
Fisheries Science and Management: Fisheries Data Collections, Surveys and Assessments	\$173.709 m	\$179.709 m, with an increase of \$6 m for surveys and stock assessments.
Fisheries Science and Management: Fisheries and Ecosystem Science Programs and Services	\$146.427 m	\$159.427 m, with an increase of \$10 m for EM/ER and \$3 m for ecosystem based fishery management and preparing for climate change
Regional Councils and Fisheries Commissions	\$40.247 m	\$45.247 m
<i>Office of Oceanic and Atmospheric Research</i>		
Integrated Ocean Acidification	\$14 m	\$22 m
National Sea Grant College Program	\$74 m for Sea Grant and \$13 m for aquaculture.	\$97.9 m total, with \$82.9 m for the National Sea Grant College Program and \$15 m for Sea Grant Aquaculture.

Marine Debris - \$10 million

Marine debris, particularly plastic waste pollution, is one of the most widespread pollution problems threatening the world's oceans and waterways. An estimated 150 million metric tons of plastic waste are in the ocean today, and every year an estimated 8 million metric tons more are being added. Without immediate intervention, 250 million metric tons of plastic waste could be in the ocean in fewer than 10 years. Marine debris has serious effects on the marine environment and the economy. It causes impacts on wildlife through entanglement, ingestion and ghost fishing and also impacts marine transportation, causing navigational hazards and vessel damage. In 2018, Congress reauthorized NOAA's Marine Debris Program via the Save Our Seas Act, which enjoyed broad bipartisan support in both chambers. The program received \$7.5 million in FY 2019 and \$8.5 million in FY 2020. Given the magnitude of the problem, there is an urgent need for the NOAA Marine Debris Program to do more to counter the growing threat to ocean health, and we therefore support funding the program at the full authorization level of \$10 million.

Regional Ocean Data Portals/Regional Ocean Partnerships – \$4 Million

Regional Ocean Data Portals are publicly available online tools that disseminate maps, data, and information with the purpose to inform decisions and enhance entrepreneurial opportunities. They are managed by Regional Ocean Partnerships, which provide interagency engagement with states, tribes, localities, and Federal agencies to collaborate on cross-jurisdictional ocean and coastal matters. These partnerships also coordinate and engage ocean and coastal stakeholders, including academia, non-governmental organizations, and industry. While we greatly appreciate the appropriation of \$1.5 million for FY 2019 and FY 2020, we believe increased Federal funding support for this program is critical. Regions are sufficiently underfunded to address the most pressing management and data integration challenges, and Federal funding is currently split among the four Regional Ocean Partnerships and their functional equivalents, which totals nine regions. Appropriating \$4 million would provide a necessary boost that will allow regions to better address ocean and coastal management needs.

Fisheries Data Collections, Surveys and Assessments; Fisheries Science and Management; Regional Councils and Fisheries Commissions

We request \$179,709,000 for Fisheries Data Collections, Surveys and Assessments, which is an increase of \$6 million over the FY 2020 appropriated level for surveys and stock assessments. There is concern among almost all fisheries stakeholder groups about survey capacity, and a changing ocean is putting new demands on the survey system. Increasing investments in surveys will maintain the production of high-quality data needed for stock assessments to provide the most accurate and complete management advice. It will also provide funding needed to sustain and expand the stock assessment enterprise and will allow continued implementation of the Next Generation Stock Assessment Improvement Plan, released in 2018.

We request a \$10 million increase for electronic monitoring and reporting in addition to \$3 million for ecosystem-based fisheries management under the Fisheries Science and Management line. Electronic technologies, if properly implemented, will increase the timeliness, reliability, and accuracy of fishery data, which, in turn, improves fishery sustainability and economic output. Many fisheries across the United States have, or are currently working to, integrate

electronic monitoring and reporting tools into their data collection programs. Increased funding will enable these initiatives to move forward.

Additionally, we request a funding increase for the Regional Councils and Fishery Commissions. The Councils already maintain a full workload and schedule, and capacity issues are a common barrier to action on management. The challenge will only continue to deepen as fishery management becomes more complex and the Councils grapple with how best to address the impacts of climate change on fisheries, including how to deal with shifting stocks, changing productivity, and unexpected events like harmful algal blooms or marine heatwaves.

Integrated Ocean Acidification - \$22 million

The Integrated Ocean Acidification line item funds NOAA's ocean acidification program (OAP), which was established and mandated by the Federal Ocean Acidification Research and Monitoring (FOARAM) Act of 2009. Ocean acidification (OA) is the rise in acidity of the earth's ocean caused by uptake of carbon dioxide from the atmosphere. This rising acidity makes it harder for shell-forming species such as oysters and crabs to grow, and fundamentally alters many other processes (e.g., reproduction, risk avoidance) necessary for healthy ecosystems and the coastal industries that depend on them. Prior federal investments in OAP have greatly expanded our knowledge of ocean acidification and its risks to coastal communities and industries, but current funding levels are not at the scale needed to understand this global problem and its impacts. We request \$22 million for this program.

Budget Eliminations

For the fourth year in a row, the President's Budget has once again called for eliminations of critical programs, including Coastal Zone Management Grants, the National Sea Grant College Program and the National Estuarine Research Reserve. These programs are central to NOAA's mission and their elimination would have on-the-ground impacts in coastal communities around the country. We once again reject these eliminations and would like to thank you for your continued recognition of the important role of these programs. We request that the Coastal Zone Management Grants be funded at FY 2020 levels or above, and that Sea Grant and NERRS funding be increased to \$97.9 million and \$31 million, respectively.

Marine Operations and Maintenance

Marine operations and maintenance should be funded at or above FY 2020 levels. Days at sea funded by this line are functionally tied to fishery stock assessments, and the two programs must be viewed together.

BRENDAN W. CURRY
 Chief of Washington Operations
 The Planetary Society

This submission deals exclusively with NASA.

FY2021 Budget (all increases relative to the PBR):

- NEOSM to \$90M (+\$40M) within a Planetary Defense budget of \$196M (+46M).
- Restore operating funds for Curiosity to \$57M (+\$17M) and Mars Odyssey (+\$11.2M).
- Phase A funding for Mars Sample Return (In the FY2021 PBR).
- Preserve growth in Planetary Science Directorate (\$2.7B) and keep all planetary missions on track (in the PBR).
- WFIRST funding (+\$500M) for continued phase C.
- Support growth in NASA FY 2021 budget to \$26B (\$25B requested +\$1B restored science/education

NEOSM

The FY 2021 President’s Budget Request declined to initiate the Near-Earth Object Surveillance Mission (NEOSM), a small space telescope dedicated to the detection and characterization of potentially hazardous asteroids and comets that cross near Earth’s orbit.

The Planetary Society endorses the findings from the National Academies regarding the importance of a dedicated space telescope to search for NEOs. We urge Congress to provide a \$46 million increase in funding for NASA’s Planetary Defense program in FY 2021 to enable NEOSM to launch in 2025.

	FY 2020 Enacted	FY 2021 PBR	FY 2021 Recommended	Diff
Planetary Defense Program	\$150M	\$150M	\$196M	+\$46M
↳ NEOSM	\$35.6M	\$50M	\$90M	+\$40M

Suggested FY 2021 CJS appropriations report language *Planetary Defense—The Committee provides \$196,000,000, which is \$46,000,000 greater than the requested level. Of this amount, \$90,000,000 shall be for the development of the NEO Surveillance Mission.*

The NEO Surveillance Mission

The National Academies of Science, Engineering, and Medicine endorsed the need for a dedicated space-based infrared telescope for finding NEOs in 2019.

In response to this report, NASA’s Associate Administrator of its Science Mission Directorate announced that NASA would initiate such a project, called the NEO Surveillance Mission. It

would leverage design and technology studies done for the NEOCam mission, a concept initially proposed to NASA’s small planetary mission line in 2006. Unfortunately, the FY 2021 President’s Budget Request did not include funds to initiate NEOSM, instead supporting only continued instrument development.

An additional \$46M for NASA’s Planetary Defense program, with \$40M directed toward NEOSM, would enable the mission to launch in 2025 (with the additional \$6M preserving ground-based observations and asteroid deflection projects).

NEOSM is smaller, simpler, and more affordable than the James Webb or Hubble space telescopes. It is predicted to cost approximately \$600 million to build, launch. It is low-risk, having gone through nearly 15 years of project studies. Congressionally-directed funding over the past three years enabled the maturation of the spacecraft and detector design, additionally lowering the risk of the mission.

The Planetary Society believes that finding and characterizing hazardous near-Earth objects is a high priority for NASA and the U.S. government. We strongly support funding NEOSM at a level to enable a 2025 launch to improve our understanding of the NEO impact threat.

Context

The NEO Surveillance Mission project is managed by NASA’s Planetary Defense program, which is located within its Planetary Science Division of the Science Mission Directorate.

In congressional appropriations, the relevant account is Planetary Defense within Planetary Science, which is accounted for within the “Science” section of the National Aeronautics and Space Administration account in the Commerce, Justice, Science, and related agencies appropriations.

Congress previously appropriated \$35.6M in FY2020 and \$12M in FYs 2019 and 2018 for this project.

MSL Curiosity & Mars Odyssey

	FY 2020 PBR	FY 2021 PBR	FY 2021 Recommended
MSL Curiosity	\$50M	\$40M	\$57M
Mars Odyssey	\$11.7M	\$1M	\$12.2M

MSL Curiosity

The Mars Science Laboratory mission landed the Curiosity rover on Mars in August of 2012. The \$2.5 billion mission has spent the last 8 years exploring Gale Crater and confirmed it once held an ancient Martian lake. The mission examined rocks and confirmed the existence of a water-

rich, habitable environment in Mars's past. It also discovered preserved organic materials, establishing that future missions could hope to search for evidence of past life on Mars.

Since landing, the average operational cost of Curiosity has been \$57M per year. This expenditure enables mission-critical engineering, safety analysis, and scientific work that guides daily operations. It also supports scientists and students to pursue answers to the major scientific questions of the mission. So far MSL team members have led the release of 369 peer-reviewed papers—an average of one per week—with hundreds more published using Curiosity's public data.

Unfortunately, operations funding has trended downwards in recent years to \$50M. Due to the critical nature of engineering and mission assurance, these cuts overwhelmingly impacted scientific activities. **The mission already reduced operations by 20%—essentially throwing away the opportunity to explore Mars one day out of every week.**

The proposed \$40M in FY 2021 represents a 20% cut from the previous year. **This cut would further reduce operational days of the mission and eliminate nearly all scientific support.**

In 2019, the MSL project's science team proposed a 3-year extended scientific campaign. **An independent review panel rated this proposal as scientifically and technically "Excellent"**—its highest rating. The report also noted that, due to diminishing output from its plutonium power source, Curiosity's ability to actively explore Mars will be severely impacted within the next few years. As such, the loss of operational days now disproportionately affects the overall science return from the mission.

The science team proposed returning to \$57M per year in order to restore full operations. This would maximize the scientific return from this unique flagship mission in its final years.

The Planetary Society strongly recommends that Congress provide **this modest \$7M/year increase over the FY 2020 level in order to provide the best return on investment to the U.S. taxpayer.**

Mars Odyssey

Odyssey arrived at Mars in 2001 and has provided nearly 20 years of rich scientific return on a U.S. investment of \$500M (\$297M for development and launch, and roughly \$200M for 2 decades of operations). Mission scientists have published 212 peer-reviewed papers since 2001, with an additional 494 papers published by scientists worldwide using Odyssey's publicly-available data.

Among the mission's key achievements is the creation of global maps of subsurface water ice—relevant to astrobiology and future human exploration—and global maps that support the selection of safe, scientifically productive landing sites for human and robotic missions.

Odyssey also serves as a critical data relay satellite for surface missions, in particular for NASA's InSight lander. Odyssey's larger and more powerful communications system provides higher bandwidth data return to Earth than InSight's onboard antenna. No missions are planned to replace this capability.

Odyssey's operating budget has averaged \$11.2 million per year. Recent technical issues with the aging spacecraft increased engineering costs slightly. The science team submitted an extended mission proposal requesting \$12.2 million in order to address these issues and maintain productive scientific operations. **This proposal was enthusiastically backed by the independent review panel, which rated the proposal as "Excellent".**

Yet the FY 2021 PBR proposed a mere \$1M for Odyssey, trending to \$0 in FY 2022. Given the potential scientific productivity and lack of any planned future NASA mission to provide critical data relay services for ground missions, **The Planetary Society strongly recommends Congress provide the \$12.2 million proposed to ensure the best possible return on investment to the U.S. taxpayer.**

Context

Within the President's Budget Request for NASA, funding for MSL and Mars Odyssey is accounted for within the "Other Missions & Data Analysis" account of the Mars Exploration Program within the Planetary Science Division of the Science Mission Directorate.

In congressional appropriations, the relevant account is *Mars Exploration* within Planetary Science, itself listed within the "Science" section of the National Aeronautics and Space Administration account in the Commerce, Justice, Science, and related agencies appropriations.

Suggested FY 2021 CJS appropriations legislation report language

Mars Exploration Program—The Committee provides \$556,700,000, which is \$28,200,000 greater than the requested level. Of this amount, \$57,000,000 shall be for the continued operations of the MSL Curiosity rover and \$12,200,000 for the continued operations of Mars Odyssey, in line with recommendations made by the planetary science senior review report on extended mission operations. These levels ensure future scientific return from two major investments made by U.S. taxpayers.

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**Testimony on behalf of the
Population Association of America/ Association of Population Centers
Regarding the Fiscal Year 2021 Appropriations for the Census Bureau
and National Science Foundation**
Submitted to the
House Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies
The Honorable Jose Serrano, Chairman and
The Robert Aderholt, Ranking Member
Submitted by: Mary Jo Hoeksema, Director, Government and Public Affairs
Population Association of America/Association of Population Centers

Thank you, Chairman Serrano, Ranking Member Aderholt, and other distinguished members of the Subcommittee, for this opportunity to express support for the Census Bureau and the National Science Foundation (NSF). These agencies are important to the Population Association of America (PAA) (www.populationassociation.org) and Association of Population Centers (APC), because they provide direct and indirect support to population scientists and the field of population, or demographic, research overall. In FY 2021, we urge the Subcommittee to provide the Census Bureau with \$1.681 billion, which is approximately \$9 million above the Administration's request. In addition, PAA and APC support \$9 billion for the National Science Foundation (NSF), consistent with the recommendation of the Coalition for National Science Funding, which is \$1.26 billion above the Administration's FY 2021 request.

The PAA and APC are two affiliated organizations that together represent over 3,000 social and behavioral scientists and the nearly 40 population research centers that receive federal funding and conduct research on the implications of population change. Our members, which include demographers, economists, sociologists, and statisticians, conduct scientific and applied research, analyze changing demographic and socio-economic trends, develop policy and planning recommendations, and train undergraduate and graduate students. Their research expertise covers a wide range of issues, including adolescent health and development, aging, health disparities, immigration and migration, marriage and divorce, education, social networks, housing, retirement, and labor. Population scientists compete for funding from the NSF and rely on data produced by the nation's statistical agencies, including the Census Bureau, to conduct research and research training activities.

The Census Bureau

The Census Bureau is the premier source of data regarding U.S. demographic, socio-economic, and housing characteristics. While PAA/APC members have diverse research expertise, they share a common need for access to accurate, timely data about the nation's changing socio-economic and demographic characteristics that only the U.S. Census Bureau can provide through its conduct of the decennial census, American Community Survey (ACS), and a variety of other surveys and programs.

Currently, Census 2020 is underway with millions of Americans receiving their census response forms in mid-March. PAA and APC are pleased that Congress provided the Census Bureau with sufficient funding in FY 2020 to conduct the 2020 Census. We are concerned that language in

the Bureau's FY 2021 congressional budget justification suggests that the Bureau may be shortchanging the decennial headcount in order to maintain public commitments to control overall census spending and to carry over more than \$1 billion into FY 2021. PAA and APC urge the Subcommittee to conduct strong oversight of the Census Bureau's spending on the 2020 Census and to encourage the agency to spend the funds that Congress provided, including contingency funds if necessary, to ensure the conduct of an inclusive and accurate decennial census.

PAA and APC understand that the Census Bureau's funding level declines dramatically in the first year of the decennial planning cycle, and the Administration's request reflects, appropriately, this anticipated decrease in funding. Nonetheless, PAA and APC urge the subcommittee to provide the Census Bureau with an increase of \$9 million over the Administration's FY 2021 request. Such an increase should be directed to restore the Administration's proposed cuts to the Survey of Income and Program Participation (SIPP). SIPP is an important resource that population scientists use to understand how income and income transfer programs affect the well-being of individuals and households. SIPP is used for measuring many small but consequential events, such as determining the impact of marital breakup on poverty or how many workers turn to Supplemental Nutrition Assistance Program (SNAP) after exhausting unemployment compensation. Such determinations require SIPP's current full sample size. The Administration's proposed would result in a 40 percent cut in the survey's sample size, rendering it unable to support reliable estimates for small population groups or selected states.

PAA and APC join other census stakeholders in urging the Subcommittee to provide the Census Bureau with \$1.681 billion in FY 2021 to help ensure a successful conclusion of the 2020 Census, invest in its other important surveys and programs, and to restore the Administration's proposed cuts to the SIPP.

National Science Foundation (NSF)

The mission of NSF is to promote the progress of science; to advance the national health, prosperity, and welfare; and to secure the national defense. Understanding the implications of complex population dynamics is vital to the agency's mission. The Directorate of Social, Behavioral and Economic (SBE) Sciences is the primary source of support for the population sciences within the NSF. The Directorate funds critical large-scale longitudinal surveys, such as the *Panel Study of Income Dynamics*, that inform pressing policy decisions and enable policy makers to make effective decisions. It also has participated in cross-cutting, interdisciplinary initiatives of interest to population scientists, including the *Harnessing the Data Revolution* and *Mid-scale Infrastructure*—two of the agency's Ten Big Ideas.

NSF is the funding source for over 20 percent of all federally supported basic research conducted by America's colleges and universities, including basic behavioral and social research. Moreover, the SBE Directorate funds approximately 67 percent of basic, university-based social and behavioral sciences research in the nation.

PAA and APC, as members of the Coalition for National Science Funding (CNSF), rejects the Administration's proposed NSF FY 2021 budget request, \$7.74 billion, which represents a 6.5

percent decrease in funding over the FY 2020 enacted level—and is also more than \$409 million below the FY 2019 enacted level. As it stands, the funding rate percentage of new projects sponsored by NSF is predicted to fall from 27% in FY2019 to a projected 23% in FY 2020.

Instead, we urge Congress to accelerate the growth of NSF's budget by providing NSF with \$9 billion in FY 2020. The funding level, which represents an 8.7% increase over the FY 2020 enacted level, will enable the NSF SBE Directorate to continue its support of social science surveys and a robust portfolio of population research projects. The NSF also continues to focus on interdisciplinary research initiatives, recognizing that social and behavioral science contributes to many critical areas of research. For example, the *Mid-scale Infrastructure* program has recently funded broad-scale, sensor-based data collection projects that represent collaborations among population scientists and computer scientists. Increased funding in FY 2021 will allow NSF to continue funding the most promising grant applications that promote transformational and multidisciplinary research and to support other new promising research as part of the *Ten Big Ideas* initiative. Steady and sustainable real growth will enhance the nation's capability to make new discoveries, leading to new innovations.

Thank you for considering our requests and for supporting federal programs that benefit the population sciences.



GOVERNMENT OF PUERTO RICO

Federal Affairs Administration

March 13, 2020

The Honorable José Serrano
Chairman
House Appropriations Subcommittee on
Commerce, Justice, Science and Related
Agencies
2358-B Rayburn House Office Building
Washington, DC 20515

The Honorable Robert Aderholt
Ranking Member
House Appropriations Subcommittee on
Commerce, Justice, Science and Related
Agencies
1016 Longworth House Office Building
Washington, DC 20515

Dear Chairman Serrano and Ranking Member Aderholt:

Thank you for your essential support of Puerto Rico in the Fiscal Year (FY) 2020 appropriations process and the earthquake supplemental, H.R. 5687. The Committee's support of the island is invaluable as we continue our efforts to rebuild following the devastation of Hurricanes Irma and Maria in September 2017, as well as the earthquakes of this year. With the support of Congress, we have made great progress, but as you are aware, much remains to be done in order to rebuild Puerto Rico and set the island on a path to full recovery and reconstruction. With the shared goal of continuing the recovery and prosperity of Puerto Rico, I, on behalf of Governor Wanda Vázquez Garced, respectfully submit the following proposals for FY 2021 Commerce, Justice, Science and Related Agencies appropriations.

Edward Byrne Memorial Justice Assistance Grant and Community Oriented Policing Services Programs:

The Government of Puerto Rico encourages the Subcommittee to continue to fully fund both the Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) and Community Oriented Policing Services (COPS) programs within the Department of Justice for FY 2021. Both the Byrne JAG and COPS programs are vital to the health and safety of our communities. As you know, public safety has been a paramount issue of concern to the island since Hurricane Maria's landfall to the more recent earthquakes. We have taken particular care to support our community policing programs and federal support of our programs is critical. We have taken steps to ensure that our force is sufficient and that our departments have the technology and resources needed to counter the opportunistic violence that has affected the island. Policing after natural disasters requires diligence and perseverance. Therefore, we welcome the Department of Justice's recognition of our post-disaster policing efforts.



GOVERNMENT OF PUERTO RICO

Federal Affairs Administration

National Science Foundation - Arecibo Observatory:

The Government of Puerto Rico thanks the Subcommittee for its continued support of the National Science Foundation (NSF) and the Arecibo Observatory (AO), and encourages the Subcommittee to continue to fully fund the NSF and the AO for FY 2021. Since its creation by Congress in 1950, the NSF's mission has been to promote the progress of science by advancing the national health, prosperity, and welfare. Except for medical sciences, the NSF supports all fields of fundamental science and engineering.

One of NSF's many grantees is the AO, which is managed by the University of Central Florida (UCF) under an agreement with the NSF. The AO is located in Arecibo, Puerto Rico and is a world-leading radio astronomy, solar system radar, and atmospheric physics facility. The facility contributes highly relevant data to support scientific discovery, innovation, and progress. AO's radio telescope has the ability to analyze our atmosphere to interplanetary space. Some of AO's radar vision studies the properties of planets, comets, and asteroids. From within our Galaxy to the farthest reaches of the Universe, AO's oversight of interstellar space provides details of the Universe that can only be detected by a facility like the one in Arecibo. For the vital interest of national defense, scientific exploration, and innovation we support the continued full funding of the NSF and all their facilities, like the one in Puerto Rico.

The island-wide devastation suffered by Puerto Rico from Hurricanes Irma and Maria, as well as the recent earthquakes, present historic challenges to the 3.2 million U.S. citizens of Puerto Rico, the Caribbean economy, and the United States Government. A full recovery for Puerto Rico requires a sustained, comprehensive approach with support from the federal government to tackle the numerous issues we are now facing.

On behalf of Puerto Rico, I thank you for your continued support and leadership in Congress. I have faith that with your support, Puerto Rico can and will make a full recovery. If you require additional information or have any questions, please do not hesitate to contact me at (202) 778-0710 or via email at jstoripan@prfaa.pr.gov.

Sincerely,

Jennifer M. Storipan, Esq.
Executive Director
Puerto Rico Federal Affairs Administration

Testimony of Research!America to the House Committee on Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies Concerning FY21 Appropriations for NSF
Submitted for the Record, March 11, 2020

Contact: Ellie Dehoney, Vice President of Policy and Advocacy, Research!America,
edehoney@researchamerica.org

Research!America appreciates the opportunity to submit testimony for the record. We are the nation's largest nonprofit alliance advocating for science, discovery and innovation to achieve better health for all. We greatly appreciate the Subcommittee's dedicated stewardship over funding for such critical priorities as the National Science Foundation (NSF). As you consider Fiscal Year 2021 (FY21) allocations, we request that the National Science Foundation (NSF) receive at least \$9 billion, an increase of 8.7%, in FY21 to create jobs, support sustained economic growth, and bolster the wellbeing of Americans and people around the globe.

NSF's mission and portfolio are intentionally diverse because science investment can yield unknown discoveries, spanning biology, economics, engineering, mathematics, computer science, the social and behavioral sciences, and other high-impact disciplines. We strongly believe that robust funding for NSF is a sound approach for advancing the United States' strategic interests in an ever-more complex international landscape and meeting the aspirations of the American people.

What the NSF Provides

The NSF is a key driver for our nation's R&D leadership, supporting strategically important research at more than 1,800 academic institutions in all 50 states, the District of Columbia, and three U.S. territories. NSF-funded research underlies core industries like IT and biopharmaceuticals, contributes to efforts to stop bad actors in cyber- and other forms of terrorism, and in other critical ways that advance our nation's interests. An estimated 303,000 students, teachers, researchers and postdoctoral fellows were empowered by the NSF in FY2019. Approximately 95% of NSF funding is allocated to grants or cooperative agreements to researchers through a competitive merit review process. Since 1950, NSF has supported more than 242 Nobel Prize winners, including six Nobel Laureates in 2019. The research supported by NSF bears on virtually every sector of our economy, support cyber- and other crucial areas of national security, and factor importantly into the productive use of big data and other highly promising avenues of research.

NSF Leverages American Ingenuity to Break New Ground in Science and Technology

NSF supports the type of high-risk research that drives progress and has resulted in recent groundbreaking discoveries. For instance, researchers funded by the NSF developed a mathematical model that can predict dengue fever outbreaks up to four months in advance. This international research collaboration found a practical measurement for these predictions. The development of this model will help accurately predict outbreaks and enable public health officials to take preemptive steps for safeguarding vulnerable populations. This progress would not have been possible without NSF investment.

NSF-funded research continues to propel progress, often through collaboration across multiple fields. A team of NSF-funded scientists is developing wearable skin sensors that can analyze a person's sweat to get the same information that currently requires a more invasive procedure,

such as drawing blood. Scientists are gathering data from these sensors to learn what sweat composition can tell us about health and wellness. Through NSF's continued support, cross sectors work together to produce cutting-edge research that pushes the fields of medicine, engineering, and biomedical science forward.

Americans Understand the Value NSF Delivers

Since 1992, Research!America has commissioned national and state-level surveys to assess public sentiment on issues related to research and innovation. One of the most consistent findings over time has been Americans' support for basic research. In our most recent survey, fielded in January 2020, 86% of respondents agreed that "even if it brings no immediate benefits, basic scientific research that advances the frontiers of knowledge is necessary and should be supported by the federal government." Our surveys have also explored Americans' perspectives on the role of NSF-funded tools in advancing key national priorities. For example, a strong majority of Americans - almost 90% - believe it is important for scientists to inform elected officials about their research and its impact on society.

NSF is Essential to Training the Next Generation of American Scientists and Innovators

The U.S.'s global leadership is directly tied to our strength in the fields of Science, Technology, Engineering, and Mathematics (STEM). NSF cultivates future American leaders in these strategically important disciplines. Since 1952, NSF has supported more than 60,000 students through Graduate Research Fellowships and has provided grant support to thousands of postdoctoral fellows and young investigators. The agency also engaged in unique public-private partnerships, including a recent partnership to develop online learning platforms for learners of different ages and skill levels. This collaboration will fund projects supporting schools, companies, nonprofits, and others to build a more STEM-educated workforce. Efforts like this set the stage for future success as our nation seeks to accelerate the pace of medical and scientific progress.

Research!America appreciates the complicated and complex task facing the Subcommittee as it seeks to prioritize funding in a manner that best serves the American people. We urge you to provide at least \$9 billion, an increase of 8.7%, for NSF in FY21. We hope you will call on our organization if additional information would prove useful.

Thank you for your continued leadership and consideration.

Sincerely,

Mary Woolley
President and CEO
Research!America

Sac and Fox Nation

920883 S. Hwy. 99 ♦♦ Building A♦♦Stroud, OK 74079



Principal Chief JUSTIN F. WOODS
 Second Chief DON ABNEY
 Secretary JACKLYN K. KING
 Treasurer JARED A. KING
 Committee Member ROBERT WILLIAMSON

**Testimony Submitted by the Honorable Justin F. Wood, Principal Chief
 Sac and Fox Nation
 to the House Appropriations Subcommittee on Commerce,
 Justice, Science and Related Agencies
 on the FY 2021 Budget for the Office of Justice Programs, Department of Justice
 March 13, 2020**

Chairman Serrano and distinguished Members of this Subcommittee, on behalf of the Great Sac and Fox Nation, I submit testimony of our Tribal priority requests for funding programs in the FY 2021 Budget for the Office of Justice Programs (OJP) in the Department of Justice (DOJ). The Sac and Fox Nation is the home of Jim Thorpe, one of the most versatile athletes of modern sports who earned Olympic gold medals for the 1912 pentathlon and decathlon.

The Sac and Fox Nation would like to advance the following Department of Justice budget requests for FY 2021:

1. Fully Fund the Tribal Law and Order Act
2. Fully Fund All Tribal Provisions of the Violence Against Women Act
3. Tribal Grants – Utilize DOJ Appropriations as Base Funding with Tribes Setting Their Own Priorities
4. 10% Tribal Set-Aside from All Discretionary Office of Justice Programs
5. Approve a Streamlined Funding Mechanism for the Coordinated Tribal Assistance Solicitation (CTAS)

The Sac and Fox Nation also supports the appropriation requests of the National Congress of American Indians.

About the Sac and Fox Nation

The Sac and Fox Nation is a Self-Governance Tribe headquartered in Stroud, Oklahoma. Our Tribal jurisdictional area covers all or parts of Lincoln, Payne, and Pottawatomie counties. Of the over 4,000 enrolled Tribal members, 2,600 live in Oklahoma. Our culture is based upon respect for the life within ourselves, our families, our communities, and all of creation. The Sac and Fox way of life is spiritually based. The Creator gave this way of life to the Sac and Fox people and we seek the guidance of the Creator in how to live. The oldest continuing religious practices are ceremonies like clan feasts, namings, adoptions, and burials. More recent religious practices include the Drum Dance, the Native American Church and Christianity.

Fully Fund Tribal Law and Order Act as Authorized

The Tribal Law and Order Act (TLOA) has three basic purposes:

1. Make Federal departments and agencies more accountable for serving Native peoples and land;
2. Provide greater freedom for Indian Tribes and Nations to design and run their own justice systems; and,
3. Enhance cooperation among Tribal, Federal and State officials in key areas such as law enforcement, training, interoperability and access to criminal justice information.

The full potential of TLOA cannot be realized or implemented without sufficient resources for Tribal justice systems and ongoing coordination and consultation between Tribal governments and appropriate Federal agencies. DOJ recognized the importance of completing the circle when it issued the "Proposed Statement of Principles", in which it is referenced that stable funding at sufficient levels for essential Tribal justice functions is critical to the long-term growth of Tribal institutions. Yet, 10 years after passage, provisions of the Act remain under funded.

The Sac and Fox Nation operates a Juvenile Detention Center which provides services to 46 Tribes in Oklahoma, Kansas and Texas, as well as the state of Oklahoma. We are anxious to advance the opportunities that TLOA can offer to further expand and increase access to our facility. However, unless TLOA is fully funded, facilities such as ours will not be able to attain the full potential and help to guide children in the system towards a successful future.

Fully Fund Violence Against Women Act as Authorized

The Violence Against Women Act (VAWA) first passed in 1994 to prevent sexual violence and assault and to save lives by protecting victims of domestic crimes. It has reduced the rate of domestic violence in the United States by over 60%. For fiscal 2020, Congress allotted \$502.5 million, up from \$497.5 million for fiscal 2019. The Nation requests that the programs authorized in VAWA be fully funded, including the \$5 million authorized for Tribal implementation of VAWA's special domestic violence criminal jurisdiction. In addition, we request that the Indian Country Sexual Assault Clearinghouse continue to be funded at \$500,000. Thank you for helping us to protect our mothers, daughters, sisters and wives from jurisdictional gaps or safe havens for criminals. But without funding to implement the law, this is an idle victory. We urge you to fully fund all of the Tribal provisions of VAWA and offer survivors of these crimes protection and access to much-needed services.

The Office on Violence Against Women (OVW) provides funding to Tribal governments to address violence against women in their communities. OVW's largest source of funding for Tribal governments is the Grants to Tribal Governments Program which is funded via statutory allocations from other OVW programs. Fully funding these OVW programs results in full funding for the Grants to Tribal Governments Program.

Tribal Grants – Eliminate the competitive grant funding process and utilize Justice Department appropriations as base funding where Tribes and Tribal Courts themselves determine their own priorities.

One of the biggest issues with DOJ funding is that it is competitive. In order to obtain essential funding Tribes must compete against each other based on DOJ's priorities and guidelines rather than identifying their own priorities to best serve their citizens at the local level.

Tribes have advocated to dispel grant funding for desperately needed services at the local level. Instead, the approach should be to utilize DOJ appropriations as base funding so that can develop sustainable programs for the benefit of their citizens. Grants offer one-time funding streams with no assurances of future funding to build staff capacity and generally does not allow Tribes enough time to design and implement effective programs without having to engage in the next cycle to compete for funds. It appears that DOJ understands this concept inasmuch as it has previously proposed the idea of base funding in the form of a block grant during an earlier Tribal consultation on the OVW funding. We propose that DOJ not merely propose this for OVW but consider this for all Tribal appropriations in the Department so that Tribes can determine their own priorities.

Tribal Set-Aside (Ten Percent) – We request a ten percent (10%) Tribal set-aside from all discretionary Office of Justice Programs program funding to be allocated as flexible base funding. Such a set-aside would streamline the federal funding process by which Tribes receive resources to establish Tribal courts; assist in developing detention facilities; provide legal assistance; develop and maintain juvenile delinquency prevention programs; and provide substance abuse prevention programs. In addition, the set-aside funding would give Tribes the flexibility to develop a comprehensive strategy on how best to spend those resources to meet needs at the local level.

Congress and the Administration should enact an amendment to the Budget Control Act of 2011 to fully exempt Indian program funding from future sequestrations to honor the Federal trust responsibility and the chronic and severe underfunding of all Tribal programs.

The Coordinated Tribal Assistance Solicitation (CTAS) –CTAS attempts to streamline the grant application process for Tribes and Tribal Consortia to enable them to submit a single grant application for most of the Tribal grant programs in DOJ, as opposed to previous years in which they were required to submit multiple grant applications. Consideration was not given to the capacity of Tribes to prepare this large application model, which, for many Tribal communities, who continue to struggle to apply for these multiple grant awards with separate reporting requirements, award periods, and grant managers. CTAS will not achieve its intended purpose of streamlining Tribal grants until it is accompanied by a streamlined funding mechanism.

Thank you.



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**Outside Witness Testimony from:
Society for Industrial and Applied Mathematics (SIAM)**

**Submitted by:
Lisa Fauci, President, SIAM
Anne Gelb, Vice President for Science Policy, SIAM**

**Submitted to the Subcommittee on Commerce, Justice, Science, and Related Agencies
Committee on Appropriations, United States Senate**

**Testimony on the Fiscal Year 2021 Appropriations
for the National Science Foundation**

March 13, 2020

Summary: This written testimony is submitted on behalf of the Society for Industrial and Applied Mathematics (SIAM) to ask you to continue your support of the National Science Foundation (NSF) in fiscal year (FY) 2021 by providing NSF with \$9 billion to advance both core research areas and NSF's Big Ideas for Future Investment. These Big Ideas dramatically propel interdisciplinary research forward while revolutionizing quantum communications, medicine, and other areas. In particular, we urge you to provide strong support for the Research and Related Activities Account (R&RA) that supports key applied mathematics and computational science programs in the Division of Mathematical Sciences and the Office of Advanced Cyberinfrastructure. SIAM also requests your support for the Education and Human Resources (EHR) directorate that addresses fundamental challenges in mathematics and STEM education.

Full Statement: On behalf of SIAM, we submit this written testimony for the record to the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the U.S. Senate.

SIAM has over 14,000 members, including applied and computational mathematicians, computer scientists, numerical analysts, engineers, statisticians, and mathematics educators. They work in industrial and service organizations, universities, colleges, and government agencies and laboratories all over the world. In addition, SIAM has almost 500 institutional members, including colleges, universities, corporations, and research organizations. SIAM members come from many different disciplines but have a common interest in applying mathematics in partnership with computational science to solve real-world problems, which affect national security and industrial competitiveness.

First, we would like to emphasize how much SIAM appreciates your Committee's continued leadership on and recognition of the critical role of the National Science Foundation (NSF) and



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its support for mathematics, science, and engineering in enabling a strong U.S. economy, workforce, and society.

Today, we submit this testimony to ask you to continue your support of NSF in FY 2021 and beyond. ***In particular, we join with the research and higher education community and request that you provide NSF with at least \$9 billion in funding for FY 2021.*** After years of stagnant funding before FY 2018, NSF needs bold growth to protect U.S. competitiveness as countries such as China are rapidly increasing their science and engineering investments. According to the National Science Board, in FY 2017, NSF rejected close to four billion dollars of proposals rated “very good or higher” due to budget constraints. Funding of \$9 billion would help the agency address critical unmet national research needs and historical underinvestment.

As we are reminded every day, the nation’s economic strength, national security, and welfare are being challenged in profound and unprecedented ways. Many of these challenges are fueled by gaps in our understanding of complex systems such as cyberspace, terrorist networks, the human brain, or the energy grid. Mathematics and computational science play a foundational and cross-cutting role in understanding these systems through advanced modeling and simulation, developing techniques essential to designing new breakthrough technologies like artificial intelligence (AI), and providing new tools for managing resources and logistics. Progress in computational sciences and applied mathematics also underpins advances across an array of fields and challenges in computing, materials, biology, engineering, and other areas.

National Science Foundation

NSF serves a unique and critical function supporting all areas of science and engineering to further innovation and seed the knowledge and technologies for a strong future America. NSF provides essential federal support for applied mathematics and computational science, including more than 60 percent of all federal support for basic academic research in the mathematical sciences. Of particular importance to SIAM, NSF funding supports the development of new mathematical models and computational algorithms, which are critical to making substantial advances in such fields as neuroscience, energy technologies, genomics, and nanotechnology. In addition, new techniques developed in mathematics and computing research often have direct application in industry. Modern life as we know it – from search engines like Google to the design of modern aircraft, from financial markets to medical imaging – would not be possible without the techniques developed by mathematicians and computational scientists using NSF funding. NSF also supports mathematics education at all levels, ensuring that the next generation of the U.S. workforce is appropriately trained to participate in cutting-edge technological sectors and that students are attracted to careers in mathematics and computing.

SIAM is encouraged by proposed increases in support for **Artificial Intelligence (AI)** and **quantum information science**. SIAM also supports NSF’s investments in the **10 Big Ideas for**

Testimony for the Senate Appropriations Committee – Commerce, Justice, Science Subcommittee (3/13/2020)–Page 2



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Future Investment, which represent major scientific challenges where sustained investment can make a transformative difference. In particular, SIAM urges support for the Harnessing the Data Revolution, Understanding the Rules of Life, and Quantum Leap Big Ideas, which each have revolutionary potential. SIAM applauds NSF's programs in these areas, such as the Institutes for Data-Intensive Research in Science and Engineering, Quantum Leap Challenge Institutes, TRIPODS¹ Institutes, and the NSF-Simons Research Centers for Mathematics of Complex Biological Systems. While investments in Big Ideas as well as Industries of the Future areas, including AI and quantum information science, are important, SIAM urges Congress to also protect NSF core programs, which have stagnated in recent years and whose foundational investments underpin advances across many science and engineering challenges.

SIAM urges strong investment in the Research and Related Activities account (RRA) to enable robust funding for the Division of Mathematical Sciences (DMS), the Office of Advanced Cyberinfrastructure (OAC), and other core programs and crosscutting initiatives for essential mathematical and computational science research, workforce development programs, and early career researcher support.

NSF Division of Mathematical Sciences

The NSF Division of Mathematical Sciences (DMS) in the Directorate for Mathematical and Physical Sciences (MPS) provides core support for all mathematical sciences. DMS also funds national mathematical science research institutes; infrastructure, including workshops, conferences, and equipment; and postdoctoral, graduate, and undergraduate training.

The activities supported by DMS and performed by SIAM members, such as modeling, analysis, algorithms, and simulation, underpin advancements across science and engineering and provide new ways of obtaining insight into the nature of complex phenomena, such as the power grid, software for military applications, and the human body.

Investment in DMS is critical because of the foundational and cross-cutting role that mathematics and computational science play in sustaining the nation's economic competitiveness and national security, and in making substantial advances on societal challenges such as energy and public health. NSF, with its support of a broad range of scientific areas, plays an important role in bringing U.S. expertise together in interdisciplinary initiatives that bear on these challenges. Agencies such as the Department of Defense and National Institutes of Health depend on the NSF-supported applied math and computational sciences ecosystem to fulfill their missions as they build on NSF-funded modeling, algorithm, and simulation breakthroughs and leverage the workforce trained using NSF support. Both agencies and foundations partner with NSF thereby leveraging federal funding for maximum impact,

¹ Transdisciplinary Research on Principles of Data Science



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such as with the Joint NSF/National Institutes of Health Initiative Quantitative Approaches to Biomedical Big Data (QuBBB).

NSF Office of Advanced Cyberinfrastructure

Work in applied mathematics and computational science is critical to enabling effective use of the rapid advances in information technology and cyberinfrastructure. Programs in the NSF Office of Advanced Cyberinfrastructure (OAC) in the Directorate for Computer and Information Science and Engineering (CISE) focus on providing research communities access to advanced computing capabilities to convert data to knowledge and increase our understanding through computational simulation and prediction. SIAM strongly endorses OAC's efforts as a steward for computational science, building bridges across NSF to accelerate transformational science and engineering, and driving universities to improve their research and education programs in this multidisciplinary area. SIAM strongly endorses NSF's role advancing high performance computing to meet critical national security needs, fully leverage computing technology for economic competitiveness and scientific discovery, and position the U.S. for sustained technical leadership.

Supporting the Pipeline of Mathematicians and Scientists

Funding for NSF's *Education and Human Resources* (EHR) directorate has stagnated for many years leaving critical gaps in addressing fundamental challenges for mathematics and STEM education across educational levels. SIAM supports EHR and its programs like *Improving Undergraduate STEM Education* (IUSE), which is key to both advancing STEM professional development and developing a STEM literate citizenry. SIAM notes that mathematical education is foundational to STEM learning across disciplines, and NSF should continue to fund development of mathematical and computational skills, including at the undergraduate level when young scientists and engineers gain critical interests and competencies.

SIAM is deeply concerned by proposals in the budget request to cut the *CAREER awards* and *Graduate Research Fellowships* that are crucial to the training and professional development of the next generation of leadership in mathematical sciences research and education.

Conclusion

We would like to thank you again for your ongoing support of NSF that enables the research and education communities it supports, including thousands of SIAM members, to undertake activities that contribute to U.S. health, security, and economic strength. NSF needs sustained growth to maintain our competitive edge in science and technology, and therefore we respectfully ask that you continue robust support of these critical programs in FY 2021.

We appreciate the opportunity to provide testimony to the Committee on behalf of SIAM. SIAM looks forward to providing any additional information or assistance you may ask of us during the FY 2021 appropriations process.

Testimony for the Senate Appropriations Committee – Commerce, Justice, Science Subcommittee (3/13/2020)–Page 4



**Official Written Testimony in Support of
Fiscal Year 2021 National Science Foundation Appropriations and Language**

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

March 13, 2020

Submitted by
Dr. Eden King, President, Society for Industrial and Organizational Psychology
Tracy L. Vanneman, Interim Executive Director, Society for Industrial and Organizational
Psychology

On behalf of the Society for Industrial and Organizational Psychology (SIOP), we are pleased to provide this written testimony to the House Appropriations Subcommittee on Commerce, Justice, and Science, and Related Agencies for the official record. **In this testimony, SIOP urges the Subcommittee to consider two requests: provide \$9 billion for the National Science Foundation (NSF), including strong support for the Directorate for Social, Behavioral, and Economic Sciences (SBE), in the fiscal year (FY) 2021 appropriations process; and include report language to encourage NSF to more rigorously implement the science of team science in the agency's funding strategies for large-scale and multi-disciplinary research projects.**

Appropriations Support

SIOP is a community of nearly 10,000 members worldwide with a common interest in promoting the research, practice, and teaching of industrial and organizational (I-O) psychology to enhance human well-being and performance in organizational and work settings. SIOP provides a platform for scientists, academics, consultants, and practitioners to collaborate, implement, and evaluate cutting-edge approaches to workplace challenges across sectors.

SIOP and its members recognize and appreciate the challenging fiscal environment in which we, as a nation, currently find ourselves; however, we also have evidence that federal investment in social and behavioral science research directly and positively impacts the U.S. economy, national security, and the health and well-being of Americans.

Through SBE, NSF supports basic research to develop a scientific evidence base for improving the performance, effectiveness, management, and development of organizations and the workforce. The methods, measurements, and theories developed through this federal investment enhance business practices, policy-making, and interprofessional collaboration. The evidence base derived from basic research in the science of organizations is applied throughout the public and private sectors. For example, federal research agencies across the government, including the



Department of Defense (DOD), National Aeronautics and Space Administration (NASA), the Department of Justice (DOJ), NSF, etc. invest in I-O research that enhances organizational effectiveness and human performance. Findings from this work also improve the effectiveness of the private sector and federal workforces.

Additionally, new pressures to address privacy, performance, and safety in the workplace have further expanded the need for federal investment in social and behavioral science research, especially in I-O psychology, emphasizing the importance of the entire work system in addition to the individual. Cybersecurity threats, subtle and formal discrimination, talent shortages in technical jobs, displacement, and a host of other recent events and conditions have catalyzed the development and application of new methodologies for studying how people think and behave in the workplace.

SIOP also supports NSF's dedication to its "10 Big Ideas,"¹ including the *Future of Work at the Human-Technology Frontier*, which seeks to address and improve human-technology interactions as workplaces integrate and adapt to artificial intelligence, automation, machine learning, and beyond. In addition to developing these technologies, successful implementation relies on understanding human learning at various stages of life, and improving education and training to appropriately use these technologies.

With funding assistance from NSF and other federal agencies, the field of I-O psychology has developed data-driven methods to predict successful teams, address workplace dysfunction, improve the work experience of individuals, and enhance job performance and employee engagement. Use of this rich knowledge and understanding has informed and benefitted both private companies and the public workforce. Continued federal support for I-O psychology keeps its knowledge and expertise in the public domain and enhances shared workplace efficiency and understanding of worker well-being at all levels. Other applications of I-O psychology include: improving airline safety through Crew Resource Management, transitioning veterans and service members to civilian jobs, managing age diversity in the workplace, accounting for the technology-enabled workforce, and developing preventative sexual harassment workforce interventions, among many others.

Given NSF's critical role in supporting fundamental research and education across science and engineering disciplines, SIOP supports an overall FY 2021 NSF budget of \$9 billion. SIOP requests robust support for the NSF SBE Directorate, which funds important research studies, enabling an evidence base, methodology, and measurements for improving organizational function, performance, and design across sectors and disciplines.

¹ National Science Foundation-proposed "10 Big Ideas"
(https://www.nsf.gov/about/congress/reports/nsf_big_ideas.pdf?dm_i=1ZIN4FGWLE2900QGB891.1)



Science of Team Science

In last year’s testimony, SIOP requested report language to encourage the further adoption of the Science of Team Science (SciTS) in NSF programs and policies. SciTS is the empirical examination of the processes by which large and small scientific teams organize, conduct, and communicate research. I-O psychologists with expertise in SciTS had been engaging with NSF program officers and leadership, as well as some congressional staff to ensure their findings are fully ingrained in the agency’s new models and approaches for funding cross-disciplinary science and/or large-scale research projects (e.g. Engineering Research Centers; Science and Technology Centers; Convergence Accelerators; and National Artificial Intelligence [AI] Research Institutes). SIOP feels this is important because as NSF increasingly encourages and promotes team science, taking additional steps to ensure evidence-based team science is considered in multi-partner initiatives would improve communication between researchers, productivity, efficiency and cost-effectiveness.

In FY 2020, the House Appropriations bill report included the following language that was in the spirit of the original request:

*“Scientific collaboration.—NSF is encouraged to improve the understanding of scientific collaboration and how scientists work together.”*²

While this language was most appreciated and helpful, SIOP is of the opinion that the message would be more impactful if it were to specifically mention the importance of “team science” in multi-disciplinary research programs and projects.

Team science is a well-known research subject at NSF and the language should be understood by the agency. NSF has funded several team science studies through the Directorate for Social, Behavioral, and Economic Sciences (SBE), and program officers across directorates have expressed interest in leveraging team science to improve multi-disciplinary awards, including participating in one-on-one conversations with SIOP experts and inviting them to present on NSF panels. SIOP appreciates NSF’s interest in learning more about leveraging SciTS to improve programs and collaborations at the agency. While NSF has taken some steps forward over the past year to address the importance of team science in some multi-disciplinary awards, we feel that appropriations report language that specifically mentions the importance of team science would build on this existing momentum and further catalyze meaningful action.

For further reference, SIOP members served on the National Academies’ Committee on the Science of Team Science, which produced the 2015 report on this topic: <https://www.nap.edu/catalog/19007/enhancing-the-effectiveness-of-team-science>. Also, slides and recordings from NSF’s 2018 Accelerating Engineering Research Center Preparedness Workshop can be found at: <https://ercbiennial.asee.org/2018-pgw/program/>. SIOP members Drs. Steve Kozlowski and Kara Hall present on team science.

²<https://appropriations.house.gov/sites/democrats.appropriations.house.gov/files/FY2020%20CIS%20CIS%20Filed%20Report%20-%20HR3055.pdf>



Requested Report Language

Team Science – NSF is encouraged to continue to seek ways to implement the science of team science to improve scientific collaboration as the agency develops new models and approaches for funding large-scale and cross-disciplinary research projects. In particular, NSF is encouraged to ensure that it is implementing the recommendations from the 2015 National Academies of Sciences, Engineering, and Medicine report, *Enhancing the Effectiveness of Team Science*.³

Thank you for the opportunity to offer SIOP's support for NSF. Please do not hesitate to contact SIOP should you have any questions. Additional information is also available at www.siop.org.

³ <https://www.nap.edu/catalog/19007/enhancing-the-effectiveness-of-team-science>

Written Statement

Barry Everitt, Sc.D., F.R.S., President, Society for Neuroscience
202-962-4000 – Email: advocacy@sfn.org
Subcommittee on Commerce, Justice, Science and Related Agencies
Appropriations Committee
In Support of FY21 Appropriations for the National Science Foundation

Mr. Chairman and members of the Subcommittee, I am Barry Everitt, President of the Society for Neuroscience (SfN), and it is my honour to present this testimony on behalf of the Society in strong support of at least \$9 billion in funding for the National Science Foundation (NSF) for FY21. As both a researcher and a Professor in the Department of Psychology at Cambridge University, I understand the critical importance of federal funding for neuroscience research in the United States. The NSF supports fundamental research on the basic biology of the brain and is a shining example of how governmental funding for research in the US leads the world and inspires related and collaborative research internationally.

My own research focuses on the neural and psychological basis of drug addiction and is dedicated to understanding the maladaptive engagement of the learning, memory, and motivational mechanisms that underlie compulsive drug use. Drug abuse and addiction are critical issues in my country as in yours, having devastating consequences at the individual, family, and society levels. My research group has made significant advances in showing that structural and neurochemical changes in the brain associated with behavioral impulsivity confer a major risk on the vulnerability to develop cocaine addiction. We have also demonstrated the neural circuit basis of the transition from recreational to the compulsive use of opioids, stimulants, and alcohol revealing commonalities as well as differences in the neural basis of addiction to these drugs. This understanding has opened the door to the development of novel pharmacological and psychological treatments for addiction that may promote and maintain abstinence from drug use. For example, we have shown that a novel opioid receptor antagonist greatly decreases opioid, cocaine, and alcohol use in animal models, as well as showing its efficacy and safety in experimental studies in humans. We have further revealed that reducing the impact of maladaptive drug memories can promote abstinence from drug use, as well as being effective in the treatment of anxiety disorders and post-traumatic stress disorder.

SfN believes strongly in the research continuum. Basic science at the National Science Foundation ultimately leads to clinical innovations, which lead to translational uses that positively impact the public's health. Basic science is the foundation upon which all health and other scientific advances are built. However, basic research depends on reliable, sustained investment from the federal government. The Society is grateful to the Congress for the support it has provided to NSF. Growing the NSF budget to \$9 billion is exactly the kind of robust effort that is needed. Your strong support of basic research will pay dividends for years to come.

The Society stands with organizations and institutions throughout the broad scientific research community in support of this funding. The increase would provide certainty to the field, advance scientific opportunity, allow for more training of the next generation of scientists, and further strengthen America's innovation economy.

Equally as important as providing a reliable increase in funding for scientific research is ensuring that appropriations are approved before the end of the fiscal year. Late 2018 into early 2019 was a low point for the scientific community. The 35-day shutdown of the NSF had

terrible, negative impacts on research and researchers. Continuing Resolutions (CRs) have significant consequences. But a total shutdown for scientists working in the field, and for the institutions in which they work, is incredibly disruptive and is counterproductive to discovery. Shutdowns have real, negative impacts on scientific understanding and the lives of those dependent on the sector, all while interrupting the positive benefits that research provides in this country and globally. Ensuring sustained and dependable resources is critical to advancing our understanding of the brain.

I would also like to express my and the Society's appreciation for your support of the Brain Research through Advancing Innovative Neurotechnologies (BRAIN) Initiative. While only one part of the research landscape in neuroscience, the BRAIN Initiative has been critical in promoting future discoveries across neuroscience and related scientific disciplines. Through the BRAIN Initiative, and NSF's Understanding the Brain (UtB) program, scientists are making progress in both substantive understanding of this complex biological system and in development of the tools and technologies that will further increase our knowledge.

The deeper our grasp of basic science, the more successful those focused on clinical and translational research will be. We use a wide range of experimental and animal models that are not used elsewhere in the research pipeline. These opportunities create discoveries – sometimes unexpected discoveries – that expand knowledge of biological processes, including at the molecular level. This level of discovery reveals new targets for research that may result in treatments for a spectrum of brain disorders that affect millions of people in the United States and beyond.

Some recent, exciting advancements include the following:

Integrating computer and biological vision science

The field of vision science, studied from either the perspective of the human brain or computer algorithms, is dedicated to understanding how to make sense of the objects and scenes in the world around us. While those studying human and computer vision have the same goals, the data they use for their research are often so different as to make collaboration and integration impossible. The NSF funded project BOLD5000 hopes to make it easier for the neuroscience of vision and computer vision to work together. The BOLD5000 database includes data for nearly 5,000 distinct images viewed by participants in a human functional magnetic resonance imaging (fMRI) study. These images overlap with those in datasets that are often used to train computer vision models, allowing for comparison between how computer models and human participants process the same scene. This public dataset is a critical step in better understanding and modeling how humans and ultimately computers view and interpret the world around us.

Understanding how adolescents make decisions

As children grow into adolescence, they gain the opportunity to make more independent decisions and, consequently, experience the repercussions of those choices. For example, studies have shown that when making decisions adolescents are more likely to rely on information they have learned through experience rather than through description. This may mean that if a teenager has made a risky decision, such as driving without a seatbelt, and not experienced a negative consequence, they are more likely to make future choices to buckle their seatbelt based on their experience rather than what they have been told about the dangers of driving without buckling up. The research also suggests that one of the most effective ways of teaching improved

decision-making to adolescents may be through simulations and other forms of experiential learning, which will help create new opportunities to help young adults be more careful before making risky choices. NSF funded researchers are exploring the behavioral reasoning that underlies adolescent decision-making. This research could lead to more effective methods for helping young adults make safe and considered choices, resulting in safer outcomes and higher quality of life.

Summary and Conclusion

NSF funding is not only critical for the future of biomedical research and for training researchers at the bench but is also a key economic driver of science in the United States through funding universities and research organizations across the country. For this nation to remain a leader in biomedical research, Congress must continue to support the basic research that fuels discoveries as well as the economy.

As the leading scientific society dedicated to understanding the brain and the central nervous system, SfN hosts one of the largest annual scientific meetings and publishes two highly rated scientific journals where scientific discoveries are put on display. I have seen first-hand the tremendous progress we have made and the potential for brain research that lies ahead.

To reiterate, the Society for Neuroscience strongly supports the appropriation of at least \$9 billion for the National Science Foundation for FY21. Like the Subcommittee, we also strongly support the appropriation of this funding in a timely manner, one that avoids delays in approving new research grants or causes reductions in funding for already approved research funding.

Thank you for your strong and continued support and I look forward to working with you to ensure that research remains central to the economy and remains a priority of Congress. The trinity created among Congress, the NSF, and the scientific research community has created great benefits for the United States, its people, and those suffering from diseases and disorders. As an international researcher, I also see clearly the global impact of your funding of the NSF. On behalf of the Society for Neuroscience, I urge you to continue it.

**Testimony of Jake Laperruque, Senior Counsel,
The Constitution Project at the Project On Government Oversight,
before the House Committee on Appropriations, Subcommittee on Commerce, Justice,
Science, and Related Agencies
March 13, 2020**

In Support of Limits on Funding for Face Recognition Surveillance

Thank you for the opportunity to submit testimony. In its funding of the Department of Justice, we believe the Subcommittee on Commerce, Justice, Science, and Related Agencies should restrict funding for the purchase and use of face recognition surveillance by law enforcement agencies.

The Project On Government Oversight (POGO) is a nonpartisan independent watchdog that investigates and exposes waste, corruption, abuse of power, and when the government fails to serve the public or silences those who report wrongdoing. We champion reforms to achieve a more effective, ethical, and accountable federal government that safeguards constitutional principles. The Constitution Project at POGO strives to protect individuals from improper and overbroad surveillance, including unchecked face recognition surveillance.

Face recognition poses immense risks to privacy, civil liberties, and public safety. Nonetheless, it is being rapidly deployed: Half of all American adults are enrolled in a law enforcement face recognition database, often without their knowledge.¹ Last year, we convened a task force of expert stakeholders including academics, tech experts, civil rights and civil liberties advocates, and law enforcement officials to examine the impact of face recognition and how lawmakers should respond. This group concluded that Congress should place strong limits on face recognition technology.²

Congress should continue to examine the implications of this technology, and enact restrictions to prevent harms and protect constitutional rights. While Congress, as well as state and local policymakers, works to develop proper rules and limits, it should not allow federal funds to be used indiscriminately to build law enforcement face recognition systems.

Face recognition creates serious risks, especially of misidentification

Misidentifications are one of the most prevalent and troubling risks face recognition creates. While many advocates for surveillance systems invoke the supposed tradeoff between liberty and security when discussing surveillance, face recognition endangers both public safety and civil liberties by implicating improperly identified individuals in investigations or police action.

Face recognition's tendency to misidentify women and people of color at a higher rate is an acute concern. Studies by the National Institute of Standards and Technology (NIST); MIT, Microsoft, and AI Now Institute researchers; the American Civil Liberties Union; and an FBI expert all

¹ See Clare Garvie et al., Georgetown Law Center on Privacy and Technology, *The Perpetual Line-Up: Unregulated Police Face Recognition in America* (October 18, 2016), Sec. I <https://www.perpetuallineup.org>

² Task Force on Facial Recognition Surveillance, Project On Government Oversight, *Facing the Future of Surveillance*, (March 4, 2019), <https://www.pogo.org/report/2019/03/facing-the-future-of-surveillance/>

concluded that face recognition systems misidentify women and people of color more frequently.³ Most recently, NIST found that some systems were 100 times more likely to misidentify people of East Asian and African descent than white people.⁴ Congress should not fund unchecked use of face recognition systems while this racial and gender disparity exists.

The general accuracy of face recognition is also subject to technical limitations. This technology centers on comparing features in photographs, therefore image quality is essential to obtaining reliable results.⁵ Specifically, face recognition compares “probe images,” from which law enforcement seeks to identify individuals, to “reference images,” which contain previously-identified faces.⁶ Reference images are typically high-resolution photos of a person directly facing a camera from a close distance, such as for a mug shot photo. But probe images are derived from a huge range of situations, creating potential for low image quality and erroneous results.

Bad lighting, indirect angles, excess distance, poor camera quality, and low image resolution all will undermine reliability of matches.⁷ These poor image conditions are much more likely to occur when photos and videos are taken in public, such as with a CCTV camera. And these low-quality images taken in public often serve as face recognition probe images used in investigations.

Without regulations, law enforcement may employ irresponsible techniques that also exacerbate the risks of misidentification. Some agencies have engaged in the highly questionable practices of scanning police sketches of suspects in lieu of actual probe images of suspects or using computer editing to artificially fill in pieces of a face that were not caught on camera.⁸ Asking systems to analyze manufactured data will produce unreliable results. Computer programs do not “see” faces the way humans do, and artificially adding data that will be part of a face recognition scan is the equivalent to drawing in lines on a smudged fingerprint.

The reliability of face recognition also varies based upon the confidence threshold of potential matches.⁹ Confidence thresholds are a metric used to compare which proposed matches within a system are more likely to be accurate. The lower the confidence threshold, the more likely the

³ Patrick Grother et al., National Institute of Standards and Technology, *Face Recognition Vendor Test (FRVT) Part 3: Demographic Effects*, NISTIR 8280 (December 19, 2019), 2. <https://doi.org/10.6028/NIST.IR.8280>; Joy Buolamwini and Timnit Gebru, “Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification,” *Proceedings of Machine Learning Research*, Vol. 81, (2018). <http://proceedings.mlr.press/v81/buolamwini18a/buolamwini18a.pdf>; Joy Buolamwini and Inioluwa Deborah Raji, “Actionable Auditing: Investigating the Impact of Publicly Naming Biased Performance Results of Commercial AI Products,” *AIES '19: Proceedings of the 2019 AAAI/ACM Conference on AI, Ethics, and Society* (2019). https://dam-prod.media.mit.edu/x/2019/01/24/AIES-19_paper_223.pdf; Jacob Snow, “Amazon’s Face Recognition Falsely Matched 28 Members of Congress With Mugshots,” American Civil Liberties Union, July 26, 2018. <https://www.aclu.org/blog/privacy-technology/surveillance-technologies/amazons-face-recognition-falsely-matched-28>; Brendan Klare et al., “Face Recognition Performance: Role of Demographic Information,” *IEEE Transactions on Information Forensics and Security*, Vol. 7, no. 6, December 2012. <http://openbiometrics.org/publications/klare2012demographics.pdf>.

⁴ Grother et al., *Face Recognition Vendor Test* [see note 3].

⁵ Task Force on Facial Recognition Surveillance, *Facing the Future of Surveillance* [see note 2]; Garvie et al., *The Perpetual Line-Up*, Sec. V [see note 1].

⁶ Garvie et al., *The Perpetual Line-Up*, Sec. III [see note 1].

⁷ Garvie et al., *The Perpetual Line-Up*, Sec. V [see note 1].

⁸ Clare Garvie, “Garbage In, Garbage Out: Face Recognition on Flawed Data,” Georgetown Law Center on Privacy & Technology, May 16, 2019. <https://www.flawedfacedata.com/>

⁹ Jake Laperruque, “About-Face: Examining Amazon’s Shifting Story on Facial Recognition Accuracy,” Project On Government Oversight, April 10, 2019. <https://www.pogo.org/analysis/2019/04/about-face-examining-amazon-shifting-story-on-facial-recognition-accuracy/>

“match” is actually a false positive. So, if law enforcement set face recognition systems to always return potential matches—no matter how low confidence the threshold—they will receive untrustworthy data. Yet some law enforcement entities do just that,¹⁰ including the FBI.¹¹

Law enforcement officials will sometimes dismiss misidentification risks by claiming face recognition is just used for leads.¹² But using untrustworthy information as the foundation of an investigation is dangerous, regardless of whether that information is introduced in court. If law enforcement guidelines recommended basing investigations on contaminated DNA samples, it would be of little comfort that this tainted evidence was “just used for leads.” Simply being targeted in an investigation can be disturbing and disruptive and bring the prospect of being subject to harmful police action even if charges or a conviction never follow. And an individual could still be charged in part based on how a face recognition match impacts the early direction of an investigation. A technology with significant, known, and as-yet-unmitigated flaws should not be relied upon for investigative work.

One type of face recognition is especially likely to result in misidentifications: real-time scanning of crowds. Real-time face recognition systems do not attempt to identify a single probe image. Rather, these systems scan every person within a crowd that passes by the frame of a camera, and provide an alert if anyone scanned is identified as a match against a preexisting watchlist.

Real-time face recognition takes all the risks of using face recognition in an open-world setting—bad lighting, poor angles, excessive and inconsistent distances—and multiplies them by conducting scans of groups of individuals. Early results have shown the harm this could cause. In pilot programs in the United Kingdom, South Wales police had a 91% error rate and London Metropolitan Police had a 98% error rate.¹³

And finally, the problems of real-time face recognition would be magnified if it is incorporated into police body cameras, with devices scanning crowds while officers are on patrol. This would produce in-field alerts based on highly unreliable matches, and force officers to make hasty decisions in response. America’s largest producer of body cameras, Axon, initially sought to incorporate face recognition into body cameras, but data on misidentifications led the company to publicly acknowledge that this would cause more harm than good and reverse course.¹⁴

¹⁰ Jim Trainum, “Facial Recognition Surveillance Doesn’t Necessarily Make You Safer,” Project On Government Oversight, July 22, 2019. <https://www.pogo.org/analysis/2019/07/facial-recognition-surveillance-doesnt-necessarily-make-you-safer/>.

¹¹ According to FBI Deputy Assistant Director Kimberley Del Greco, its system is set so that it “returns a gallery of ‘candidate’ photos [aka, reference photos] of 2-50 individuals (the default is 20).” *Facial Recognition Technology (Part II): Ensuring Transparency in Government Use: Hearing before the House Committee on Oversight* 116th Cong. (June 4, 2019). <https://www.fbi.gov/news/testimony/facial-recognition-technology-ensuring-transparency-in-government-use>

¹² For example, during a recent Congressional hearing FBI Director Christopher Wray responded to inquiries on face recognition by stating “We use it for lead value. We don’t use facial recognition as a basis to arrest or convict.” House Judiciary Committee. *Oversight of the Federal Bureau of Investigations: Hearing before the House Judiciary Committee*, 116th Cong. (February 5, 2020). <https://www.c-span.org/video/?468923-1/fbi-director-wray-testifies-oversight-hearing&start=14789>

¹³ Big Brother Watch, *Face Off: The Lawless Growth of Facial Recognition in UK Policing* (May 2018), 3-4.

¹⁴ Deanna Paul, “A maker of police body cameras won’t use facial recognition yet, for two reasons: Bias and inaccuracy,” *Washington Post*, June 28, 2019. <https://www.washingtonpost.com/nation/2019/06/29/police-body-cam-maker-wont-use-facial-recognition-yet-two-reasons-bias-inaccuracy/>

However, other vendors are recklessly charging ahead in efforts to build face recognition into police body cameras.¹⁵

Congress should not support adoption of unchecked face recognition

If face recognition is deployed by law enforcement, it is vital that strong rules are in place to prevent improper use and reduce the risk of misidentifications. Accuracy standards, training, procedural limits, audits, and disclosure requirements must exist to account for racial and gender disparity in misidentifications.¹⁶ Rules should ensure that investigations are not premised on unreliable matches built from low-quality probe images, or matches that possess a low confidence threshold. Junk science techniques such as scanning sketches, rather than actual photos, must be prohibited.

Achieving this will require public debate, examination of risks, and careful development of policy at the local, state, and federal level. As this is occurring, Congress must not accelerate the implementation of face recognition surveillance, spurring on careless use of the technology. Yet permitting federal grant funding to be used for the purchase and development of face recognition systems does just that.

Recommendations:

Congress should prohibit state and local law enforcement from using appropriated funds for the purchase or operation of face recognition technology, including prohibiting use for the purchase or operation of body cameras that incorporate real-time face recognition.

This measure is a reasonable first step to ensure that Congress does not unwittingly put its thumb on the scale and encourage law enforcement to recklessly expand face recognition surveillance without responsible rules.

Federal funds are also a major driver of adoption of police body cameras. While dozens of law enforcement entities use federal grant funding to pay for their body camera programs, only a handful place restrictions on the use of face recognition.¹⁷ If Congress continues to fund body camera programs, it must prevent them from morphing into an inaccurate surveillance tool.

Congress should prohibit the use of appropriated funds for the purchase or operation of real-time face recognition technology by federal, state, and local law enforcement.

Given that real-time face recognition is far more likely to produce misidentifications than genuine matches, its implementation should be kept on hold. If federal law enforcement entities wish to deploy real-time face recognition, they should not be able to do so without proving to Congress that the misidentification risks it poses have dramatically decreased.

¹⁵ Dave Gershgorn, "Exclusive: Live Facial Recognition Is Coming to U.S. Police Body Cameras," *Medium OneZero*, March 5, 2020. <https://onezero.medium.com/exclusive-live-facial-recognition-is-coming-to-u-s-police-body-cameras-bc9036918ae0>

¹⁶ Task Force on Facial Recognition Surveillance, *Facing the Future of Surveillance* [see note 2].

¹⁷ The Leadership Conference on Civil and Human Rights and Upturn, *Police Body Worn Cameras: A Policy Scorecard* (Version 3.04, November 2017). <https://www.bwscscorecard.org/>



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Sarah Murdock, Director of U.S. Climate Resilience and Water Policy
The Nature Conservancy
Written Testimony for Programs Under the National Oceanic and Atmospheric
Administration (NOAA) for Fiscal Year 2021
U.S. House of Representatives Subcommittee on Commerce, Justice, Science and Related
Agencies
March 13, 2020

Thank you for the opportunity to comment on the fiscal year 2021 (FY21) appropriations for the National Oceanic and Atmospheric Administration (NOAA). The Nature Conservancy is a nonprofit working in all 50 states and in 72 countries to conserve the lands and waters on which all life depends. The Conservancy also recognizes the critical role that oceans and coasts play in the lives of millions of Americans and in our nation's economy. According to NOAA data, each year the U.S. ocean and coastal economy contributes \$304 billion to the nation's GDP and 3.3 million jobs. NOAA's funding keeps this growing ocean and coastal economic engine running. It not only helps NOAA catalyze local and regional action but also reduces risk and saves money based on the tangible economic and societal benefits that coastal natural resources provide.

While the president's FY21 budget once again called for unwarranted cuts to the National Marine Fisheries Service (NMFS) and the National Ocean Service (NOS), including the proposed elimination of grants and collaborative research and management, the Conservancy was encouraged by Congress' FY20 omnibus funding levels to maintain and, in some cases, provide modest increases to these and other critical NOAA programs. NOAA programs provide practical, community-oriented approaches to restoration, resource management and conservation that align naturally with the Conservancy's mission. NOAA has made important strides in addressing key challenges, but much more remains to be done. The NOAA budget levels proposed by the Conservancy and detailed below represent a prudent investment in our country's future, and your support is requested.

National Marine Fisheries Service

Fisheries and Ecosystem Science Programs and Services: The Conservancy supports at least \$152.268 million, an increase of \$5.841 million over FY20 funding. Assessment of electronic monitoring and reporting (EM/ER) activities shows that while many gains have been achieved, there remain unfunded opportunities in each NMFS region. These include the continuation and expansion of New England and West Coast efforts to fully implement EM in groundfish fisheries. Funding would provide for the review and analysis of audit approaches for EM video and removing obstacles to the integration of EM/ER data into NMFS data systems. Efforts to improve recreational fishery data through EM/ER aim to enhance the accuracy and timeliness of this data, particularly in the Southeast and Gulf of Mexico. As part of the requested increase, expanding the National Fish and Wildlife Foundation's EM/ER grants would capture other ideas generated by fishery participants. The Fisheries Information System Program helps NMFS work with fishery management councils and states to modernize outdated data systems. NMFS has begun a Fisheries Information Management Modernization effort. An initial report by NMFS is expected this spring to address concerns and opportunities raised by stakeholders. It is unclear whether this NMFS report will include clear goals or a schedule and budget for implementation.

Congress can ensure these details are available for stakeholders and data management experts to review and to engage in the modernization effort.

Habitat Conservation and Restoration: The Conservancy supports at least \$66.825 million. Through the Community-based Restoration Program and the Habitat Blueprint Initiative, the Conservancy works closely with NOAA to restore the health of degraded habitats to benefit not just local marine life, but communities and coastal economies. NOAA funding for coastal habitat restoration supports on average 15 jobs per \$1 million invested and up to 30 jobs per \$1 million spent on labor-intensive restoration projects. Project funds are awarded on a competitive basis and typically leverage the resources and capacity of multiple partners. This funding also provides for NOAA's consultations on and implementation of Essential Fish Habitat. The Regional Fishery Management Councils address fishing impacts on these areas, and NOAA must have sufficient capacity to provide technical assistance to the councils and to work with federal agencies to avoid, minimize and mitigate impacts on these important fishery habitats.

The proposed increase would support the recently launched Iconic Reefs effort. NOAA has worked closely with state, community and research partners to develop a comprehensive plan to restore severely degraded reefs. The Conservancy supports not only this project but the thoughtful approach to assess the problem, identify goals and articulate a schedule and cost for the project. Too often project plans start with available funding and work backward from what can be achieved within that scope. Replicating this approach for other coral reefs, other marine sanctuaries, Habitat Blueprint sites, or Community-Based Restoration sites would provide not only better restoration efforts but also greater clarity to Congress and stakeholders. This would assist partners in leveraging public and private funding. Congress should encourage NOAA to use this approach for more restoration efforts.

Fisheries Management Programs and Services: The Conservancy supports the appropriation of at least \$123.836 million, consistent with FY20 funding. With a \$214 billion fisheries and seafood sector, fishers rely on management services and information from NOAA to make the most informed decisions on where, how and when to fish. NOAA Fisheries has made important strides in addressing these challenges and strengthening fisheries management, and support for these efforts is necessary to recover fish stocks so they provide food and jobs now and in the future. It is critical that funding be provided to reduce destructive fishing practices, restore coastal habitats and support the efforts of fishers and fishing communities and do so in a collaborative way. Recent efforts to combat illegal, unreported and unregulated fisheries show great promise in leveling the playing field for legal fishers. Funding provided will enable NOAA to take the next steps on traceability of seafood.

Fisheries Data Collections, Surveys and Assessments: The Conservancy supports at least \$173.709 million, consistent with FY20 funding. Limited or poor-quality information on the status of fishery stocks undermines the effectiveness of fishery management and can erode community support for conservation measures. Accurate and timely stock assessments are essential for the sound management of fisheries and the sustainability of fishing resources. The funding proposed will help the agency prioritize assessments and determine what level of assessments are needed and where to appropriately incorporate ecosystem linkages — such as ocean conditions, habitat, multispecies assemblages and socioeconomic factors.

Pacific Coastal Salmon Recovery Fund (PCSRF): The Conservancy supports at least \$70 million, an increase of \$5 million from FY20 funding. This is supported by the five participating western governors. PCSRF is the most critical federal program addressing threats to Pacific salmon so these fish can continue sustaining culture, economies, recreation and ecosystem health. PCSRF funding is tailored for each state, competitively awarded based on merit and has funded hundreds of successful on-the-ground salmon conservation efforts. It invests in cooperative efforts to conserve species under NOAA's jurisdiction, and projects are matched at a 3:1 ratio (federal: non-federal). The PCSRF has catalyzed thousands of partnerships among federal, state, local and tribal governments and conservation, business and community organizations.

Protected Resources Science and Management: The Conservancy supports at least \$200.664 million, consistent with FY20 funding. The Conservancy does not support the administration's proposed cuts to these efforts. Maintaining level funding for the competitive Species Recovery Grants would allow the agency to strengthen and expand partnerships to address the growing number of listed species and allow for larger-scale, ecosystem-level recovery efforts. Additional listed species and emerging challenges to recovery have increased the number and complexity of NOAA's consultation and permitting requirements. Funding is needed to aid NOAA's ability to complete these requirements in a timely and predictable manner. NOAA's cooperative efforts with states, tribes and other partners such as the Conservancy improve our understanding of and ability to protect listed salmon and the habitats that sustain them. Maintaining the Pacific and Atlantic salmon base funding will allow NOAA to enhance recovery efforts including monitoring, fish passages, hatchery operations and stakeholder engagement.

National Ocean Service

Title IX Fund – National Coastal Resilience Fund Grants: The Conservancy supports at least \$45 million, an increase of \$12 million above FY20 funding. The Title IX National Coastal Resilience Fund provides the resources and tools to build coastal resilience to avoid costly federal disaster assistance and sustain healthy fisheries, maintain robust tourism opportunities, provide for increased shipping demands and support other coastal industries. Coastal communities have clearly shown they are ready to match and leverage this funding to take proactive measures to protect their ways of life. The Conservancy appreciates Congress's support for additional funding for planning and assessment activities in FY20 and requests \$5 million for planning, technical assistance and assessment activities in FY21.

Coastal Zone Management and Services: The Conservancy supports at least \$49.043 million, an increase of \$4.043 million above FY20 enacted levels. The administration's request for a slight increase would only provide for some of the \$2.5 million requested increase for the regional ocean data portals, and the \$1.543 million adjustment to the base needed to allow this program to operate at previous levels. Unfortunately, the administration proposes to decrease the NOS integrated water prediction activities by \$2.576 million. The Conservancy requests that Congress provide all of the administration's proposed increases and reject its proposed decrease to this budget line item. These data portals make accessible an array of federal ocean data critical to ocean users and conservation efforts. NOAA's research and monitoring of coastal and marine systems provide data and decision-support tools that inform safe industry operations, prioritize

habitats for restoration and advance science-based management decisions. Sharing this work across federal, state and tribal agencies, industry and NGOs through programs such as Digital Coast increases our collective ability to understand and incorporate complex economic, social and ecological needs into decision-making.

Coastal Management Grants: The Conservancy supports at least \$77 million for coastal zone management grants, consistent with FY20 funding. The Conservancy collaborates with state coastal programs around the country to meet multiple goals for coastal communities including economic development, enhancement of public access and recreation and conservation of coastal resources. This program provides the framework and matching funds for the state Coastal Zone Management Programs.

Coral Reef Conservation Program: The Conservancy supports at least \$29.5 million, consistent with FY20 funding. The administration's proposed reduction to the program is unwarranted given that the decline of coral reefs continues to have significant social, economic and ecological impacts on people and communities in the United States and around the world. The Conservancy works with NOAA's Coral Reef Conservation Program under a competitively awarded, multiyear cooperative agreement to address the top threats to coral reef ecosystems: changing ocean conditions, overfishing and land-based sources of pollution. Together, the Conservancy and NOAA develop place-based strategies, measure the effectiveness of management efforts and build capacity among reef managers globally.

National Estuarine Research Reserve System (NERRS): The Conservancy supports at least \$27.5 million and opposes the administration's proposed elimination of the program. The NERRS partners with states and territories to ensure long-term education, stewardship and research on estuarine habitats. The reserves advance knowledge and estuary stewardship and serve as a scientific foundation for coastal management decisions. By using local management needs to help shape research, the NERRS aims to fill critical gaps. Incorporating research into training programs and public engagement, the NERRS makes science actionable for communities.

Sanctuaries and Marine Protected Areas: The Conservancy supports at least \$55.5 million. National marine sanctuaries support economic growth and hundreds of coastal businesses in sanctuary communities, preserve vibrant underwater and maritime treasures for Americans to enjoy and provide critical public access for more than 42 million visitors each year. Through a transparent, inclusive approach, the marine sanctuaries provide for the conservation of our marine resources while balancing multiple uses and diverse stakeholder needs.

Thank you for this opportunity to share The Nature Conservancy's priorities. Please contact me if you have questions or would like additional information.



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

March 12, 2020

On behalf of the Tribal Law and Policy Institute (TLPI), this testimony addresses important programs in the **Department of Justice (DOJ)**. Specifically, TLPI joins the National Congress of American Indians (NCAI) in requesting:

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Program	NCAI FY 2021 Request
DOJ: Tribal Grants: Eliminate competitive grant funding process and utilize Justice Department appropriations as base funding so that tribal nations determine their own priorities	Use DOJ appropriations as base funding.
DOJ: Tribal Set-Aside from OJP	Create a 10 percent tribal set-aside for all discretionary OJP programs.
DOJ: Tribal Set-Aside from Crime Victims Fund	Create a 5 percent set-aside for tribal governments.
DOJ: Tribal Youth Program under the Juvenile Accountability Block Grants program	\$25,000,000; Vital Tribal Youth programs now funded at lowest level since established in 1990s
DOJ: Tribal Civil and Criminal Legal Assistance (TCCLA) Grant	\$3,000,000
DOJ: Community Oriented Policing Services (COPS) Tribal Law Enforcement	\$52,000,000
DOJ: Tribal programs under the Violence Against Women Act (VAWA)	Fully fund all VAWA-authorized programs including the Sexual Assault Clearinghouse.

TLPI is a 100% Native American operated non-profit corporation organized to design and deliver education, research, training, and technical assistance programs which promote the enhancement of justice in Indian country and the health, well-being, and culture of Native peoples. TLPI focuses on collaborative programs that provide critical resources for tribal court systems, victims assistance programs, tribal youth programs and others involved in promoting the improvement of justice in Indian country.

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The federal government's trust responsibility to Tribal nations is at the heart of TLPI's recommendation to follow National Congress of American Indian's (NCAI's) FY 2021 Indian country budget request. Like all other governments, Tribal nations are responsible for the protection and care of their citizens and residents on tribal lands. Through treaties and other agreements, Tribes ceded tribal lands for the promise of protected self-governance and adequate resources from the United States. Those promises are the foundation of the government-to-government relationship that exists today.

Part of the federal trust responsibility to Indian tribes includes basic governmental services in Indian Country, funding for which is appropriated in the discretionary portion of the federal budget. Tribal governments exist to protect and preserve their unique cultures, identities, and natural environments for posterity. As governments, tribes must deliver a wide range of critical services, such as education, workforce development, youth programs, and first-responder and public safety services, to their citizens. The federal budget for tribal governmental services reflects the extent to which the United States honors its promises to Indian people.

Yet tribal justice systems historically have been under-funded and continue to be under-funded in most tribal communities. In 1991, the 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."¹ In 2014, the Attorney General's Advisory Committee on American Indian and Alaska Native Children Exposed to Violence noted that Department of Justice (DOJ) funding for tribal justice systems has been consistently decreasing in recent years.² The Indian Law and Order Commission (ILOC) noted that in addition to funding shortfalls, DOJ's short-term, competitive funding approach is deficient because it reflects federal priorities rather than tribal ones, favors hired grant-writers, requires tribes to compete against each other, and offers only three-year programs that often leave tribes with staff turnover and short-term programs.³

Further, the Civil Rights Commission continued reporting on this topic with *A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country* in 2003 and *Broken Promises: Continuing Federal Funding Shortfall for Native Americans* in 2018. *Broken Promises* found that "Federal funding for Native American programs across the government remains grossly inadequate to meet the most basic needs the federal government is obligated to provide... Since 2003, funding for Native American programs has mostly remained flat, and in the few cases where there have been increases, they have barely kept up with inflation or have actually resulted in decreased spending power."⁴

¹ United States Commission on Civil Rights, The Indian Civil Rights Act: A Report of the United States Commission on Civil Rights 71 (June 1991).

² ATTORNEY GENERAL'S ADVISORY COMMITTEE ON AMERICAN INDIAN AND ALASKA NATIVE CHILDREN EXPOSED TO VIOLENCE, U.S. DEP'T OF JUSTICE, Report of the Advisory Committee on American Indian and Alaska Native Children Exposed to Violence: Ending Violence So Children Can Thrive 53 (November 2014).

³ INDIAN LAW AND ORDER COMMISSION, A Roadmap for Making Native America Safer: Report to the President & Congress of the United States 83 (2013) [*hereinafter* ILOC REPORT].

⁴ United States Commission on Civil Rights, Broken Promises: Continuing Federal Funding Shortfall for Native Americans, 4 (December 2018).

DOJ funding across programs affecting Indian country should be dramatically increased and the mechanism for distributing those funds should be modified. As sovereign nations, tribes should not have to compete for short-term grants that reflect federal priorities. Rather, funds should be allocated as flexible base funding.

Create a 10 percent tribal allocation across all Office of Justice Programs (OJP) programs.

A 10 percent OJP tribal set-aside would streamline the federal funding process by which tribal nations receive resources to establish tribal courts; assist in developing detention facilities; provide legal assistance; develop and maintain juvenile delinquency prevention programs; and provide substance abuse prevention programs. Further, the tribal set-aside gives tribal nations the flexibility to develop a comprehensive strategy on how best to spend those resources. It also would create new possibilities for coordinating BIA and DOJ funding to reduce inefficiencies and unnecessary administrative costs.

Include tribal governments in disbursements from the Crime Victims Fund.

The Crime Victims Fund (CVF) is the federal government's primary funding source for providing services to victims of crime. Unlike state and territorial governments, who receive an annual formula distribution from the CVF, Indian tribes were only able to access CVF funds via pass-through grants at the discretion of the states or by competing for very limited resources administered by the DOJ. This system left a significant unmet need in most tribal communities—communities where crime victimization rates far exceed the national average.

For the past three years, Congress has directed a portion of the overall disbursements from the CVF to tribal nations. The 5 percent tribal set-aside included in the FY 2020 appropriations bill will direct \$132 million to support and improve crime victim services on tribal lands. This funding has the potential to transform the crime victims' services infrastructure on tribal lands, and it is imperative that it be appropriated on an annual basis to sustain the programs and services that will be developed. We urge appropriators to keep disbursements from the CVF at the increased level and to direct an amount equal to 5 percent of overall CVF disbursements to tribal governments on a non-competitive basis.

If Congress declines to adopt the flexible 10 percent set-aside across OJP programs, restore FY 2010 levels of \$25 million in funding for the Tribal Youth Program (TYP) under the Juvenile Accountability Block Grants Program.

Native youth living in sovereign tribal nations face numerous overlapping barriers to safety, wellness, academic achievement, and positive youth development. Barriers occur at the individual, family, community, and regional levels, resulting in disproportionate involvement with juvenile justice, child welfare, and other youth-serving systems. Today's Native youth continue to grapple with the effects of collective intergenerational and historical traumas, including the persistent poverty that characterizes many tribal communities located on remote and under-resourced reservations.

TYP is the first OJJDP program dedicated to prevention, intervention, and juvenile justice system improvement in Native communities. In the past four years of the DOJ Coordinated Tribal Assistance Solicitations, Purpose Area 9 (TYP) has received the greatest number of grant

applicants and categorically received the least amount of funding during that same four-year period, resulting in on average only 9-10 Tribal Youth Programs applications being funded each year. The sheer number of applications in this purpose area is indicative not only of an unmet need in Indian country but also of a tribal commitment to prioritizing their youth. Further exacerbating the issue, TYP is currently funded at its lowest level since its establishment in the 1990s. Due to this decreased funding, hundreds of Tribal communities across the United States are left grappling with how to ensure that their most cherished resource is provided equal opportunity as other youth in this country to *heal, thrive, and realize their life potential*. Funding for the Tribal Youth Program should be restored to its FY 2010 level of \$25 million.

Fund the Tribal Civil and Criminal Legal Assistance, Training and Technical Assistance (TCCLA) grant program at a level of \$3 million.

The Indian Tribal Justice Technical and Legal Assistance Act of 2000 (Public Law 106-559) authorized DOJ to award grants to non-profit entities, such as the 25 Indian Legal Services programs connected with the Legal Services Corporation (LSC), to provide civil and criminal legal assistance to both tribal governments and their justice systems and to individual indigent tribal citizens. In addition to individual representation, Indian Legal Services programs are currently assisting more than 160 tribes and/or tribal judicial systems.

Increase funding of tribal law enforcement programs under DOJ's Community Oriented Policing Services (COPS) Grants to \$52 million.

Since the creation of the COPS Office, more than 2,000 grants totaling more than \$400 million have been awarded to tribal nations to hire more than 1,700 new or redeployed law enforcement officers. It has also helped tribes to obtain necessary law enforcement training, equipment, vehicles, and technology. The COPS Office has taken a proactive approach toward addressing the needs of tribal nations and has become one of the primary resources available to tribal law enforcement agencies attempting to develop and maintain a fundamental policing infrastructure and upgrade outdated equipment. Yet, there is still a tremendous unmet need within tribal justice systems for more COPS funding.

Fully fund the programs authorized in the Violence Against Women Act (VAWA), including the funds authorized for tribal implementation of VAWA special domestic violence criminal jurisdiction.

It is estimated over 85 percent of American Indian and Alaska Native women will experience violent victimization in their lifetimes. No area of need is more pressing or compelling than the plight of American Indian and Alaska Native women and children fleeing physical and sexual violence. OVW provides funding to tribal governments to address violence against women in their communities. OVW's largest source of funding for tribal governments is the Grants to Tribal Governments Program, which is funded via statutory allocations from other OVW programs. Fully-funding these OVW programs results in full funding for the Grants to Tribal Governments Program and for the implementation of Special Domestic Violence Criminal Jurisdiction.

Conclusion

Thank you for your consideration of this testimony.



March 13, 2020

Honorable José E. Serrano, Chair | Honorable Robert Aderholt, Ranking Member
House Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies

Honorable Jerry Moran, Chair | Honorable Jeanne Shaheen, Ranking Member
Senate Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies

The Alliance to End Slavery and Trafficking (ATEST) thanks you for your leadership in the fight to end child labor, forced labor and human trafficking. We appreciate your efforts to pass legislation and provide resources to federal agencies engaged in combating these horrific crimes. We seek your assistance in funding essential programs in the FY21 Commerce, Justice, Science and Related Agencies bill. The Justice Department plays a vital role in investigating and prosecuting trafficking crimes. These cases are often complicated and involve lengthy legal proceedings requiring additional resources for prosecutors as well as for victims who often experience severe trauma requiring intensive therapy and rehabilitation. Many victims require comprehensive case management provided by victim service organizations to see them through their recovery and help them navigate the legal system. We are grateful for your support to increase investments in these areas, and to continue to ensure that the Department of Justice works to strengthen collaborative community responses to human trafficking.

ATEST FY21 Appropriations Request Summary: CJS				
Department	Program	FY20 Enacted	Authorized Funding	FY21 Appropriation Request
Justice Department	Office of Justice Programs / State And Local Law Enforcement Assistance Victim Services Grants and Human Trafficking Task Forces		\$98,000,000	\$96,000,000
	Office of Justice Programs / State And Local Law Enforcement			

	Assistance Minor Victim Services Grants		\$8,000,000	\$10,000,000
	Legal Activities/ Civil Rights Division: Human Trafficking Prosecution Unit	\$5,300,000	n/a	\$8,000,000
	Federal Bureau of Investigation			Report Language (see below)
	U.S. Attorney's Offices			Report Language (see below)

Department of Justice

Office of Justice Programs / State and Local Law Enforcement Assistance Victim

Services Grants and Human Trafficking Task Forces: \$106,000,000 | The National Human Trafficking Hotline reported a 25 percent increase in calls in 2018 from 2017. Robust resources are needed to ensure that as more survivors come forward, they receive appropriate responses and services. Existing victim services grant programs at the Department of Justice Office for Victims of Crime (OVC) are shaped by the OVC's long-term institutional knowledge on sex and labor trafficking issues. OVC has done an efficient and effective job administering grants for trafficking survivors and law enforcement funded task forces for more than 15 years, and should retain this role without disruption. Additionally, in light of increased processing times for immigration relief for trafficking survivors, more funding is required to sustain services for clients over this extended period. We request that no less than \$100,000,000 of the appropriation be for victim services, and that the majority of OVC money be continued to be spent supporting direct services for all forms of trafficking in persons including intensive case management, legal and shelter services. We also request that OVC review monies granted to law enforcement task forces to ensure task forces are adopting victim-centered approaches. Proposed Report Language: The bill provides \$106,000,000 for the Victims of Trafficking Grant program of which no less than \$96,000,000 is for victim services.

Office of Justice Programs / State and Local Law Enforcement Assistance Minor Victim

Services Grants: \$10,000,000 | Specialized, comprehensive, trauma-informed, gender-specific assistance to minor victims of human trafficking is critical. Minors face significant hurdles recovering from the abuse and trauma they've endured. Law enforcement has identified the lack of specialized housing programs throughout the U.S. as the greatest obstacle in effectively prosecuting child traffickers. The Attorney General is authorized to provide grant funding to serve sex-trafficked minors. We request additional funds to support services, training and outreach for labor-trafficked youth. We further request that the bill contain statutory language to make this funding available for two years instead of just one year. Proposed Report Language: The bill provides \$10,000,000 for Minor

Victims of Trafficking Grant program, of which \$8,000,000 is for victim services grants for sex trafficked minors as authorized under TVPA, and the additional \$2,000,000 is for victim services grants for labor trafficked minors. The Committee encourages DOJ to work in close coordination with the Department of Health and Human Services to encourage collaboration and reduce duplication of effort.

Legal Activities / Civil Rights Division, Human Trafficking Prosecution Unit (HTPU):

\$8,000,000 | The HTPU needs increased funding to handle its growing caseload (a 619 percent increase in cases filed since the Unit began work in 2007). These cases are resource-intensive because they are procedurally complex, and involve multiple jurisdictions and defendants. With increased funding, HTPU will be able to more effectively investigate and prosecute all forms of trafficking and modern slavery. Additionally, the Abolish Human Trafficking Act (P.L. 115-392), signed into law on December 21, 2018, designates an assistant U.S. attorney in every U.S. Attorney's Office across the United States to prosecute human trafficking cases. HTPU will be responsible for training and coordinating these prosecutors. Proposed Report Language: The Committee provides \$8,000,000 for the Human Trafficking Prosecution Unit (HTPU) and encourages HTPU and the Anti-Trafficking Coordination Teams to continue working with victim service providers and non-governmental organizations to ensure victim needs are prioritized as part of the overall strategy to combat human trafficking and forced labor in the United States. Additional resources provided are to implement section 15 of P.L. 115-392. Furthermore, the Committee directs the Human Trafficking Prosecution Unit (HTPU) to report to the Committees on Appropriations no later than 120 days following enactment of this Act on (1) the total number of human trafficking cases it prosecuted or assisted in prosecuting within the last three years disaggregated by type of trafficking, (2) the number of Assistant U.S. Attorneys who received training on human trafficking within the last three years, and, (3) the number of Assistant U.S. Attorneys who received training on restitution for human trafficking victims within the last three years.

Federal Bureau of Investigation: Report Language | The FBI remains the premier federal law enforcement agency fighting human trafficking and modern slavery. The presence of the FBI in any trafficking investigation significantly increases the chances of success. Furthermore, with trafficking investigations often crossing state lines, the presence of the FBI becomes critical. Proposed Report Language: The Committee recognizes the complex nature of human trafficking investigations and encourages the Director to allocate additional resources for human trafficking cases and designate a lead agent in each field office as a point of contact for slavery and human trafficking investigations.

Legal Activities / United States Attorneys: Report Language | 1) Consistent with the reauthorization of the Trafficking Victim Protection Act's requirement that each U.S. Attorney's Office (USAO) designate an Assistant U.S. Attorney (AUSA) as a lead human trafficking prosecutor, we request that the subcommittee include report language encouraging the prompt implementation and that the Executive Office of U.S. Attorneys provide sufficient support and training and technical assistance to the designated AUSAs to enable each respective jurisdiction to improve coordination and communication. Proposed Report Language: The Committee directs the Executive Office of U.S. Attorneys, in consultation with the United States

Attorneys, to provide sufficient support and training and technical assistance to each Assistant U.S. Attorney designated as the lead human trafficking prosecutor, consistent with the Trafficking Victims Protection Act.

2) We request that the Executive Office of U.S. Attorneys, in consultation with the Department of Homeland Security, develop a process to enable survivors with T-visas to obtain an expedited letter of support from the Department of Justice when their criminal case is closed. Proposed Report Language: Designating a point of contact will improve communication and coordination within each jurisdiction, including victim service organizations, in order to better serve the victims of human trafficking and forced labor. The Committee directs the Executive Office of U.S. Attorneys, in consultation with the Department of Homeland Security, to develop a process to enable survivors with T-visas to obtain an expedited letter of support from the Department of Justice when their criminal case is closed.

As a champion for the victims of child labor, forced labor and sex trafficking, you understand the complexities of these issues and the resources needed to respond. We have carefully vetted our requests to focus on the most important and effective programs. We thank you for your consideration of these requests and your continued leadership. If you have any questions, please contact ATEST Coalition Co-Chairs Anita Teekah (Anita.Teekah@safehorizon.org) or Terry FitzPatrick (terry.fitzpatrick@freetheslaves.net).

Sincerely,

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Coalition of Immokalee Workers (CIW)
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Human Trafficking Institute
National Network for Youth (NN4Y)
Polaris
Safe Horizon
Solidarity Center
T'ruah: The Rabbinic Call for Human Rights
United Way Worldwide
Verité
Vital Voices Global Partnership

ATEST is a U.S.-based coalition that advocates for solutions to prevent and end all forms of human trafficking and modern slavery around the world.

**Written Testimony of James D. Ogsbury, Executive Director
Western Governors' Association**

**Submitted to the United States House of Representatives
Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies
March 4, 2020**

Fiscal Year 2021 Appropriations

Chairman Serrano, Ranking Member Aderholt, and Members of the Subcommittee, the Western Governors' Association (WGA) appreciates the opportunity to provide testimony on two items within the jurisdiction of the Subcommittee on Commerce, Justice, Science, and Related Agencies, both of which relate to the U.S. Department of Commerce. WGA is an independent organization representing the Governors of the 22 westernmost states and territories. The Association is an instrument of the Governors for bipartisan policy development, information-sharing and collective action on issues of critical importance to the western United States.

Western Governors support adequate and dedicated funding for the National Integrated Drought Information System (NIDIS) program under the National Oceanic and Atmospheric Administration (NOAA). We are well-acquainted with the significant environmental, economic, and social effects of drought on the West and its communities. Drought contributes to the incidence of forest and rangeland wildfire, impairs ecosystems and wildlife habitat, degrades agricultural productivity, and poses threats to municipal and industrial water supplies. A growing population's dependence on limited water resources creates challenges for water management across the West, from the Great Plains to the Intermountain West to the coastal, estuarine and marine environments of the Pacific states and islands. Planning for an adequate, reliable and clean water supply requires accurate and complete water and weather information.

NIDIS promotes a coordinated and integrated approach to managing future drought. This approach involves improved forecasting and monitoring to provide the kind of authoritative, objective and timely drought information that farmers, water managers, decision-makers, and local governments require for effective drought preparation and response. Through NIDIS, NOAA is building a network of early warning systems for drought while working with local resource managers to identify and address unique regional drought information needs.

Western Governors value the approach used to build and improve NIDIS. Rather than creating a new NIDIS bureaucracy, the system draws from existing capacity in states, universities and multiple federal agencies, as called for in the original authorizing legislation. Given our shared fiscal challenges, we regard this as a model for federal-state collaboration in shared information services.

Water users throughout the West – including farmers, ranchers, tribes, land managers, business owners, recreationalists, wildlife managers, and decision-makers at all levels of government – must be able to assess the risks of drought before its onset to make informed decisions and implement effective mitigation measures. For these reasons, Western Governors

request continued support and adequate funding for the National Weather Service River Forecast Centers and Weather Forecast Offices and the NIDIS program, which perform a valuable role in western water management and drought response.

Western Governors support adequate funding for the National Telecommunications and Information Administration (NTIA) to improve the accuracy of broadband data coverage measurements. Many western communities lack access to broadband internet due to the high cost of infrastructure and the economic realities of serving low customer densities in potential service areas. This has left many rural businesses at a competitive disadvantage and citizens without access to telework, telemedicine and distance learning opportunities.

Deployment of broadband infrastructure to these underserved and unserved communities requires an accurate picture of broadband availability nationwide. NTIA can provide a valuable service by improving our understanding of broadband infrastructure in rural communities. Western Governors appreciate NTIA's recent efforts to partner with states to update the National Broadband Availability Map. We hope NTIA will expand the pilot program to partner with other western states in a similar fashion. We also encourage coordination of data collection strategies among the Federal Communications Commission, U.S. Department of Agriculture and other agencies involved in broadband mapping and deployment.

Western Governors recognize the enormous challenge you have in balancing competing funding priorities, and we appreciate the difficulty of the decisions the Subcommittee must make. These recommendations are offered in a spirit of cooperation and respect, and WGA is prepared to assist you as the Subcommittee discharges its critical and challenging responsibilities.



March 13, 2020

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Verité

Vital Voices Global Partnership

ATEST is a U.S.-based coalition that advocates for solutions to prevent and end all forms of human trafficking and modern slavery around the world.

TESTIMONY--JUDY PERRY MARTINEZ, PRESIDENT, AMERICAN BAR ASSOCIATION
in support of the
LEGAL SERVICES CORPORATION
MARCH 13, 2020
U.S. HOUSE APPROPRIATIONS SUBCOMM. ON COMMERCE, JUSTICE, SCIENCE

REQUEST: Chairman Serrano, Ranking Member Aderholt, and Subcommittee Members, I am Judy Perry Martinez, President of the American Bar Association (ABA) and with the New Orleans, Louisiana law firm of Simon, Peragine, Smith & Redfearn. I submit this statement today on behalf of the world's largest voluntary association of attorneys and legal professionals, the ABA.

The ABA has long been committed to "Equal Justice Under Law" in our country, establishing our Standing Committee on Legal Aid and Indigent Defendants 100 years ago in 1920. United States Supreme Court Justice Lewis F. Powell, while serving as ABA President in 1964, understood the need for equal justice and became a key, early supporter of federal legal aid before President Nixon signed the Legal Services Corporation (LSC) Act into law in 1974.

The LSC has requested \$652.6 million for FY 2021 funding, which it intends to allocate almost entirely to basic field grants. If approved, LSC grantees should be able to assist with 60% more civil legal problems than they currently serve. While last year's appropriation increase for LSC was significant, much more is needed to help LSC meet the civil legal needs of low-income Americans and to bring us closer to fulfilling America's pledge of "justice for all".

2019 INTAKE CENSUS: LSC based its FY 2021 request on a 2019 "intake census"—LSC grantees' intake of individuals who sought civil legal assistance during a four-week period last year. That census showed that 42% of the eligible legal problems presented to LSC grantees received no service of any kind—a one-point increase from the 2017 Justice Gap Study, by the non-partisan, objective, research organization NORC (a top-notch econometrics-analysis group at the University of Chicago), which analyzed unmet civil legal needs of indigent Americans.

REPRESENTATIONAL IMBALANCE: Legal representation is a consideration in essential fairness. Between claimants and respondents, when one has a lawyer and the other does not — as is often the case in landlord-tenant cases, employment cases, and healthcare cases — the scales of justice are imbalanced. In determining its funding request, LSC considered the increased number of unrepresented litigants in state civil courts resulting from both inadequate funding for legal aid and a large poverty population. LSC's FY2021 Budget Request pointed out: "A national study by the National Center for State Courts (NCSC) found that the representational imbalance among plaintiffs and defendants has dramatically worsened over the last two decades: while plaintiffs represented by attorneys declined only slightly (from 99% to 96%), attorney representation for defendants fell by more than half (from 97% to 46%). The NCSC study found this imbalance is especially acute in financial and housing cases." Providing LSC more resources can help reduce this imbalance.

LSC: The Legal Services Corporation funds legal aid grantees who provide services benefiting more than 1.8 million low-income Americans across the country. Specifically, legal aid grantees give advice on family law, housing, consumer, employment, and other civil legal issues in both federal and state cases. Recently, LSC has embarked upon specialized studies focused on the

impacts of the opioid crisis, disasters, and veteran homelessness to better serve the legal needs of these vulnerable populations.

OPIOIDS: In June 2019, an LSC Opioid Task Force comprised of 26 multidisciplinary leaders released a comprehensive report on the civil legal issues raised by the opioid crisis in areas such as healthcare, family law, domestic violence, child and elder abuse, and housing. That report explains how legal aid plays a critical role in helping individuals and families affected by the opioid epidemic to address these issues.

Opioid Use Disorder (OUD) and overdoses have created a national public health crisis in the United States, with nearly 400,000 people dying from such overdoses between 1999 and 2017. Rural counties have experienced a disproportionately higher number of these deaths than urban communities. West Virginia, Kentucky, and Virginia, for example, were reported to have the highest per capita rates of opioid deaths between 2006-2012. In West Virginia, more than double the number of children are in state care now than in 2008—approximately 80% of which are related to the state opioid crisis. Legal issues flowing from the opioid crisis include kinship issues, housing security, safety and income stability for families raising children, and financial exploitation of vulnerable individuals.

LSC and its grantee legal aid organizations know that the opioid crisis can be better addressed by having attorneys partner with health professionals, first responders, social service workers, and policymakers. The LSC Opioid Task Force Report recommends this multidisciplinary approach.

The first tool for clients to use the multidisciplinary approach has been Medical-Legal Partnerships (MLPs), which integrate attorneys into the healthcare setting. MLPs allow attorneys to work directly with medical professionals to address the often overlapping legal and medical issues that clients face. LSC also reports that, “common legal needs identified in MLPs include pursuing divorce and child custody cases, reinstating driver’s licenses, expunging criminal records, and preventing evictions.”

Currently, there are at least 60 LSC grantees operating 92 MLPs, which work to address the addiction and recovery process for low-income people dealing with OUD. LSC hopes to continue to use MLPs and create more in the future.

The ABA consolidated the best available Centers for Disease Control and Prevention statistics on opioid deaths in each congressional district and in each state in infographics on the ABA website at <https://www.americanbar.org/content/dam/aba/uncategorized/GAO/lsc-infographic-house.pdf> and at <https://www.americanbar.org/content/dam/aba/uncategorized/GAO/lsc-infographic-senate.pdf>.

With the opioid crisis continuing to place heavy new burdens on legal aid, a funding increase for LSC is critical.

DISASTER LEGAL WORK: As LSC reports, between 2017-2018, 123 federally recognized natural disasters occurred across the United States and its territories. In 2016-2018 alone, the impact from natural disasters included more than \$1 billion in damages, and nearly 40 million people were eligible for legal services funded by LSC.

Legal aid organizations receiving grants from LSC helped disaster victims file for Federal Emergency Management Agency (FEMA) benefits and appeal wrongful denials, assisted with housing issues like improper eviction and termination of leases, replaced vital documents like IDs that were destroyed, and assisted with medical, property, or life insurance claims. Disasters have a severe and disproportionate impact on the poor, resulting in a sharp increase in the need for legal help for that population.

The ABA used FEMA statistics on disaster declarations to calculate the number of disasters in each congressional district and state. This congressional district data can be found in the infographics on the ABA website at <https://www.americanbar.org/content/dam/aba/uncategorized/GAO/lsc-infographic-house.pdf>, and the state data can be found in the infographics on the ABA website at <https://www.americanbar.org/content/dam/aba/uncategorized/GAO/lsc-infographic-senate.pdf>.

LSC DISASTER TASK FORCE: LSC's Disaster Task Force comprised of LSC grantees, business leaders, emergency management experts and other stakeholders began work in March 2018 to take a more comprehensive approach to its disaster work and to increase its impact nationwide. The task force provided a report (<https://www.lsc.gov/media-center/publications/lsc-disaster-task-force-report>) with recommendations, a grantee's guide for continuity of operations planning (COOP), and a toolkit for grantees that builds on the disaster preparedness and response work of LSC's Midwest Legal Disaster Coordination Project. The toolkit includes: (1) templates for education materials about civil legal aid assisting disaster survivors; (2) training materials specifically for volunteer attorneys that cover the most common legal issues faced by disaster survivors; (3) instructions for creating a disaster relief and response hotline and online application; (4) access to preparedness go-kit checklists for the user to fill out ahead of a disaster; and (5) a guide for developing mobile-optimized disaster websites.

HOMELESSNESS AMONG VETERANS: In addition to the specialized work done by LSC's Opioid Task Force and its Disaster Task Force, LSC announced in November 2019 the launch of a new national Veterans Task Force starting this year to strengthen the role and ability of civil legal aid organizations to assist veterans with their civil legal needs. In a recent report, LSC notes that nearly 1.7 million veterans are eligible for LSC-funded services.

LSC's 2017 Justice Gap Report notes that 71% of low-income households with veterans or other military personnel reported that they had experienced a civil legal problem within the last year. These civil legal aid services are critical to veterans and their families considering that veterans are more likely to be homeless than non-veterans (8.6% v. 7.1%).

ADDITIONAL CONSIDERATIONS: Beyond federal responsibilities regarding the costs that natural disasters and the opioid crisis impose upon LSC grantees, four other points should be considered for LSC funding: (1) the cuts in LSC funding vis-à-vis historic levels; (2) the demonstrated cost-benefit value of legal aid; (3) the role of legal aid referrals from federal constituent services representatives; and (4) the strong belief in the need for legal aid among your constituents.

1. **FUNDING FOR LSC IS DOWN, BUT DEMAND IS UP AND RISING.** This subcommittee partially restored funding for LSC in FY 2020 and the ABA truly appreciates

that. The FY 2020 appropriation of \$440 million will permit LSC to serve more needy clients. Nevertheless, the FY 2020 LSC appropriation of \$440 million is still 12% lower than the FY 2010 appropriation when adjusted for inflation. The FY 2010 appropriation would be \$500,244,780 in 2019 dollars. The FY 2020 funding is down 33% from LSC's average appropriation of \$744,004,964 in 2019 dollars during the 1980s.

At the same time, the number of people qualifying for assistance is more than 10% higher than it was in 2007. We understand the constraints of the budget deal and emergency spending related to COVID-19, yet LSC funding may be all the more needed now by your constituents facing unexpected healthcare, housing, and employment-related problems that will likely flow from the pandemic declared by the World Health Organization.

2. **COST-BENEFIT**. The American Bar Association collects dozens of statewide studies of the cost-benefit impact of legal aid. All studies show that LSC has a big positive impact: https://www.americanbar.org/groups/legal_aid_indigent_defendants/resource_center_for_access_to_justice/atj-commissions/atj_commission_self-assessment_materials1/studies/. For example, in a 2019 study commissioned by the Vermont Bar Foundation and funded by a grant from the Vermont Supreme Court, the report reveals that, "For every \$1 invested in Vermont Low-Income Legal Services, the State and Vermonters see a rate of return of \$11, or a social impact return on investment of 1106%."

The nationwide average of cost-benefit studies shows an average return of over \$7 for each dollar invested in the LSC.

3. **CONSTITUENT SERVICE**. Civil legal aid is a constituent service performed in every state and every congressional district in the country, complementary to and often by referral from your own constituent services staff. Key beneficiaries of legal aid services include veterans, older Americans, rural Americans, domestic violence survivors, women (constituting 71.6% of clients in 2018), opioid victims, and natural-disaster victims.
4. **POLLING**. 82% of those surveyed believe it is important to ensure everyone has access to civil legal help or representation, according to polling by Voices for Civil Justice: <https://voicesforciviljustice.org/wp-content/uploads/Lake-Tarrance-Expanding-civil-legal-aid-2013.pptx3.pdf>.

CONCLUSION: The unmet civil legal needs of your constituents are huge—even with LSC's FY 2021 funding request of \$652.6 million, LSC grantees would only be able to provide assistance with 60% more civil legal problems than at present. There has been a 10% increase in the number of people who qualify for legal aid; we can reasonably expect that number to grow as people across the country continue to experience health, housing, employment and other problems caused by disasters, dips in the economy, opioids, and even the pandemic.

The United States should fulfill 100% of the civil legal needs for low income Americans, but we recognize that fiscal constraints make that challenging at this time. We thank this Committee for its commitment and support to increased funding for LSC on behalf of your constituents. We also urge you to do what is needed to deliver on America's pledge of access to equal justice under law.

**Felice J. Levine, PhD, Executive Director
American Educational Research Association
Written Testimony
U.S. House of Representatives, Committee on Appropriations Subcommittee on
Commerce, Justice, Science and Related Agencies
Fiscal Year 2021 Appropriations for the
National Science Foundation: Education and Human Resources and Social, Behavioral and
Economic Sciences Directorates and
U.S. Census Bureau
March 13, 2020**

Chairman Serrano, Ranking Member Aderholt, and Members of the Subcommittee; thank you for the opportunity to submit written testimony on behalf of the American Educational Research Association (AERA). I want to begin by recognizing your longstanding support for the National Science Foundation and thank you and your staff for your strong commitment to maintaining agency flexibility to fund cutting edge science. AERA recommends that the National Science Foundation (NSF) receive at least \$9 billion in fiscal year 2021. This recommendation is consistent with that of the Coalition for National Science Funding (CNSF), in which AERA is a long-term active member. Furthermore, this request aligns with the bipartisan dear colleague letter led by Representatives Butterfield and McKinley. AERA also recommends funding the Census Bureau at \$1.681 billion, consistent with the recommendation of The Census Project.

AERA is the major national scientific association of 25,000 faculty, researchers, graduate students, and other distinguished professionals dedicated to advancing knowledge about education, encouraging scholarly inquiry related to education, and promoting the use of research to serve public good. Many of our members are engaged in science, technology, engineering, and mathematics (STEM) education research. Our members work in a range of settings from universities and other academic institutions to research institutes, federal and state agencies, school systems, testing companies, and nonprofit organizations engaged in conducting research in all areas of education and learning from early childhood through the workforce.

Given the expertise of the AERA membership, my testimony will focus on the importance of the Education and Human Resources (EHR) and the Social, Behavioral and Economic (SBE) Sciences Directorates at NSF. In addition, many of our members depend on an accurate Census count and data from the American Community Survey to do their work.

National Science Foundation

The public strongly supports a federal investment in science. According to a report issued by the American Academy of Arts & Sciences, 71 percent of U.S. adults said that government investments in basic scientific research pay off in the long run. When asked about priorities for scientific research, 56 percent of respondents consider improving education and how our children learn to be an urgent priority. (American Academy of Arts and Science, *Perceptions of Science in America* 2018.)

The EHR and SBE Directorates are central to the mission of the NSF to advance fundamental knowledge and scientific breakthroughs and to ensure significant continuing advances across science, engineering, and education. Research and science supported by these directorates are intertwined with science and research of the other Directorates (for example, Computer and Information Science and Engineering).

Furthermore, the EHR and SBE directorates are vital not just to producing essential knowledge and innovative methodologies but also to preparing our students and citizens to use new technologies and harness knowledge to enhance productivity, safety, security, and social economic well-being. Both directorates have also supported several of the NSF Big Ideas, contributing to the goal of broadening participation in STEM through NSF INCLUDES and addressing the skills needed in the workforce through the Future of Work at the Human Technology Frontier Big Idea.

As indicated in the agency's budget request for FY 2021, 95 percent of appropriated funds directly supported research and science, technology, engineering, and mathematics (STEM) education through grants and cooperative agreements in FY 2019, with 78 percent of funding supporting research at colleges and universities. In addition, more than 125,000 K-12 students and 40,000 K-12 teachers benefitted from programs that directly engage them in STEM experiences within and outside the classroom.

Education and Human Resources Directorate

The EHR Directorate at NSF is responsible for providing the research foundation necessary to achieve excellence in U.S. STEM education. EHR accomplishes this goal by supporting the development of a scientifically-literate citizenry as well as a STEM-skilled workforce, both of which are incorporated in the vision of the National Science and Technology Council's Committee on STEM Education five-year strategic plan for STEM education. Advances in the industries of the future, including artificial intelligence and quantum information science, require building interest and engagement in STEM throughout the lifespan.

The EHR Directorate supports STEM education and education research from early childhood learning to doctoral work and beyond and promotes evidence-based innovations in teaching practices, instructional tools, and programs that advance STEM education and prepare the next generation of STEM professionals. EHR funded researchers are asking key questions, for example, about how to spark students' interest in math and science and keep them engaged, or about why so many students lose interest and confidence and about what can be done to keep them engaged. Understanding these and many other questions will help the United States build a well-educated and technology-literate workforce necessary for a prosperous economic future.

I also wish to draw attention to the Education Core Research (ECR) program, an important resource to the field that builds fundamental knowledge and capacity to understand STEM teaching and learning and develop the STEM educator and workforce pipeline. ECR grants have supported critical work in equity, inclusion, and ethics in postsecondary academic workplaces and the academic profession, as well as research to improve STEM teaching and learning for students with disabilities. We also applaud NSF in investing in midscale research infrastructure

as one of its Big Ideas, serving as a potential resource for addressing key infrastructure needs, such as data capacity and assessment development that can promote a STEM-capable workforce.

Social, Behavioral and Economic Sciences Directorate

In addition to the significant investments in education sciences provided by EHR, AERA values the important role the SBE Directorate in funding important education research and in social, family, and peer contexts connected to learning. The SBE Directorate also houses the National Center for Science and Engineering Statistics (NCSES).

The SBE Directorate supports research to better understand people and reveals basic aspects of human behavior in the context of education and learning. SBE funded research adds fundamental knowledge essential to promoting the Nation's economy, security, and global leadership. Understanding social organizations and how social, economic, and cultural forces influence the lives of students is key to improving teaching and learning and advancing STEM education.

The budget for SBE is 4 percent of the budget for Research and Related Activities, yet it provided approximately 67 percent of the federal funding for basic research in the social, behavioral, and economic sciences at academic institutions in FY 2019.

National Center for Science and Engineering Statistics (NCSES)

In addition, AERA has a strong interest in the National Center for Science and Engineering Statistics (NCSES) within SBE. As one of the federal principal statistical agencies, NCSES provides invaluable statistical information about the science and engineering infrastructure and workforce in the U.S. and around the world. NCSES collects and analyzes data on the progress of STEM education and the research and development, providing valuable information on the trajectories of STEM graduates both in STEM and non-STEM careers. Adequate funding in FY 2021 for NCSES would support critical activities to develop new data techniques building on administrative data and enhance data tools, techniques, and visualizations to facilitate access to statistical resources.

On behalf of AERA, I thank both the Chairman and the Ranking Member for your ongoing recognition of the importance of providing NSF with the flexibility to determine directorate funding levels within the Research and Related Activities Account. AERA shares the opinion of Director Córdova, that this flexibility enables NSF to best “build a portfolio of the most exciting research across all fields.”

Census Bureau

I also wish to emphasize the importance of adequate support for the Census Bureau, especially critical in the tabulation of data from the 2020 Decennial Census. AERA recommends funding the Census Bureau at \$1.68 billion.

We appreciate the inclusion of a robust investment in FY 2020 to ensure that the Census Bureau had the needed resources to conduct the 2020 Decennial Census. The requested amount of \$1.68 billion for FY 2021 will provide the agency with the resources to process and submit

constitutional data, conducting the post-enumeration survey, and close out field operations offices. In addition, this amount of funding will provide for improvements of the Survey of Income and Program Participation, finalizing data releases from the 2017 Economic Census, and beginning work on the 2022 Economic Census and Census of Governments. The recommended funding support will also allow the Census Bureau to continue to conduct the American Community Survey and the Current Population Survey.

Thank you for the opportunity to submit written testimony in support of \$9 billion for the National Science Foundation and sharing our particular interest in the Education and Human Resources Directorate and the Directorate for Social, Behavioral, and Economic Sciences in fiscal year 2020. AERA would welcome the opportunity to work with you and your subcommittee to best further the crucial advances of the National Science Foundation and the important data provided by the Census Bureau. Please do not hesitate to contact me if AERA can provide additional information regarding this budget proposal or the significant science made possible through support of these agencies.

**STATEMENT OF THE AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM
PREPARED FOR THE U.S. HOUSE OF REPRESENTATIVES - COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES**

March 13, 2020

On behalf of the nation's Tribal Colleges and Universities (TCUs), which are the American Indian Higher Education Consortium (AIHEC), we are pleased to present our Fiscal Year 2021 (FY2021) recommendations regarding the National Science Foundation's TCU Program (NSF-TCUP), Louis Stokes Alliance for Minority Participation (LSAMP), and the National Aeronautics and Space Administration's Minority University Research and Education Project (NASA-MUREP). We respectfully recommend the following funding levels:

National Science Foundation (NSF)

Education and Human Resources Directorate (EHR):

- **Tribal Colleges and Universities Program (TCUP):** *TCUs urge the Subcommittee to fund competitively awarded NSF-TCUP grants at a minimum of \$20,000,000 for FY2021.*
- **Louis Stokes Alliance for Minority Participation (LSAMP):** *TCUs urge the Subcommittee to support the NSF-LSAMP program with an added emphasis for American Indian, Alaska Native, and TCU students.*

National Aeronautics and Space Administration (NASA)

- **NASA Headquarters, Office of Education - Minority University Research and Education Project (MUREP):** *TCUs urge the Subcommittee to continue the NASA MUREP program with robust funding and establish a TCU-specific program within MUREP at \$5,000,000 for FY2021*

Tribal Colleges and Universities: Raising and Training the Nation's Native STEM Workforce

TCUs are an essential component of American Indian and Alaska Native STEM education, research, and workforce. Currently, 37 TCUs operate more than 75 campuses and sites in 16 states. TCU geographic boundaries encompass 80 percent of American Indian reservations and federal Indian trust lands. American Indian and Alaska Native (AI/AN) TCU students represent more than 230 federally recognized tribes and hail from more than 30 states. Nearly 80 percent receive federal financial aid and more than half are first generation students. In total, TCUs serve more than 165,000 AI/ANs and other rural residents each year through a wide variety of academic and community-based programs. TCUs are public institutions accredited by independent, regional accreditation agencies and, like all U.S. institutions of higher education, must regularly undergo stringent performance reviews to retain their accreditation status. Each TCU is committed to improving the lives of its students through higher education and to moving tribal nations toward self-sufficiency. To achieve this vision, TCUs have become workforce and job creation engines, public libraries, tribal archives, small business incubators, and community computer labs. They operate Native American language learning centers, open access computer labs, STEM summer camps, community farms, economic development centers, GED or HiSET training and testing centers, community-based research sites, and more.

The federal government, despite its direct trust responsibility and binding treaty obligations, has never fully funded TCU institutional operations as authorized under federal law. Yet despite funding challenges, TCUs are responding to the STEM workforce needs across the country. In fall 2018, 1,770 TCU students were enrolled in one of 175 STEM program at TCUs. TCUs have established programs in high-demand fields: 12

AIHEC/Tribal College and Universities FY 2021 CJSci-NSF Appropriations Statement

TCUs offer pre-engineering programs, one TCU offers bachelor's degrees in industrial and electrical engineering, seven TCUs offer STEM teacher education programs, and 16 TCUs offer nursing programs. These efforts are preparing AI/AN nurses, engineers, and science and math teachers who contribute to a robust pipeline of STEM professionals in Indian Country. TCUs also train professionals in other high-demand STEM fields, including agriculture, information technology, and natural resource management. By teaching the job skills most in demand on reservations, TCUs are laying a solid foundation for tribal economic growth, with benefits for surrounding communities and the nation as a whole. But these efforts are not enough.

Today, TCUs are tackling the tougher – and much more significant – issue of job creation. TCUs know that to break the cycle of generational poverty and end the culture of dependency that grips much of Indian Country, TCUs must bring industry partners and STEM jobs to Indian Country. TCUs and tribes must promote new Native-owned and operated STEM-based businesses, create public-private partnerships, and build a culture of self-sufficiency and innovation. Through partnerships with the U.S. Department of Energy (DOE), DOE National Laboratories, TCUs, tribes, and industries, the TCU job creation initiative is developing a workforce that will be able to expand and further support tribal and regional businesses. NSF and NASA funding is essential in supporting this effort to promote STEM-enabled economic development in Indian Country and throughout rural America.

Each of the following federal grant programs has invested in the development of STEM-centered instruction, research, and job creation across Indian country.

NATIONAL SCIENCE FOUNDATION (NSF)

Education and Human Resources Directorate (EHR) – Tribal Colleges and Universities Program (TCUP): *TCUs urge the Subcommittee to fund competitively awarded NSF-TCUP grants at a minimum of \$20,000,000.* The NSF-TCUP, administered by the NSF Education and Human Resources Directorate, is a competitive grant program that enables TCUs and Alaska Native Serving/Native Hawaiian Serving Institutions (ANNHs) to develop and expand critically needed STEM education and research programs relevant to their indigenous communities. Through this program, TCUs and ANNHs are awarded grants to enhance STEM research, instructional courses, workforce development, and outreach programs.

Since the program began in 2001, NSF-TCUP has become the primary federal program for building STEM programmatic and research capacity at TCUs. For example, NSF-TCUP funding supported Navajo Technical University (Crownpoint, NM) in the development of its electrical and industrial engineering programs, which received accreditation from the Accreditation Board of Engineering and Technology (ABET) in 2018. This marks a significant milestone, with NTU leading the way as the first TCU to receive ABET accreditation. NTU students will now be prepared to fill high-demand STEM jobs that require a degree from an ABET-accredited program.

There are many success stories at the TCUs. Before studying at Navajo Technical University in Crownpoint, NM, Darrick Lee (Diné) served in the U.S. Marine Corps as a journeyman electrician. This training and his interest in the electrical field led him to NTU. Since 2013, Lee has earned a certificate in electrical trades and associate's degrees in energy systems and mathematics. In May 2019, Lee completed a bachelor's degree in electrical engineering. "[Darrick] was a vital part of our success in becoming the first TCU to attain ABET accreditation," says Dr. Peter Romine, head of NTU's engineering department. Darrick's senior capstone research was in solar-powered micro grids, leading him to develop a test system that may be implemented on the Navajo Nation.

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In 2014, Cankdeska Cikana Community College, Sitting Bull College, Nueta Hidatsa Sahnish College, and Turtle Mountain Community College established an engineering education partnership with North Dakota State University (NDSU) through funding from NSF TCUP's Pre-engineering Education Collaborative (PEEC). The TCUs and NDSU developed a formal curriculum and support system for students to obtain a bachelor's degree in engineering, beginning with pre-engineering coursework offered collaboratively by TCU and NDSU engineering faculty; then students transition to NDSU to complete their bachelor's degree. The first graduate of the program, Ryan Brown, was a pre-engineering student at CCCC who went on to earn his bachelor of science degree in civil engineering at NDSU in 2018. Brown returned to the Spirit Lake Reservation and currently serves as a project manager for the Spirit Lake Tribal Planning Department.

These success stories notwithstanding, AI/AN students are disadvantaged from pursuing STEM-centered career from an early age. AI/AN youth have the highest high school drop-out rate of any ethnic or racial group in the country. Those who do pursue postsecondary education often require developmental classes before taking on a full load of college-level courses. Placement tests administered at TCUs to first-time entering students in academic year 2017-18 showed that 61 percent required remedial math. Our data indicates that while 68 percent will successfully complete the course, many will take more than one year to do so. Without question, a large proportion of the TCUs' already limited resources are dedicated to addressing the continual failings of the K-12 education system.

Through NSF-TCUP grants, TCUs and ANNHs are actively working to address this problem by developing strong partnerships with their K-12 feeder schools to engage students in culturally appropriate STEM education and outreach programs. Salish Kootenai College, located on the Flathead Indian Reservation, created a two-year STEM Academy to prepare junior and senior high schools students for college. Participating high school students engage in collaborative work with STEM researchers, conduct culturally relevant research, and take courses to earn college credit. The STEM Academy is held on the SKC campus each afternoon, further familiarizing high school students with the college experience. Other efforts at TCUs include weekend academies and summer STEM camps that reinforce and supplement existing K-12 STEM programs.

TCUs use NSF-TCUP funding to provide students with valuable research experience in STEM fields. Through these opportunities, students conduct place-based research that serves their communities and has national and international impacts. At Northwest Indian College (NWIC) (Bellingham, WA), students are conducting complex research related to food security focused on salmon, shellfish, and indigenous sea cucumbers. Through a partnership with Western Washington University, NWIC graduates continue to pursue their academic and career goals through WWU's master's degree programs. Aaniiih Nakoda College (Harlem, MT) monitors streams for contaminants and investigates West Nile virus vectors; and Sitting Bull College (SBC) (Fort Yates, ND) has established a water quality monitoring laboratory serving the Standing Rock Sioux and surrounding communities. SBC studies show that students participating in the college's research have retention rates that are double the rate of students who are not engaged in research.

Even with its advances and successes, funding for the NSF-TCUP program has been stagnant for years. Therefore, not all of the TCUs have had an opportunity to benefit from this very important program. ***We urge the Subcommittee to fund competitively awarded NSF-TCUP grants at a minimum of \$20,000,000.***

Louis Stokes Alliance for Minority Participation (LSAMP): TCU urge the Subcommittee to support the NSF LSAMP program with an added emphasis for American Indian, Alaska Native, and TCU students. In FY2019, \$46 million was appropriated for the LSAMP program to support historically underrepresented students in STEM fields. However, only one TCU was awarded direct funding under this program. The All Nations LSAMP (ANLSAMP) program at Salish Kootenai College (Pablo, MT) has had tremendous success in increasing AI/AN degree attainment in STEM programs. Many small underfunded TCU STEM programs consider ANLSAMP as the center for expanding AI/AN student research opportunities, sharing best practices, and student support. ANLSAMP scholars receive financial support for conference travel, internship opportunities, and research stipends, which would otherwise not be possible. Through the combined efforts of the 23 TCUs and 11 mainstream institutions, more than 2,000 AI/ANs and under-resourced minority students have graduated with bachelor's degrees in STEM. Additionally, a recent survey revealed that more than 80 percent of ANLSAMP participants contacted had either graduated with a STEM major or bridged to an advanced degree program. Unfortunately, since the creation of the LSAMP program in 1991, NSF has neglected to prioritize AI/AN-serving programs, such as ANLSAMP, which are critically needed to support STEM degree attainment in Indian Country.

In 2018, after several years of *no* funding for a TCU-led grant proposal, \$1 million was awarded through an LSAMP grant and supplement to support TCU students over the next five years. However, it is alarming that less than one percent of the total \$46 million was awarded to TCUs in FY2019. (\$200,000 was provided in new funding, as a grant supplement, to TCUs in FY 2019.) **We ask that the Subcommittee specifically urge NSF to strengthen support for AI/AN students through the LSAMP grant program.**

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Minority University Research and Education Project (MUREP): TCU urge the Subcommittee to continue the NASA MUREP program with robust funding and support a TCU specific program within MUREP at \$5,000,000 for FY2021. Under its current design, MUREP provides a range of competitive awards to Historically Black Colleges and Universities, Tribal Colleges and Universities, and other Minority Serving Institutions to recruit and retain underrepresented students in STEM fields. Due to the competitive aspect of current MUREP programs and limited funding, TCUs only receive funding from two MUREP grants: MUREP Institutional Research Opportunity (MIRO) and MUREP for American Indian and Alaska Native STEM Engagement (MAIANSE).

MUREP Institutional Research Opportunity (MIRO)

In October 2019, under the MUREP IRO program, Sitting Bull College received \$1 million to further develop curriculum for an environmental science master's degree centered on air quality research on the Standing Rock Reservation. SBC students and faculty work with NASA's Langley Research Center, NASA's Goddard Space Flight Center, and the University of North Dakota to develop a regional research facility to monitor air quality on the Standing Rock Reservation.

In the same MUREP IRO award cycle, Navajo Technical University was selected to perform critical research and produce parts through its advanced manufacturing program for the Space Launch System at NASA's Marshall Space Flight Center. NTU's contributions through advanced manufacturing research and innovative parts production are advancing space exploration for the entire nation.

MUREP for American Indian and Alaska Native STEM Engagement (MAIANSE)

The MAIANSE program provides a unique opportunity for direct collaboration between TCUs and NASA to engage students in NASA STEM related activities. Despite its popularity and value, participation in the

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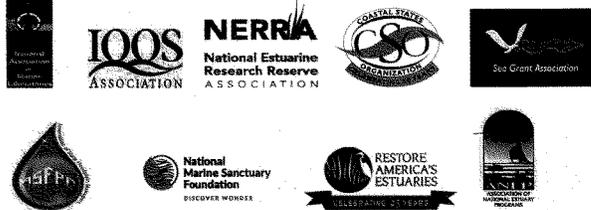
MAIANSE program has been limited to three TCU projects each grant cycles due to limited funding.

Through the MAIANSE program, Southwest Indian Polytechnic Institute (SIPI) established the Intelligent Cooperative Multi-Agent Robotic System (I-C-MARS) project which currently involves three other tribal colleges (Fond Du Lac Tribal and Community College, Chief Dull Knife College, and Northwest Indian College). TCU students and high school program and operate robotic rovers in a simulated Martian environment called a Mars Yard. These hands-on experiences further motivate students to pursue STEM careers.

The NASA MUREP programs provides TCUs with resources to advance and build strong STEM programs across Indian Country. ***TCUs urge the Subcommittee to continue the NASA MUREP program through robust funding and support a Tribal College and University-specific program within MUREP at \$5,000,000 for FY2021.***

CONCLUSION

Tribal Colleges and Universities provide access to high-quality, culturally appropriate postsecondary education opportunities, including STEM-focused programs, for thousands of AI/AN students. The modest federal investment in TCUs has paid great dividends in terms of employment, education, and economic development. We ask you to renew your commitment to help move our students and communities toward self-sufficiency by full considering our FY 2021 appropriations requests. Thank you.



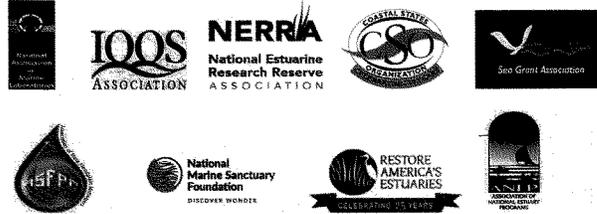
Outside Witness Testimony for the
 Subcommittee on Commerce, Justice, Science, and Related Agencies
 Committee on Appropriations, House of Representatives
 March 13, 2020

In support of FY 2021 Appropriations for the Nation's Ocean, Coastal, and Great Lakes Research, Education, Conservation, and Resource Management Enterprise

Mr. Chairman and Members of the Subcommittee, this joint statement is submitted on behalf of the non-profit organizations listed above who share a **deep and overriding concern for the health of the Nation's oceans, coasts, and Great Lakes**. This Subcommittee is responsible for the health of the ocean, coastal, and Great Lakes enterprise via oversight and resource decision-making related to NOAA, NSF, NASA, and other agencies. That enterprise is a critical part of the security of the Nation as it relates to economic, environmental, national, homeland, energy, conservation, and food security issues. The Administration budget for FY2021 proposes the elimination of extramural funding for this Subcommittee's ocean, coastal, and Great Lakes research, conservation, observing, and education programs. We urge the Subcommittee to reinstate these programs based on the significant contributions they make for the health of our ocean and coastal enterprises.

The future well-being of the U.S. is in large part dependent on our ocean, coastal, and Great Lakes resources. The U.S. ocean economy is estimated to have contributed more than \$320 billion to the U.S. Gross Domestic Product (GDP) and supported 3.2 million jobs in 2015. Over 40% of the U.S. labor force is employed in coastal watersheds. The offshore mineral industry contributed over 170,000 jobs in 2013 and \$122 billion to GDP. Approximately 88,000 square miles of the Nation's coastal wetlands provide nursery areas for commercially harvested fish and places of refuge for migrating birds. Estuaries provide habitat for nearly 70% of the U.S. commercial fisheries catch and 80% of recreational catch. In 2015, the commercial and recreational fishing industry supported 1.6 million jobs and contributed \$208 billion in sales to the U.S. economy. Ocean measurements, observations, and forecasting generate about \$7 billion in revenues annually. For every \$1 invested in environmental restoration, \$4 in economic value is generated by enhancing the tourism and fishing industries.

The ocean and our coasts are equally important for humanitarian, environmental, and health reasons. The oceans are a primary source of food for over one billion people, a globally significant regulator of the earth's climate, the basic source of water for the hydrologic cycle, a cleaning agent that absorbs carbon dioxide and generates oxygen, and home to many thousands of flora and fauna. The oceans are a source of discovery to understand and treat cancers and other human diseases. A wide gulf often separates science from the people who need research results to protect and support them. However, the new ocean economy puts science and predictive capabilities to work in a way that can fill critical, fast-rising needs across sectors. Our oceans and coastal areas provide valuable life-long educational experiences for students and families helping to inspire and instill a greater appreciation and understanding for the world around us.



All of the organizations that contributed to this statement stand in strong support for the ocean, coastal and Great Lakes research, conservation, observing, and education programs managed by NOAA. Specifically, we are requesting:

- \$82.9M for the National Sea Grant College Program and \$15M Sea Grant Marine Aquaculture;
- \$52.5M for the Integrated Ocean Observing System;
- \$31M for operations of the National Estuarine Research Reserve System;
- \$4.5M for NEERS from the Procurement, Acquisitions & Construction (PAC) account;
- \$58M for National Marine Sanctuary System operations;
- \$8.5M for NMS in the PAC account;
- \$87M for Coastal Management Grants;
- \$50M for Coastal Resilience Grants (Title IX);
- \$58M for NMFS Habitat Conservation and Restoration;
- \$4M for the Digital Coast Program;
- \$30M for NOAA Education programs

Sea Grant is a unique program within NOAA that awards 95% of its appropriated funds through a competitive process to state-based university Sea Grant programs to address critical issues identified by public and private sector stakeholders throughout the United States. Sea Grant fosters cost-effective partnerships among universities, state and local governments, NOAA, and coastal communities and businesses. In 2018, the Sea Grant program helped generate an estimated \$624 million in economic benefits; created or supported 7,621 jobs; provided 34 state-level programs with funding that assisted 269 communities improve their resilience; helped nearly 23,741 fishers adopt safe and sustainable fishing practices; helped restore an estimated 207,773 acres of coastal ecosystems; worked with about 1,300 industry and private sector, local, state and regional farmers; and supported the education and training of 1,994 undergraduate and graduate students.

The Integrated Ocean Observing System (IOOS) is essentially the weather service for the coastal oceans and Great Lakes, providing the ability to "see" what is happening both above and below the surface and making the information readily available. IOOS is led by NOAA's National Ocean Service and includes 17 Federal agencies and a national network of 11 regional observing systems. IOOS is efficient; it builds on and leverages local and regional partnerships. IOOS provides the coastal infrastructure necessary to support jobs, economic development, maritime safety and environmental health. NOAA's National Ocean Service provides support for 11 IOOS Regional Associations through a competitive merit-based grant process. The Regional Associations spend these funds to deploy, operate, and maintain over 300 observing assets that collect oceanographic and coastal data to help improve safety, enhance the economy, and protect the environment. The Regional Associations engage with local and regional user communities to understand information needs and transform raw observation data into useful tools. The Regional Associations fill critical ocean observing information gaps at the local and national levels. For example, non-federal organizations provide over 50 percent of the marine data used by the NOAA National Weather Service.



America's estuaries sustain coastal businesses, protect communities from flooding, keep water clean, sustain commercial fisheries, support wildlife, and provide opportunities for recreation. The National Estuarine Research Reserve System (NERRS) maintains 280 stations that track local water quality, pollution, and weather around the country. These platforms collect data – 42 million data points each year – that track hazardous spills, shellfish industry operations, storm damage and more. Reserves engage more than 36,000 volunteers and community members. 95% of Reserves allow recreational fishing; 85% allow hunting. Reserves protect natural infrastructure with ~1.3+M acres of public land and waters, and with 4.5K miles of waterfront and diverse habitat. Over 3,000 educators and 81,000 K–12 students receive outdoor STEM education. NERRS programs help sustain 10,000+ jobs, provide training to 13,400+ people, and assist 2,000+ decision makers and 570+ businesses. Over 100 universities & research institutions are Reserve partners. This year 29 Fellows inaugurate the Davidson Graduate Research Fellowship. In excess of 350 graduate research fellows have studied at a Reserve. Similar to Sea Grant, approximately 98% of federal NERRS funding goes to the communities in which the Reserves are located. NERRS funding also leverages State matching funds raising \$6 million annually to supplement the federal funding; and over the last three years, matching funds invested in the NERRS leveraged an average of approximately \$22 million annually.

The National Marine Sanctuary System is our essential network of protected waters held in trust for all Americans. Encompassing more than 600,000 square miles, national marine sanctuaries conserve some of the Nation's most critical natural, historic, and cultural resources. They are home to many thousands of species, preserve our nation's maritime heritage, and promote access for exploration and world-class outdoor recreation. Sanctuaries are vital to maintaining the healthy ocean and Great Lakes ecosystems that underpin our productive coastal economies. They generate \$8 billion annually in local economies and support jobs and businesses in fishing, tourism, recreation, and scientific research. Nationwide, communities are coming together to conserve our oceans, coasts, and Great Lakes by expanding existing national marine sanctuaries and proposing new designations for the first time in 19 years. Engaging communities as stewards of these protected waters makes sanctuaries unique and provides a comprehensive, highly participatory approach to managing and conserving marine ecosystems and the Great Lakes for current and future generations.

The National Coastal Zone Management (CZM) Program and the 34 state and territory CZM programs support the effective management, beneficial use, protection, and development of the coastal zone. This unique state-federal partnership leverages resources to ensure the responsible use of coastal resources by balancing the needs of economic development and conservation of natural resources while also planning for potential impacts to their coastal zones. 100% of funding appropriated for the Coastal Management Grants goes to the states and territories for their CZM programs. In FY 2019, the federal investment of \$75.5M was matched by over 85% by the states and territories for a \$140.8M total investment in CZM programs across the country. In FY 2019 the state and territory CZM Programs completed 129 projects at the state or local level to reduce future damage from coastal hazards; assisted 59 communities in the creation of sustainable development plans and policies or in plan implementation projects; created or enhanced 206 public access sites; restored over 9,436 acres of wetlands, nearshore, beach, dune, and other



coastal habitat; protected over 9,396 acres by acquisition or easement; and trained 14,265 participants on coastal hazards, coastal dependent uses and community development, coastal habitat, and public access. Looking towards the future, the state and territory CZM programs seek to expand investments in resilient coastal infrastructure and in helping communities to address increasing and intensifying coastal hazards.

The Digital Coast effort meets the unique information needs of the coastal management community. It provides access not just to a growing body of coastal data, but also the tools, training, and information needed to make over 5 trillion points of LIDAR, 37 terabytes of imagery, and 800,000 square miles of land cover, collected from both federal and non-federal sources, useful to coastal managers, planners, and decision makers charged with managing the Nation's coastal resources. The products and services provided by the Digital Coast include data, information, and training for more than 4,000 coastal communities.

NOAA Education programming enables NOAA realize its vision to educate and inspire the nation to use science toward improving ocean and coastal stewardship, increasing safety and resilience to environmental hazards, and preparing a future workforce to support NOAA's mission. Through the NOAA programs nearly 500,000 pre-K students participate in NOAA-supported formal education activities in fiscal year 2018, over 700 postsecondary degrees were awarded to NOAA-supported students in fiscal year 2018; and 2.6 million youths and adults participated in NOAA-supported informal science education programs in FY 2018. We recommend B-WET be strengthened and eligibility expanded to all coastal regions of the nation.

Ocean, coastal, and Great Lakes research, education, conservation, and resource management programs funded by this Subcommittee are investments in the future health, resiliency, and well-being of our coastal communities which will result in returns of improved quality of life, as well as environmental and economic outcomes many times over the federal investment.

Thank you for the opportunity to provide this unified message.

**STATEMENT OF RACHEL SHONFIELD, PRESIDENT
 NATIONAL COUNCIL OF EEOC LOCALS, NO. 216, AFGE/AFL-CIO
 TO
 THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
 COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES
 ON
 FY21 APPROPRIATION FOR EEOC
 THE ADMINISTRATION'S PROPOSED \$27.019M CUT TO EEOC WILL MAKE IT
 HARDER FOR WORKERS FACING DISCRIMINATION TO GET HELP;
 HUGE WORKLOAD, BOOKED APPOINTMENTS, AND RECORD LOW STAFF
 JUSTIFY INCREASED FUNDING; OVERSIGHT IS NEEDED TO STOP CASE
 CLOSURE SCHEMES FROM IMPEDING SUBSTANTIVE HELP TO THE PUBLIC
 March 13, 2020**

Chairman Serrano, Ranking Member Aderholt and members of the Subcommittee, this testimony is submitted on behalf of the National Council of EEOC Locals, No. 216, AFGE/AFL-CIO. The Council is the exclusive representative of the bargaining unit employees at the Equal Employment Opportunity Commission (EEOC), including investigators, attorneys, administrative judges, mediators, paralegals, and support staff in 53 offices nationwide. The Council thanks this Subcommittee for its leadership and support in recommending \$399.5M for EEOC for FY20, which would have represented a \$20M increase. This request was paired with report language that specified the need to increase front-line and investigative staff to reduce wait times for intake appointments. The Council further thanks this Subcommittee for the much needed \$10M increase to \$389.5M that was enacted for EEOC's final FY20 budget.

The administration is proposing to cut EEOC's current budget from \$389.5M to \$362M in FY21, even while the agency is facing rising public inquiries and a dwindling workforce to handle public inquiries. Short-staffing means the public waits months for an appointment and up to an hour on hold for live help on the agency's 1-800 line. The FY21 budget calls for the loss of 186 full time employees- almost 10% of the workforce. This would be EEOC's lowest staffing in at least 40 years. EEOC's budget justification concedes that "gains" made with inventory reduction will be lessened with a projected loss of 55 investigators on average a year.

EEOC reports that in anticipation of this staff loss management is engaging in initiatives to help maintain the projected inventory increase low. However, the "management initiatives" EEOC pushes staff to swiftly close cases without substantive processing by tagging them as "C charges" under the agency's triage system. The vast majority of workers who come to EEOC for help receive a dismissal with a 'right to sue' letter and are left to find help on their own. There is also a concerning rise in inquiries that do not result in charges. Similar case closure initiatives also impact the Federal sector.

The Council seeks this Subcommittee's continued support by including bill and report language for FY21 which: (1) Again recommends a mark of \$399.5M; (2) directs EEOC to hire frontline field staff to meet appointment demands and inquires, and provide real help to the public; (3) preserves Federal workers' rights to discovery and a hearing; (4) continues oversight of any restructuring; and (5) continues report language on any formal or informal quotas EEOC has used for the handling of A, B, and C charges; and calls for a report on inquiries received, but not resulting in charge filings after being interviewed.

Introduction: The EEOC enforces laws barring job discrimination based on race, color, religion, sex (including sexual harassment), national origin, age, disability, genetics, and retaliation. The EEOC, as the agency tasked with stopping and preventing workplace discrimination needs adequate resources, including frontline staff to fulfill its duty.

EEOC Faces a Huge Workload and a Significant Jump in Inquiries that Must be Handled: In FY19, 72,675 charges of discrimination were filed with EEOC. In FY19, EEOC received over 497,000 calls to the toll-free number, more than 33,000 emails, and over 200,000 inquiries in field offices, including 123,688 inquiries through the online intake and appointment scheduling system. FY19 inquiries went up approximately 11.1 percent from FY18 and are projected to continue to rise.

EEOC's Workforce Has Shrunk as Demand Increased, Impacting Services to the Public: For seven years, from 2011 to 2017, EEOC's budget was frozen or cut. EEOC's staff dropped from 2,505 to 2,082 during this time. While Congress provided EEOC a needed increase for FY18, which was maintained for FY19, EEOC's limited hiring resulted in only 2,061 employees. Net frontline staffing losses in field offices continue into FY20.

Despite the need of frontline staff to provide services to the public, the administration has requested a \$27M cut to EEOC. EEOC's critical frontline positions have declined. EEOC has approximately 548 investigators (compared to a high of 917 in FY01), who process charges and conduct training and outreach. These staffing shortages negatively impacts the public. EEOC promotes its digital charge system as the answer to short-staffing. But this is misleading, because EEOC still needs adequate frontline staff to receive the online inquiries and process charges.

Further, EEOC's in-house call center shrunk to approximately 30 intake information representatives (IIRs) from 65. The IIR shortage means that the public waits at least 60 minutes, to speak to a live person.

Slashing EEOC's FY21 Budget and Staff Will Devastate Civil Rights Enforcement: The specter of the dramatic budget cut will negatively impact operations. The planned loss of 186 FTE's will go at the heart of EEOC frontline positions. According to the FY21 Budget: "The budget level for FY 2021 will result in a loss of 55 investigators on average per year, and mediator staffing will remain level after four years of net losses of a totaling 12 positions." EEOC concedes: "we expect inventory levels to grow as the number of investigators declines."

Jobs are lost and workers, including those experiencing harassment, are vulnerable to retaliation during delays. Resources are needed for EEOC to maintain its deterrent force. The Chair's Message in the budget is clear, "The EEOC will continue to provide excellent customer service and be responsive to employees who raise claims of discrimination in the workplace." However, the EEOC proposed budget is also clear that it cuts frontline staff, which will undermine any success. The public needs 'responsive' to have a substantive component. But it takes resources to investigate, mediate, conciliate, litigate and conduct outreach to prevent discrimination.

EEOC needs to rebuild staffing from the current record low to provide substantive assistance to the public. Now is not the time to go backwards on addressing discrimination.

Oversight Needed to Ensure Real Help, not Case Closure Schemes that Focus on Quotas:

Instead of hiring an adequate number of staff, EEOC is slashing its backlog by relying on questionable strategies that provide less substantive assistance to the vast majority of the public. EEOC's backlog consistently stood at over 70,000 cases for a decade, as EEOC is generally overworked and underfunded. Historically, the backlog got worse when staffing declined. However, starting in FY17, despite fewer staff, EEOC began announcing incredible reductions in backlog; for FY17, 16% reduction from 73,508 cases to 61,621; for FY18, 19.5% reduction to 49,607 cases; for FY19, 21.1% reduction to 43,580. These decreases to the backlog occurring while staffing decreased raises red flags as to how so many case closures could be generated.

Staff have seen this translate to office inventory reduction goals and arbitrary "C at intake" categorization quotas believed to be approximately 30%. Not even an employer position statement is requested in these cases. The result is a press for cursory closures after the intake interview, e.g., a dismissal with a right to sue. The mantra is "the interview is the investigation." Many individuals will not be able to navigate the Federal court system or locate and afford an attorney. Those that can will add to the busy Federal docket, while previously EEOC investigated, mediated, and conciliated many such cases to resolution.

Another strategy to reduce volume is discouraging filing. EEOC's FY18 PAR says that 22,000 individuals were interviewed, but "decided" not to file, an increase of 8,000 over FY17. EEOC did not provide that information this year but did credit "pre-charge counseling" with a reduction in charges in FY19. This reflects a press to counsel out inquiries, so then these never become charges. There is a mismatch between inquiries going up, but filings going down, that cries for oversight.

EEOC no longer has an excuse for these schemes the agency claims are necessary due to lack of resources. Congress increased EEOC's budget in FY18, maintained it in FY19, and increased it again for FY20. The House specifically recommended that the increased funds be used in part to "increase front-line and investigative staff to reduce wait times for intake appointments." EEOC should restore frontline staff and allow them to perform the work of stopping and preventing workplace discrimination. EEOC's focus should be on how many members of the public it helps; not how many it turns away by its imposition of case closing schemes.

EEOC Should Work Smarter to Make Sure Its Valued Resources are Used Efficiently:

(1) Make EEOC Flatten its 1:5 Supervisor to Employee Ratio:

EEOC should flatten its inefficient supervisor to employee ratio, last reported to be 1:5. Prioritizing frontline staff within any available hiring mean faster help for the public. Promoting staff to management without ensuring the resulting vacancies are backfilled exacerbates the impact of lack of front-line staff.

(2) Dedicated intake staff needed to free up investigators to investigate cases: EEOC finally hired five GS-8 ISAs for intake, but more are needed for EEOC's 53 offices. But, EEOC should not impose unreasonable interview quotas that impact customer service and cause high turnover.

(3) Require EEOC to Reduce Costly Turnover by Improving Morale with Efficiencies:

Sadly, EEOC is not the "model employer." EEOC receives below average scores on Federal Employee Viewpoint Survey, such as disclosing violations without fear of reprisal, lack of resources, work life balance. EEOC's OEO department has made 0% findings of discrimination.

EEOC must comply with complying with EEO, FMLA, FLRA, USERRA, and labor management obligations.

(4) **Work Smarter by Eliminating Management Travel and Unnecessary Contracts:** EEOC should not hire contract mediators, when an in-house mediator is within 100 miles. EEOC should eliminate management travel that can occur by video-conferencing.

(5) **Invest in technology to improve EEOC's Digital Charge and Appointment Systems:** EEOC's digital systems were built on a 1990s platform that require workarounds, making the systems awkward to use for the public and time-consuming for staff to maneuver.

Bill and Report Language Should Retain Oversight of Restructuring and Reporting: Bill language should retain oversight of any reorganization. The last restructuring added bureaucratic layers, but no frontline staff. Congress should ensure a transparent process with stakeholder feedback. EEOC must continue to report on any formal or informal quotas EEOC has used for the handling of A, B, and C charges. EEOC should also report on inquiries received, but not resulting in charge filings after being interviewed.

Federal Employees Must Have Rights to Discovery and Full and Fair Hearings before AJs: EEOC has only 72 available Administrative Judges (AJs) to adjudicate the approximately 8,000 federal sector discrimination complaints received each year. The number of AJs is likely to decline further through attrition. Performance standards now contain closure quotas pressuring administrative judges (AJs) to quickly close cases, e.g., by denying discovery and granting summary judgment. Adequate AJ staffing, judicial independence and subpoena power are critical to a full and fair hearing.

EEOC Should Not Strip Federal Employees Alleging Workplace Discrimination of the Right to the Representative of Their Choice: In December 2019, EEOC served notice of a proposed change to regulation that would impede the ability of a federal employee experiencing discrimination in the workplace from continuing to choose the union as their representative of choice. The prohibition singling out union representatives would likely chill federal employees from moving forward, as the alternative would be to pay an attorney, which may be cost-prohibitive for many federal workers. Making it harder for federal employees to raise EEO violations thwarts EEOC's ability to achieve its mandate of eradicating employment discrimination. This Subcommittee's support and oversight on this important issue is requested.

Conclusion: The Council seeks this Subcommittee's continued support to ensure EEOC effectively enforces laws barring workplace discrimination, by including bill and report language for FY21 which: (1) Again recommends a mark of \$399.5M; (2) directs EEOC to hire frontline field staff to meet appointment demands and inquires, and provide real help to the public; (3) preserves Federal workers' rights to discovery and a hearing; (4) continues oversight of any restructuring; and (5) continues report language on any formal or informal quotas EEOC has used for the handling of A, B, and C charges; and calls for a report on inquiries received, but not resulting in charge filings after being interviewed.

Kel McClanahan, Executive Director
National Security Counselors
Testimony Before the House of Representatives Commerce,
Justice, Science, and Related Agencies Appropriations Subcommittee
Regarding the Department of Justice Office of Legal Counsel
13 March 2020

Chairman Serrano, Ranking Member Aderholt, and members of the Commerce, Justice, Science, and Related Agencies Appropriations Subcommittee, thank you for the opportunity to submit this written testimony.

The tiny Department of Justice (“DOJ”) Office of Legal Counsel (“OLC”) is probably the most powerful legal office in the entire Executive Branch, with the possible exception of the White House Counsel’s Office, and it exercises that power in almost total secrecy. It is the force behind Special Counsel Robert Mueller’s decision not to recommend the indictment of President Trump, Acting Director of National Intelligence (“DNI”) Joseph Maguire’s initial refusal to release the Ukraine Whistleblower’s complaint to Congress, and the Central Intelligence Agency’s torture of enemy combatants shortly after 9/11, among myriad other legal decisions which are often never adjudicated in a court of law.

The reason for OLC’s outsized power is relatively straightforward: many agencies treat OLC opinions as binding. As in, **if OLC makes a pronouncement that a certain action, practice, or policy is legal (or illegal), many agency officials throughout the Executive Branch maintain that they are bound by that decision, whether they agree with it or not.** For instance, Mr. Mueller publicly stated that his office was “bound” by “long-standing department policy” holding that “a president cannot be charged with a federal crime while he is in office” and that indicting Trump was “therefore not an option we could consider.”¹ The policy Mueller “was bound by” was an OLC opinion,² first written in 1973 about Watergate.

Likewise, the Intelligence Community Inspector General informed Congress that he could not provide the Ukraine Whistleblower’s complaint directly to the appropriate committees because he is “bound by the determination reached as a result of the Acting DNI’s consultations with” OLC, even though he “respectfully disagree[s] with that determination, particularly DOJ’s conclusion.”³ Mr. Maguire, for his part, described this belief succinctly and unequivocally: **“As you know, for those of us in the Executive Branch, Office of Legal Counsel opinions are binding on all of us.”**⁴

¹ *Special Counsel Robert S. Mueller III Makes Statement on Investigation into Russian Interference in the 2016 Presidential Election* (May 29, 2019), at <https://www.justice.gov/opa/speech/special-counsel-robert-s-mueller-iii-makes-statement-investigation-russian-interference>.

² *A Sitting President’s Amenability to Indictment and Criminal Prosecution*, 24 Op. O.L.C. 222 (2000), at <https://www.justice.gov/file/19351/download>.

³ Letter from Atkinson to Schiff of 9/17/19, available at <https://www.scribd.com/document/426585487/Sept-17-letter-from-intel-inspector-general-to-house-intelligence-on-whistleblower-complaint>.

⁴ Testimony of Acting DNI Joseph Maguire (Sept. 26, 2019), available at <https://www.c-span.org/video/?464509-1/acting-director-national-intelligence-maguire-testifies-whistleblower-complaint>.

It is unclear, however, how many agencies adhere to this interpretation of OLC opinions. **While senior officials such as Messrs. Mueller, Maguire, and Atkinson are claiming that OLC opinions are binding on Executive Branch agencies, OLC itself is arguing exactly the opposite whenever anyone attempts to obtain copies of such “binding” opinions through discovery or the Freedom of Information Act (“FOIA”).** In those cases, OLC consistently asserts under oath that it only “serv[es] an advisory role as legal counsel to the executive branch ... in a special relationship of trust with the Attorney General,” and that the relationship between OLC and any other part of the Executive Branch is the same as the relationship between any attorney and any client.⁵ **If you accept this argument, the most formal and detailed OLC opinion becomes simple “advice” that the purported client can follow or ignore at their leisure.** OLC makes this claim because, under FOIA, binding agency decisions are not exempt from disclosure, while predecisional deliberations and advice from attorneys to clients are exempt. This is how it maintains its secrecy.

This dualism is best exemplified by a line from an internal OLC memo: “OLC’s core function, pursuant to the Attorney General’s delegation, is to provide controlling advice to executive branch officials on questions of law that are centrally important to the functioning of the Federal Government.”⁶ The problem is, “controlling advice” is an oxymoron, since advice is something the recipient is free to disregard, which is the opposite of controlling. The two competing interpretations given by Executive Branch lawyers, depending on the context, are completely irreconcilable: **An opinion cannot both be *binding* on the Executive Branch and also legal *advice* from an attorney to a client.**

There are many ways to fix this problem, but they all fall to Congress to act, since **DOJ has no interest in resolving an uncertainty which only redounds to its benefit.** Congress could legislate that OLC opinions are binding, which would mean that no privilege would apply to their release (although they could be withheld for other reasons, such as classification or law enforcement considerations). Congress could legislate that OLC opinions are *not* binding, which would free up agencies to ignore them and perhaps ensure that bad opinions are weeded out. Congress could mandate that OLC opinions must be released to lawmakers so they can evaluate whether they agree with OLC’s interpretation of the law. Congress could add a caveat to FOIA that a court must presume that an agency which acted in accordance with an OLC opinion fully accepted the reasoning of the opinion, thereby triggering an exception to any claim of privilege.

However, **before Congress can even consider any avenues for reform, it must first understand the scope of the problem.** I have personally dealt with several senior Executive Branch officials who take the position that OLC opinions are *not* binding, and I have also dealt with senior officials who treat an OLC opinion as the gospel truth. **What Congress—and the public—needs is a comprehensive, definitive accounting of how OLC opinions are viewed across the Executive Branch. A simple survey, sent to every General Counsel at every agency or agency component: “Are OLC opinions binding on your agency/office?” A survey which will force agencies to state a position on the record, and which will provide hard data which can be relied upon in future Congressional deliberations.**

⁵ See *N.Y. Times Co. v. DOJ*, 915 F. Supp. 2d 508, 544 (S.D.N.Y. 2013).

⁶ *Best Practices for OLC Legal Advice and Written Opinions* (July 16, 2010), available at <https://www.justice.gov/olc/pdf/olc-legal-advice-opinions.pdf>.

To that end, I recommend that this Subcommittee include report language directing an appropriate agency to perform this survey and compile a report accounting for the results for Congress and the public. **The Government Accountability Office would be best suited for this work, but it could also be reasonably assigned to the DOJ Inspector General or even OLC itself, as long as the report language makes clear that the final report will include *only* the responses and no editorializing or characterizations.** This simple research project will yield informational dividends far beyond its cost in funds and manpower, and it will finally clear up a decades-old deliberate obfuscation of the truth. Only then can Congress make an informed decision about which interpretation it endorses and legislate accordingly.

Kel McClanahan Biography

Kel McClanahan is the Executive Director of National Security Counselors, a Washington-area non-profit public interest law firm which specializes in national security law and information and privacy law. Before chartering National Security Counselors with his fellow directors, he served as Director of FOIA Operations for the James Madison Project and Of Counsel to the Law Office of Mark S. Zaid, PC. He is an adjunct professor at the George Washington University Law School and the American University Washington College of Law, where he teaches various topics in national security law. He sits on the Board of Directors of the National Military Intelligence Foundation, the Board of Directors of the Bar Association of the District of Columbia, and the Steering Committee of the Make It Safe Coalition, and he is a charter member of the Security Clearance Lawyers Association.

He received his Master of Arts cum laude in Security Studies from the Georgetown University Edmund A. Walsh School of Foreign Service, his Juris Doctorate from the American University Washington College of Law, and his Master of Laws in National Security Law from the Georgetown University Law Center.

He belongs to the bars of New York, the District of Columbia, the U.S. Supreme Court, and several other federal courts.

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**W. Ron Allen, Chair
US Section Budget Committee of the PACIFIC SALMON COMMISSION
BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES
on the FY 2021 Budget for the National Marine Fisheries Service
March 13, 2020**

Mr. Chairman, and Honorable Members of the Committee, I am W. Ron Allen, the Tribal Commissioner and Chair for the U.S. Section Budget Committee of the Pacific Salmon Commission (PSC). I am also the Tribal Chairman/CEO of the Jamestown S'Klallam Tribe located on the northern Olympic Peninsula of Washington State. The U.S. Section prepares annual budgets for the implementation of the Pacific Salmon Treaty.

Department of Commerce funding in support of implementing the Pacific Salmon Treaty is part of the Salmon Management Activities account in the National Marine Fisheries Service (NMFS) budget. The United States and Canada completed negotiations of revised Annex Chapters to the Treaty in 2018 and 2019. Funding in the Department of Commerce budget intended for the programs to fulfill national commitments created by the re-negotiated Treaty was \$35,500,000 in the FY 2020 budget. This represents a \$20,000,000 increase from FY 2019 level. The U.S. Section estimates that annual operational costs of \$42,260,604 plus \$39,291,341 in one-time implementation costs is needed for to implement national commitments created by the Treaty.

The implementation of the Treaty is funded through the Departments of Commerce, Interior and State. The Department of Commerce principally funds programs conducted by the States of Washington, Oregon, Idaho and Alaska and the National Marine Fisheries Service. The cost of programs conducted by the States to fulfill national commitments created by the Treaty are substantially greater than the funding provided in the NMFS budget in past years. Consequently the States have supplemented the Federal Treaty appropriations from other sources, including State general funds. Many of those funding sources are limited or no longer available. The \$20,000,000 increase in the FY 2020 budget is greatly appreciated, however it is only a fraction of what the U.S. Section estimates is needed to fully implement the revised Annex Chapters to the Pacific Salmon Treaty.

The U.S. Section recommends that the Pacific Salmon Treaty line item in the Salmon Management Activities section of the National Marine Fisheries Service budget be funded at \$81,551,945 for FY 2021. This line item includes \$21,109,103 to provide base support for the States of Alaska, Washington, Oregon, and Idaho. The National Marine Fisheries Service is funded at \$1,430,000 to conduct salmon stock assessments and fishery management programs required to implement the Treaty's conservation and allocation provisions for Coho, Sockeye, Chinook, Chum, and Pink salmon fisheries. Effective, science-based implementation of negotiated salmon fishing arrangements and abundance-based management approaches for Chinook, southern Coho, and Northern Boundary and Transboundary River salmon fisheries. The U.S. Section recommends annual operational costs of \$8,740,000 for Sound Science (including the Chinook Salmon Agreement line item), \$5,390,000 for Puget Sound critical stocks plus \$23,130,000 as a one-time implementation costs, \$16,200,000 for Southeast Alaska Mitigation, and \$5,600,000 to increase prey availability for southern resident killer whales.

The U.S. Section recommends restoring the funding for the Chinook Salmon Agreement line item in Salmon Management Activities to \$1,601,524. This funding supports research and stock assessments necessary to acquire and analyze the technical information needed to fully implement the abundance-based Chinook salmon management program provided for by the Treaty. The States of Alaska, Washington, Oregon, and Idaho, and the twenty-five Treaty Tribes conduct projects selected in a rigorous competitive process.

The International Fisheries Commissions line, under Regional Councils and Fisheries Commissions in the NMFS budget was funded at \$463,083 in 2018 and \$419,479 in 2019 and provides the U.S. contribution to bilateral cooperative salmon enhancement on the transboundary river systems, which rise in Canada and flow to the sea through Southeast Alaska. This project was established in 1988 to meet U.S. obligations specified in the Treaty and annual funding should continue at approximately \$463,000 annually.

The core Treaty implementation projects included in the Pacific Salmon Treaty line, and the U.S. Chinook Agreement line under Salmon Management Activities, as well as the International Fisheries Commission line under Regional Councils and Fisheries Commissions consist of a wide range of stock assessment, fishery monitoring, and technical support activities for all five species of Pacific salmon in the fisheries and rivers between Cape Suckling in Alaska to Cape Falcon in Oregon. The States of Alaska, Washington, Oregon, Idaho, and the National Marine Fisheries Service conduct a wide range of programs for salmon stock abundance assessment, escapement enumeration, stock distribution, and fishery catch and effort information. The information is used to establish fishing seasons, harvest levels, and accountability to the provisions of Treaty fishing regimes.

Like many other programs, funding to implement the Pacific Salmon Treaty decreased in recent years. Prior to that, the base annual Treaty implementation funding remained essentially flat since the inception of the Treaty in 1985. In order to continue to fulfill the Federal commitments created by the Treaty, as costs and complexity increased over time, the States had to augment Federal funding with other Federal and State resources. However, alternative sources of funding have seen reductions or, in some cases, have been eliminated. The increase of \$20,000,000 for FY 2020 to implement the revised Annex Chapters was a welcome change.

Negotiations to revise the provisions of the Annex Chapters to the Treaty, except for the Fraser River Chapter, were successfully completed in 2018. The revised provisions will last for ten years. These chapters contain the specifics for implementing the Treaty for each species in each geographic area. The provisions for a revised Fraser River Chapter were completed in 2019. The revised chapters represent the combined efforts of the participants to ensure healthy salmon populations for the next ten years. They also require commitments to increase efforts to improve upon current management strategies for numerous salmon populations.

Finally, you should consider the fact that the value of the commercial harvest of salmon subject to the Treaty and managed at productive levels under the Treaty, supports the infrastructure of many coastal and inland communities. The value of the commercial and recreational fisheries, and the economic diversity they provide for local communities throughout the Pacific Northwest and Alaska, is immense. The Pacific Salmon Commission recently funded an economic study of these fisheries and determined that this resource creates thousands of jobs and is a multi-billion dollar industry. The value of these fish to the twenty-five Treaty Tribes in Washington, Oregon, Idaho and Alaska goes far beyond their monetary value, to the cultural and religious lives of Indian people. A significant monetary investment is focused on salmon due to the listings of Pacific Northwest salmon populations under the Endangered Species Act.

Given these resources, we can continue to utilize the Pacific Salmon Commission to develop recommendations that help with the development and implementation of solutions to minimizing impacts on listed stocks. We continue to work towards the true intent of the Treaty, and with your support, we will manage this shared resource for mutual enhancements and benefits.

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 given to us in the past. Please let us know if we can supply additional information or respond to any questions the Committee Members may have.

Thank you.



**Testimony of Dr. Fredrika Moser
President, Sea Grant Association and
Director, Maryland Sea Grant
to the
Subcommittee on Commerce, Justice, and Science
Committee on Appropriations
House of Representatives
Washington, D.C.
March 13, 2020**

The National Sea Grant College Program (Sea Grant) is a joint federal-state investment that supports the health and resilience of the nation's coastal communities (including the Great Lakes, Gulf of Mexico, and communities on the Atlantic and Pacific coasts), yielding quantifiable economic, social, and environmental benefits at the national, regional, state, and local levels. It is a program of the National Oceanic and Atmospheric Administration, Department of Commerce.

Once again, the administration is recommending eliminating funding for the Sea Grant program, including the Knauss Fellowship Program and research on sustainable aquaculture. The Sea Grant Association (SGA), a non-profit organization dedicated to furthering the Sea Grant Program concept whose members are the academic institutions that participate in the National Sea Grant College Program, strongly opposes the administration's FY 2021 proposal. The SGA is deeply appreciative of the support this Subcommittee has consistently provided the Sea Grant program, rejecting past administration proposals to eliminate funding for the program. We urge the Subcommittee to continue to support the Sea Grant program when it develops its FY 2021 appropriations bill.

The Sea Grant Association (SGA) recommends Congress appropriate \$82.9 million in FY 2021 for the National Sea Grant College Program and \$15 million for Sea Grant Aquaculture. The total amount recommended (\$97.9 million) is consistent with the *total* authorized in Sec. 9 in both S. 910 and H.R. 2405 for FY 2021.

The National Sea Grant College Program (Sea Grant) is authorized by P.L. 89-688, the National Sea Grant College Program Act of 1966, as amended (33 USC § 1121 et seq. Sea Grant). The Sea Grant College Program Act authorizes the awarding of grants and contracts to initiate and support programs at Sea Grant colleges and other institutions for research, education, and advisory services in any field related to the conservation and development of marine resources. A joint federal, state and local investment, Sea Grant provides solutions for the issues affecting our Nation's coastal communities (including the Great Lakes, Gulf of Mexico and communities on the Atlantic, Caribbean, and Pacific coasts), yielding quantifiable economic, social, and environmental benefits.

In 2018, the Sea Grant program helped generate an estimated \$624 million in economic benefits; created or supported 7,621 jobs; provided 34 state-level programs with funding that assisted 269



communities improve their resilience; helped nearly 23,741 fishers adopt safe and sustainable fishing practices; helped restore an estimated 207,773 acres of coastal ecosystems; worked with about 1,300 industry and private sector, local, state and regional partners; and supported the education and training of 1,994 undergraduate and graduate students.

Sea Grant is a unique university-based program within NOAA that awards over 90% of its appropriated funds to coastal states through a competitive process to address issues identified as critical by public and private sector constituents and coastal communities throughout the United States. Sea Grant fosters cost-effective partnerships among state universities, state and local governments, NOAA, and coastal communities and businesses, leveraging nearly \$3 for every \$1 appropriated by Congress.

Increasing aquaculture production is a key priority of the Department of Commerce (DOC) and NOAA. Sea Grant is a leader in supporting aquaculture research and development which lead to jobs and increased domestic production of safe and sustainable seafood. Through its locally based research and extension programs, its national perspective, and its longstanding role in aquaculture, Sea Grant is ideally positioned to play an expanded role in the Commerce Department's focus on reducing the Nation's seafood trade deficit. Sea Grant actions carried out between February 2017 and January 2018, in sustainable fisheries resulted in thousands of fishers adopting safe and sustainable fishing practices, 2000 people trained in safe seafood handling, and 2200 seafood businesses created or sustained. Sea Grant also assisted communities strengthen their resilience. Between Feb 2016 and Jan 2017, 1000 training workshops were held to improve community resilience, 300 communities have improved their hazard resilience, and 570 communities have adopted sustainable development practices. Sea Grant is helping coastal communities in Texas, Puerto Rico, North Carolina, South Carolina, Florida and other states recover from Hurricanes Harvey, Irma, Maria, Florence, Michael, and Dorian.

RATIONALE FOR THE PROPOSED INCREASE SEA GRANT

The coastal community resiliency challenges we face in the coming years differ from those of the past owing largely to the expanding coastal populations, socio-economic transformations, advances in transportation and communications, technological advancements, and intensifying weather and climate conditions. Sea level rise is affecting millions of people and billions of dollars of infrastructure. Changing ocean and Great Lakes water temperatures are already causing shifts in commercial and recreational fish and shellfish populations. Ocean acidification is already affecting a wide range of ecosystem components in the ocean including shellfish and corals in the Pacific Northwest. Timing and intensity of extreme weather events have negative impacts on coastal communities and businesses in the Gulf and Atlantic Coasts.

The effects of all of these phenomena—and others—will become more pronounced in the future. Evolving challenges such as rising sea levels and flooding; coastal community resiliency; and integrated fisheries, aquaculture, and seafood security will be further affected by changing coastal conditions. Sea Grant is actively assisting its stakeholders in vital planning activities



necessary for the implementation of successful resiliency initiatives. This involves assessing and adapting research, extension, and education capacities, not only in the biogeochemical and social sciences but also in the fields of policy and planning, to assist communities to meet changing circumstances.

Future Sea Grant opportunities include expanding strategic partnerships with other federal, state and local offices, agencies, and private sector partners to strengthen coastal resiliency; expanding Sea Grant's role in shaping the future of our oceans, coasts, and Great Lakes through Sea Grant's Network Visioning (strategic planning) process; supporting implementation of the Weather Forecast Research and Innovation Act of 2017 by informing observations and minimizing the impacts of extreme weather and water events; and utilizing research, extension, and education capacities of Sea Grant to increase the economic contributions of our domestic fisheries and aquaculture to reduce our seafood trade deficit.

Given these and other current and emerging coastal challenges, state-based Sea Grant programs are being asked to provide ever greater levels of assistance through research, extension, and education and outreach to assist local, state, and regional stakeholders in meeting these challenges. To meet these growing demands, it is vital that all state-based Sea Grant programs have additional resources to strengthen their program management and outreach capacities.

Funding for Sea Grant results in support for sustainable fisheries and aquaculture, resilient communities and economies, healthy coastal ecosystems, environmental literacy, the Sea Grant Knauss Fellows and other fellowship programs, and workforce development. In its 50 plus-year history, National Sea Grant College Program successes can be attributed to its ability to respond to the changing needs of our coastal communities. Sea Grant's programs are integrated into both the National Sea Grant and NOAA's national strategic plans. Each tailored and therefore maximally effective program executes the following objectives:

- **Sea Grant has capacity, breadth, and depth.** Sea Grant brings the expertise of its vast network of universities, research institutions, faculty, students, staff, and facilities, with on-the-ground and in-the-field knowledge. This knowledge, bolstered by established ties and credibility with communities and community leaders, results in the conversion of science and technology into practical use and informed decision making.
- **Sea Grant facilitates opportunities.** Sea Grant engages partners, stakeholders, and constituents through its nimbleness, capacity for rapid response, and multifaceted ability to address critical issues and needs facing the nation.
- **Sea Grant is proactive.** Sea Grant has engaged in planning, resilience, hazard preparedness and recovery, and participated in the overall "Blue Economy" before the terms were popularized in national programs. Sea Grant has been engaged in an ongoing visioning exercise. For example, in 2016, the Sea Grant network developed a 10-year aquaculture vision that outlines the most pressing needs and opportunities to foster sustainable aquaculture development across the country.



- **Sea Grant is there for its stakeholders.** The needs and desires of the nation's taxpayers who live, work, and play in coastal America for products and services that Sea Grant provides are rapidly increasing. This is because Sea Grant is recognized and trusted for its ability to work with local constituents to better understand their needs and deliver relevant information and services.

Local, state, regional, and national partnerships are critical to addressing these and other issues central to the survival of our coastal communities, economies, and ecosystems. Coastal and Great Lakes communities need to be informed, engaged, and prepared to respond to these threats and to turn these adversities into opportunities. This is precisely what Sea Grant does.

For over 50 years, Sea Grant has been at the forefront of creating economic opportunities, enhancing food and water security, and reducing risks from natural hazards and extreme events facing coastal communities through research and outreach efforts. Sea Grant is user-driven and university-based, and fully engaged with regional, state, and local organizations.

With the \$82.9 million requested for the National Sea Grant College Program and the \$15 million requested for Sea Grant Aquaculture, Sea Grant will leverage significant state and local support, continue to increase the economic development and resiliency of coastal communities, and help sustain the health and productivity of the ecosystems on which they depend.

Thank you for the opportunity to present this testimony.

Testimony for the Record
Ms. Margaret Spring, Chief Conservation & Science Officer
Monterey Bay Aquarium, Monterey, California
Subcommittee on Commerce, Justice, Science and Related Agencies
Committee on Appropriations
U.S. House of Representatives
Spring 2020

The Monterey Bay Aquarium is pleased to submit this statement in support of increased funding for the **National Oceanic and Atmospheric Administration (NOAA)** within the FY 2021 Commerce-Justice-Science Appropriations Act.

The Aquarium recognizes NOAA's critical role in serving as the nation's lead science agency and information provider on oceanic and atmospheric matters. NOAA's work supports millions of American businesses and citizens through its science, stewardship and safety mission every day of the year. NOAA's research, environmental observations and predictions, marine conservation and management, as well as its education programs and services shape the way we live today. The agency is vital to providing environmental intelligence to guide decision-making about the health of the coupled ocean and climate systems. The Aquarium is grateful for the Subcommittee's past support of NOAA – particularly for programs to address illegal, unreported and unregulated (IUU) fishing, Pacific bluefin tuna, marine debris, and NOAA's research and education programming.

For FY 2021, we urge the Subcommittee to continue its balanced and strategic investment strategy for NOAA, including restoration of the extramural ocean and coastal research, conservation, and education programs proposed for drastic reduction by the Administration. In addition, and *importantly*, we urge the Subcommittee to enhance funding within NOAA Fisheries for highly migratory species research, specifically Management Strategy Evaluation for Pacific bluefin tuna; and maintain funding for programs to address IUU fishing as well as increased reporting on improvements to the Seafood Import Monitoring Program (SIMP). In addition, we highlight the need for new investments in pelagic fisheries research in the Pacific Ocean and continued support for programs that address marine debris, ocean science and technology and other priorities.

The mission of the Monterey Bay Aquarium is to inspire conservation of the ocean. We carry out this mission by providing an educational experience that connects two million visitors per year to some of the most striking species and ecosystems on our planet. The Aquarium uses exhibits and educational programs to demonstrate the connection between the ocean and our human existence - from the air we breathe to the weather patterns and resources that drive our multi-billion-dollar blue economy. Award-winning education programs serve over 80,000 schoolchildren and 1,500 teachers a year at no cost. The integrated and progressive programs help students, and the adults who influence them, discover their connection to the ocean and supports efforts to increase STEM literacy among all citizens.

The Aquarium's strategic conservation priorities are aimed at addressing some of the most pressing challenges to ocean health, including those posed by plastic pollution, unsustainable fisheries and aquaculture, threats to ocean wildlife and special places, and the ocean impacts of climate change and acidification. Our approach to ocean conservation challenges mirrors that of NOAA by relying on science and encouraging partnerships with the private sector, governments, academia, and other stakeholders. We bring decades of expertise and partnerships in ocean science, policy, and markets to the task, and we use our voice as a trusted source of information among policymakers, the business community, and with individuals to make a difference for the ocean.

Our priorities are well aligned with NOAA's mission and programs, and future progress on these critical topics will rely on NOAA's continued ability to provide robust data, management expertise, and services to the public and partners. In particular, NOAA ensures the United States remains a global leader in sustainable fisheries under the Magnuson-Stevens Act (MSA) and it is important that the fiscal year 2021 budget reflect the importance of providing the science needed to engineer lasting solutions to overfishing as well as other ocean threats.

The funding requests below are intended to support our coastal communities, our economy and U.S. leadership on ocean conservation around the world.

Pacific Bluefin Tuna - Pacific bluefin tuna are a highly migratory species (HMS) that are critical to California's economy and a key top predator in the ocean. The population has been depleted to 3.3% of historic size – the lowest of all commercially harvested tunas globally. Annual fluctuations in availability of Pacific bluefin tuna impacts the ecosystem and stakeholders, including California's \$2.8 billion marine sportfishing industry and research institutions that have invested millions of dollars in recent decades to develop conservation strategies for this critical species.

Pacific bluefin tuna are managed through international agreements, and the U.S. has been a leader in advocating to recover the species to sustainable levels, consistent with the MSA. In 2017 the U.S., working with Aquarium experts and the U.S. recreational sector, secured an international agreement to recover the population to sustainable levels by 2034 – a major achievement. In the FY 2020 CJS appropriations report, Congress urged NOAA to support Management Strategy Evaluation (MSE) for Pacific bluefin tuna and other valuable HMS, but, to date, there has been little progress by NOAA to add scientific capacity and advance the process.

The U.S. and international management bodies have identified and prioritized development of MSE as a critical strategy to ensure recovery, long-term sustainability and equity among the needs of stakeholders across the Pacific. Major decisions regarding Pacific bluefin tuna and other valuable tunas will be considered by the international management bodies in 2020 and beyond. It is critical to advance the Pacific bluefin tuna MSE process in 2020-2021, and for NOAA to allocate resources and scientific capacity to ensure scientific best practice and U.S. stakeholder engagement. MSE scientific capacity will be critical to ensure a strong U.S. negotiating position and sustainable management of tunas and HMS for the future.

For these reasons we urge the Subcommittee to reaffirm its position that NOAA allocate additional resources and prioritize implementation of the MSE process for Pacific bluefin tuna and other HMS, and to ensure robust stakeholder engagement.

Illegal, Unreported, and Unregulated (IUU) Fishing/ Seafood Traceability – IUU fishing leads to global losses estimated in the billions annually and has links to other forms of criminal activity, slavery and human rights abuses. IUU fishing also undermines economic opportunities for legitimate fishermen in the U.S. and has global implications for national security and food security. In recent years, Congress has provided new authorities and funding to fight IUU fishing. These bills passed with broad bipartisan support, highlighting the importance of these activities to American businesses, consumers and the public.

We request funding at no less than the FY 2020 amount to combat IUU fishing, including through improved seafood traceability under NOAA's SIMP, improved enforcement capacity, and innovative remote sensing technology as included in S. Rept. 116-127. These funds will improve the ability of the federal government to identify, inspect and enforce against imported IUU products coming into U.S. commerce and will enhance efforts to incentivize foreign compliance with international laws.

As a result of the request within the Consolidated Appropriations Act, 2020, NOAA is expected to report to Congress on SIMP's effectiveness in preserving stocks of "at-risk" species and protecting U.S. consumers from seafood fraud. This is a positive step to improve transparency on SIMP implementation, and we encourage the Subcommittee to require additional reporting regarding NOAA's investment of appropriated funds and progress to date. Specifically, we urge the Subcommittee to request NOAA to report on investments to increase personnel, port inspections, and the agency's ability to collect and analyze data to verify the legality of seafood products entering the U.S. market.

Pacific Ocean Pelagic Fisheries Research – Pelagic and HMS in the Pacific Ocean support thousands of jobs and generate hundreds of millions in revenue related to commercial and recreational fishing, as well as related seafood industries. These species include valuable tunas, swordfish, marlin, and pelagic shark and ray species that drives significant economic activity along the West Coast, Hawaii and the U.S. territories. Monterey Bay Aquarium is among a range of academic, research and education organizations that have invested considerable resources to advance pelagic and HMS research over recent decades. However, federal funding opportunities for non-federal scientists in pelagic and HMS research programs in the Pacific have declined considerably since the Pacific Fisheries Research Program (PFRP) ended in 2013. Importantly, this results in significantly less public-private research collaborations with NOAA, and a lack of independent science to address critical and timely management questions that directly impact U.S. stakeholders and the health of the Pacific Ocean ecosystem. Atlantic pelagic and HMS research has dedicated federal programs for individual species, notably the Atlantic Bluefin Tuna Research Program, as well as a new HMS Research Program through Sea Grant. Therefore, we request \$3 million per year for the next five years (FY21 – FY25) to provide multi-

year, dedicated funding that supports pelagic HMS research collaborations through the PFRP or a new NOAA program comparable to existing programs in the Atlantic.

Marine Debris – Our ocean is at increasing risk from growing levels of plastic pollution. Studies estimate that an average of eight million metric tons of plastic enter the global ocean each year. Unless we curb the flow, this number is expected to double by 2025, which poses a growing risk to water quality, wildlife and human health. The Aquarium recently collaborated with the Monterey Bay Aquarium Research Institute (MBARI) on [science](#) showing that microplastic debris, most of it coming from consumer products, is now common from the surface to the seafloor. It may also be entering marine food webs, both at the surface and in the deep. NOAA's Marine Debris program offers competitive grants for aquariums and others to work with federal, state, and local partners on marine debris education and reduction projects. The Monterey Bay Aquarium has previously received \$52,306 from this program for our Ocean Plastic Pollution Summit for Teachers. Over 100 pre-K to 12th grade teachers from throughout California have participated in the Summit and follow-up activities, learning how to use the issue of ocean plastic pollution to engage their students in marine conservation and science. Bills have recently been introduced in Congress to go further to address ocean plastic pollution, and, at a minimum, funding for core marine debris programs should remain a priority. We request support for the NOAA Marine Debris Program of at least \$10 million in FY 2021.

Ocean Science and Technology – The Aquarium collaborates with the MBARI on science and conservation issues of mutual interest. The success of our efforts to harness [cutting edge research](#) to address challenging ocean-related issues is dependent on a vibrant ocean science and technology enterprise. The United Nations has also proclaimed this the [Decade of Ocean Science for Sustainable Development \(2021-2030\)](#) to gather ocean stakeholders worldwide behind a common framework that will ensure ocean science supports countries in making progress against sustainable development goals (SDG), particularly SDG14. To continue to generate science-based solutions to restore our ocean, we urge the Subcommittee to help bolster funding for essential new science and technology. Through NOAA and the other relevant agencies, including NSF and NASA, the Aquarium recommends the Subcommittee provide support for research and technology development and ocean science. The Subcommittee's support can ensure we meet the goals set forth by the 2020 NOAA Research Council's science and technology focus area strategies and the 2019 White House *National Strategy for Mapping, Exploring, and Characterizing the U.S. EEZ*, including meeting the need to use cutting edge technologies (*i.e.*, robotics, eDNA) to map and characterize biodiversity, habitats like seamounts and deep corals, and sea floor hazards (see attached). The Subcommittee's support is also vital to address the challenges contained in the National Academies' *Sea Change* and in *Science and Technology for America's Oceans: A Decadal Vision* published by the interagency Subcommittee on Ocean Science and Technology.

There are a number of other important NOAA programs that make important contributions to the vitality of our U.S. economy, our communities and way of life. We urge the Subcommittee to support the following programs:

Ocean Education – We urge the Subcommittee to reject the Administration’s plan to eliminate funding for NOAA education programs and restore funding at level no less than the FY 2020 appropriated amount, including funding to maintain the Environmental Literacy Grants Program (including ocean education grants), and \$12 million for the Bay, Watershed, Education and Training Program.

Bycatch Reduction – We recommend the Subcommittee include no less than the FY 2020 level for bycatch reduction competitive grants to non-Federal researchers for the development and implementation of practical bycatch solutions that support sustainable U.S. fisheries.

Marine Aquaculture – We request that the Subcommittee fund NOAA’s marine aquaculture programs within NOAA Fisheries and in the Office of Oceanic and Atmospheric Research (OAR) through the Sea Grant Program at least at \$12 million and \$15 million, respectively.

National Marine Sanctuaries and National Monuments – We request the Subcommittee fund Sanctuaries and Marine Protected Areas at \$58M for National Marine Sanctuary System operations and \$8.5M for NMS in the Procurement, Acquisitions, and Construction account. In addition, we request sufficient funding to support Papahānaumokuākea, Rose Atoll and New England Coral Canyons marine national monuments.

John H. Prescott Marine Mammal Rescue Assistance Grant Program – We call on the Subcommittee to, once again, reject the Administration’s proposal to terminate the program, and fund the program at \$4 million to offer crucial support to institutions carrying out stranding network services.

NOAA Coastal Resilience Grants (Title IX) – We request that the Subcommittee support NOAA Coastal Resilience Grants at \$40 million to prepare for and recover from extreme weather events, climate hazards and changing ocean conditions.

NOAA National Sea Grant College Program -- We urge the Subcommittee to reject the Administration’s proposal to terminate the Sea Grant Program and provide \$82.9M for the National Sea Grant College Program and \$15M Sea Grant Marine Aquaculture.

Thank you for your consideration of these requests and look forward to working with you to ensure strong support for these important ocean research and conservation programs.

TUESDAY, MARCH 10, 2020

**U.S. DEPARTMENT OF COMMERCE FISCAL YEAR 2021
BUDGET REQUEST**

WITNESS

HON. WILBUR ROSS, SECRETARY

Mr. SERRANO. The subcommittee will come to order.

Today we welcome back the Commerce Secretary, Wilbur Ross, before the subcommittee to testify about the Commerce Department's fiscal year 2021 budget.

As we all remember, the Secretary decided not to come and visit with us last year. So I am glad that there has been a change of heart. Despite your absence, we submitted questions for the record, which you returned to us just 4 days ago. This disregard for the role of Congress not only offends this committee but diminishes our ability to do our job.

I am glad you are here today, and I hope that your presence here is an indication that the Department is turning a new page.

The Department, through the Census Bureau, is in the midst of administering the 2020 Census with most people receiving their first outreach this week. I am sure all of us here want a fair and accurate count and will likely have numerous questions about how things are going.

The impact of the coronavirus outbreak on your plans and the ongoing efforts—effects of the fight over the citizenship question. We will also want to hear more about the administrative data collection process, your commitment to the privacy, and the Bureau's plans for this information.

I would be remiss if I did not mention the inadequacy of the Department's budget request in a number of important areas that have bipartisan support. I think that many of the proposed cuts in the Commerce Department's request show a disregard for the tens of millions of Americans and Americans' businesses who are helped by these programs. Your request once again seeks to eliminate major economic development programs, like the Economic Development Administration and the Minority Business Development Agency. These agencies promote economic development in underserved areas and communities, including in many areas that voted for the President 4 years ago.

The President's budget proposal also undermines Americans' manufacturing by once again proposing to eliminate the Manufacturing Extension Partnership program. In NOAA, the administration has proposed eliminating at least 24 programs and includes significant budgets cuts for programs focused on climate change, research, frontline response to environmental issues at the State or local levels and educating the next generation of STEM students.

These proposals undermine the future of our Nation's scientific leadership and our ability to respond comprehensively to global climate change, and that is unacceptable.

In many cases, the proposed cuts are ones that Congress has rejected in the past. We expect to have a tight budget environment for domestic nondefense discretionary bills this year, and given the holes that this subcommittee will need to fill, it will be hard for us to talk of major budget investments requested by the Department.

I look forward to talking with you more about these issues today. I look forward to your testimony. I am glad that you are here.

With that, let me turn to Ranking Member Aderholt for his opening statement.

Mr. ADERHOLT. I thank you for yielding, Mr. Chairman, and thanks for organizing this important hearing today, and it is good to have the Secretary with us to learn more about the resources that are needed at the Department of Commerce.

So, welcome, Secretary Ross. We are honored to have you here today, and I wholeheartedly support the Department's efforts to promote job creation and economic competitiveness and to protect our Nation's innovators and manufacturers from unfair trade practices in particular.

This administration has stood up more for manufacturing jobs in Alabama and across the country than any other. So I thank you, Secretary Ross, for your work on that. I thank President Trump for his commitment to that for making American industry a very top priority.

Beyond fostering jobs and opportunities for the people of north Alabama, the area that I represent, and across literally across the Nation, the Department of Commerce also oversees a variety of critical programs that are so important to this Nation.

For example, the Commerce Department administers a vital system of export controls that restrict the export of items that could have a detrimental impact on the national security of the United States. In addition, the Department's National Institute of Standards and Technology works to advance measurement science standards and technology in ways that enhance economic security and improve our quality of life.

Further, as this committee is well aware, the Department of Commerce leads efforts to improve the quality and the efficiency of this Decennial Census and other important surveys. We are actually watching with great anticipation right now as the 2020 Census gets kicked off later this month.

The fiscal year 2021 budget shifts our focus on the Census Bureau's post-enumeration operations, including the release of data for apportionment and for redistricting purposes. I will note that many in Alabama and other States are concerned about whether the surge in illegal immigration after the last Census, combined with the policies of sanctuary cities, will cause some of the States that actually help enforce our country's immigration laws to actually lose a congressional seat, as well as electoral vote in the presidential election process.

It should be noted that this budget also supports critical activities for NOAA, including the provision of daily weather forecasts,

severe storm warnings, climate monitoring, along with efforts to support fisheries and foster marine commerce.

And I would remiss if I didn't mention that more Americans perish from tornadoes in the Southeast than anywhere else in the country. So much the time we think of other parts, especially the Midwest, but there is more Americans have actually died from tornadoes in the Southeast.

As we debate the budget priorities for fiscal year 2021, we remember that there was at least 24, if not more, Americans' lives that were lost over the past few days in tornadoes that occurred in Tennessee, and then we also remember the 23 Americans that lost their lives just a year ago in Alabama from tornadoes. NOAA's VORTEX Southeast program is central to understanding and forecasting tornadoes in the Southeast and how residents respond to these warnings.

I look forward to discussing many important matters with you, Mr. Secretary. I will have some questions about trade enforcement, weather forecasting, cybersecurity, and the quantum computing environment and space commerce among many other things that will be brought up.

So, again, I thank you, Mr. Chairman, for yielding.

And I thank you, Mr. Secretary, for being here this morning.

And I yield back.

Mr. SERRANO. I thank you, Mr. Aderholt.

Mr. Secretary, you are now recognized to give your opening statement. Please try to limit your remarks to 5 minutes, and we will ensure that your full statement appears in the record.

**STATEMENT OF HON. WILBUR ROSS, SECRETARY, U.S.
DEPARTMENT OF COMMERCE**

Secretary ROSS. I thank you, Mr. Chairman.

Chairman Serrano, Ranking Member Aderholt, and members of the House Appropriations Subcommittee, I thank you for this opportunity to discuss President Trump's fiscal year 2021 budget request for the U.S. Department of Commerce. It is a privilege to appear before you today.

We are committed to working with you to grow the U.S. economy, defend our industries from unfair foreign competition, and protect our national security.

The 2021 budget for the Commerce Department achieves these goals by providing the resources needed for the successful completion of the 2020 Decennial Census by ensuring American leadership in space, by bolstering trade promotion, trade enforcement, and export controls, by providing for satellite acquisition and vessel recapitalization for the National Oceanic and Atmospheric Administration, by generating the timely economic data needed by businesses to analyze markets, invest in communities, and hire American workers, and by supporting research, development, invention, and standards in leading-edge industries and technologies.

In the short time allotted to my opening statement, I will discuss three priorities for next year: first, the Census Bureau; then space; and then trade.

The request of Census Bureau for fiscal year 2021 is \$1.6 billion. I am pleased to report that, with your support, we are on budget,

on schedule, and on track to accomplish the 2020 Decennial Census. Next year's budget supports the important post-enumeration operations for determining apportionment and the allocation of Federal funding.

The Commerce Department's Office of Space Commerce is the second priority initiative that urgently needs funding. Our request of \$15 million advances U.S. leadership in space as we shift responsibility for tracking tens of thousands, in fact, hundreds of thousands, of pieces of space debris from the Department of Defense to the Department of Commerce. The exponential growth of commercial satellites is increasing geometrically the risk of catastrophic collisions that could generate additional debris and threaten critical space assets. The task of tracking this debris and providing adequate warnings to space operators was set forth in Space Policy Directive No. 3.

Finally, the budget request \$474.4 million for the International Trade Administration, the ITA, enabling U.S. companies and their domestic employees to compete on a level international playing field. We seek an additional \$5 million for ITA's Enforcement and Compliance division to keep up with the increasing number of anti-dumping and countervailing duty cases. Funding also would enable us to conduct additional reviews of foreign acquisitions of U.S. companies as required by the Foreign Investment Risk Review Modernization Act, FIRREA.

In my time with you today, we can discuss the Commerce Department's budget request for all of the bureaus, including NOAA, NIST, the Bureau of Industry and Security, U.S. Patent and Trademark Office, and other agencies between—within the Department.

On a personal note, Chairman Serrano, congratulations on your honorable service here in Congress and all you have done for your constituents and for the American people. I truly wish you well in your retirement from this Chamber.

Now, on behalf of the Department, I will try my best to answer your questions.

[The prepared statement of Secretary Ross follows:]

**WRITTEN TESTIMONY BY SECRETARY WILBUR ROSS
U.S. DEPARTMENT OF COMMERCE
FISCAL YEAR 2021 BUDGET REQUEST**

Chairman Serrano, Ranking Member Aderholt, and members of the House Appropriations Subcommittee, thank you for this opportunity to discuss President Trump's Fiscal Year 2021 (FY 2021) Budget Request for the U.S. Department of Commerce (DOC).

It is a privilege to appear before you today.

Our FY 2021 Budget reflects the President's vision for America's future and prioritizes security and prosperity for all Americans while being responsible stewards of the taxpayers' dollars.

I look forward to discussing this vision I share with the President, and how it is reflected in the Department's resourcing decisions.

The Administration is committed to working with Congress to grow the economy and protect our national security.

Our budget achieves these goals by: providing the resources and workforce needed for the successful completion of the 2020 Decennial Census; ensuring American leadership in space; bolstering trade promotion, trade enforcement, and export controls to combat unfair foreign trade practices and secure sensitive technologies; providing resources for ongoing satellite acquisition and vessel recapitalization efforts for various missions of the National Oceanic and Atmospheric Administration (NOAA); providing data and support needed by businesses to invest, grow, and prosper; and supporting research and development in cutting-edge technologies.

The FY 2021 Budget Request of \$7.9 billion is a \$7.3 billion decrease from the FY 2020 enacted amount of \$15.2 billion. This reduction is primarily driven by the completion of the 2020 Decennial Census, which accounts for a \$5.9 billion decrease in the overall topline request.

One of my top priorities as Secretary has been to ensure that we have a complete and accurate Census. The total request in FY 2021 for the Census Bureau is \$1.6 billion. I am pleased to report that with your support we are on budget, on schedule, and on track to accomplish this important mission.

But the mission of the decennial census does not end with the completion of field operations.

The FY 2021 Budget Request also supports the launch of the post-enumeration operations for the 2020 Census and the release of data critical for determining apportionment and funding allocations.

Our request for FY 2021 will continue the transformation of the Census Bureau organization and operations to a 21st century data-centric model that blends survey data with administrative and alternative digital data sources. This effort will further lay the groundwork for enterprise-wide infrastructure in areas such as data management, survey sample frames, user-centric dissemination systems, and enhanced administrative records research.

The second item I would like to raise today is an important initiative that urgently needs funding in FY 2021.

The Budget Request seeks this Committee's support for \$15 million for the Office of Space Commerce (OSC). This funding advances the Administration's priority to maintain the United States' leadership in space.

This endeavor supports the Administration's continued commitment to harness the full power of the commercial space industry, spawning economic growth to enhance our economic and national security as laid out in the President's National Space Policy Directives.

FY 2021 is a critically important building block year as we work to implement the transition of public facing space situational awareness (SSA) responsibilities from the Department of Defense to the Department of Commerce as set forth in Space Policy Directive 3 (SPD-

3). In FY 2020, we have reprioritized our activities to ensure that significant strides can be made in the SSA related activities of the U.S. Government, and the FY 2021 Budget continues and expands this critical effort.

Maintaining the U.S. leadership in SSA is essential for both national defense and for enabling space commerce. Increasing congestion in the space environment enhances the risk of a conjunction, more commonly known as a collision, that could cause debris that would threaten both government and commercial uses of space. In FY 2021, the Department of Commerce is aiming to achieve key milestones on the urgent and critical path for standing up an open architecture data repository (OADR) needed to help the industry avoid catastrophic in-space collisions as soon as possible.

OSC, the National Institute of Standards and Technology (NIST), and the National Telecommunications and Information Administration (NTIA) each contributed to the White House's development of the Executive Order that was issued on February 12 to strengthen national resilience through space positioning, navigation, and timing (PNT) services.

In support of the Administration's aim to enable U.S. businesses to compete on a level playing field, the budget requests \$474.4 million for the International Trade Administration's (ITA).

ITA's budget continues to prioritize fair trade on behalf of U.S. businesses and includes a \$5 million increase in FY 2021 for the Enforcement and Compliance section to assist with Section 232 tariff exclusion processing and to conduct reviews of existing antidumping and countervailing duty orders to ensure the robust enforcement of our trade laws.

The FY 2021 Budget sustains ITA's role in modernizing the activities of the Committee on Foreign Investment in the United States, commonly known as CFIUS, and implementing additional reviews as required by the Foreign Investment Risk Review Modernization Act.

In addition, \$137.7 million is requested for the Bureau of Industry and Security (BIS). These resources will be focused on BIS's efforts to curtail illegal exports while facilitating secure trade of sensitive technologies in coordination with U.S. allies and close partners.

Moreover, the FY 2021 Budget continues to fund BIS activities necessary for the timely review of exclusion requests from Section 232 trade actions. As of February 24, 2020, BIS has received more than 169,000 exclusion requests and has posted decisions for more than 112,000 of these requests.

These efforts help ensure that the U.S. steel and aluminum industries are given a level playing field to offset global overproduction to ensure our domestic industry can produce materials that are critical for U.S. national security.

To further the Department's objective to prioritize core government functions that promote national security and support economic opportunity, the FY 2021 budget request for the National Oceanic Atmospheric Administration (NOAA) is \$4.6 billion.

The FY 2021 Budget supports NOAA's mission-critical activities, including sustaining current weather satellites to provide vital forecast information for hurricanes and other significant weather and space weather events.

Specifically, the FY 2021 Budget requests \$108.1 million for the continued development of NOAA's Space Weather Follow On (SWFO) satellite program. The SWFO program ensures that we avoid any discontinuity in our current satellite observation capabilities, which are critical to providing accurate and early warnings of potentially destructive space weather events. FY 2021 funding will keep development of this satellite program on track to launch on the same rocket scheduled for a NASA research mission, thereby saving taxpayers millions of dollars.

The Budget also requests \$992 million to fully fund continued development of our flagship Polar Weather Satellites and Geostationary

Operational Environmental Satellite-R series (GOES-R) programs. In addition, the Budget provides nearly \$50 million to create a more efficient and effective satellite architecture and data infrastructure, including targeted investments in commercial satellite data.

Other FY 2021 NOAA budget priorities include maintaining the National Weather Service (NWS) forecasting capabilities; providing critical support to commercial and recreational marine fisheries by the National Marine Fisheries Service (NMFS); accelerating the mapping of the U.S. Exclusive Economic Zone (EEZ) and Alaska; and, as part of its ongoing fleet recapitalization efforts, begin procurement efforts and initiate a detail design and construction competition for a third NOAA vessel that will primarily perform charting and surveying functions. Additionally, funding will support the continued requirements analysis and feasibility studies for a fourth additional vessel.

The FY 2021 Budget continues to focus on helping American businesses grow and prosper.

The \$111.9 million request for the Bureau of Economic Analysis (BEA) will allow it to continue to objectively and cost-effectively produce critical economic indicators such as the Gross Domestic Product. BEA's FY 2021 Budget includes an increase for the creation of a new Chief Data Officer (CDO) to coordinate data governance and lifecycle data management across Commerce's 12 bureaus.

Minority-owned businesses face unique challenges in starting and operating businesses. To solve this critical problem, the FY 2021 Budget provides \$10.3 million for the Minority Business Development Agency (MBDA). This funding supports this Administration's commitment across the entire federal government to address the difficulties facing minority business enterprises looking to start and grow.

Research and development of new innovations and technologies that will propel American businesses and transform the global workforce is a department-wide area of emphasis.

The National Institute of Standards and Technology's (NIST) \$737.5 million budget request is uniquely tailored to address these challenges. Specifically, the FY 2021 Budget promotes U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology in ways that enhance economic security and improve American citizens' quality of life.

In support of the Presidential Memorandum on Maintaining American Leadership in Artificial Intelligence (AI), the budget request for NIST doubles the investment in AI in FY 2021 to \$48.9 million.

NIST research will advance other industries of the future, including quantum information science, 5G and advanced communications, advanced manufacturing, and biotechnology.

The FY 2021 Budget proposes the creation of a second NIST-funded advanced manufacturing institute to collaborate with industry in building the supply chains required to manufacture advanced technology products in the United States rather than abroad.

Separately, the FY 2021 Budget includes a \$60.2 million request for maintenance of NIST research facilities, including major renovations to NIST Building 1 in Boulder, Colorado.

In recognition of the importance of 5G and advanced telecommunications to the economy, the FY2021 Budget Request for the National Telecommunications and Information Administration (NTIA) is \$72.2 million, a 79 percent increase from FY2020 enacted.

Within this request for NTIA, there is \$25 million for modernizing its 30-year-old spectrum management systems to improve federal spectrum management, enhance our ability to enable more efficient utilization and spectrum sharing, protect from hacking, ensure data integrity and confidentiality, and defend our national security. This modernization will help accelerate the transition to 5G and support the private sector's need for additional spectrum bandwidth.

Funding in FY 2021 will also support NTIA's role in implementing the President's Executive Order on "Securing the Information and Communications Technology and Services Supply Chain," as well as its leadership in representing the United States' interests at multi-stakeholder forums on internet governance and digital commerce.

The United States Patent and Trademark Office (USPTO) seeks authority to spend its own fee collections of approximately \$3.7 billion.

With this request, the USPTO will fully support its strategic and management priorities of issuing reliable and predictable intellectual property (IP) rights; optimizing patent and trademark application pendency; enhancing patent administrative appeal and post-grant processes; fine-tuning trademark operations, including trademark administrative appeal and trial processes; conducting outreach, education and engagement both domestically and internationally; promoting and protecting patent and trademark IP rights; and investing in our information technology (IT) stabilization and modernization.

In sum, this FY 2021 Budget Request is predicated upon providing the American taxpayers with a high return on investment while making difficult tradeoffs with finite resources.

On behalf of the Department, I would be happy to answer any questions that you may have.

Mr. SERRANO. I thank you for your comments, and I will miss this place, but it has been a long time: 30 years here and 16 in the New York State Assembly; 46 years is a long time, and maybe it is time to go watch a few Yankee games. It is down the block from where I live, you know. But thank you for your comments. I appreciate them.

Mr. Secretary, as more cases of the virus make the headlines, I am concerned about how the Census is planning to address the potential impact this will have not only on response but also on the number of partners and enumerators who are willing to ensure an accurate count. What can you tell us about the Census Bureau's plans to deal with the coronavirus, and do you anticipate that you will spend any real contingency funds for this purpose?

Secretary ROSS. Yes, sir.

Well, first of all, because we added internet responses as an alternative this year—and we, in fact, expect a very large proportion of the responses to be by internet—so fortunately that doesn't involve any physical contact with people and, therefore, is in and of itself an advantage. Second, people can also respond by phone. Again, it doesn't involve physical contact. And they still have the original ability to respond by mail or in paper, and, as far as I know, the postal system has not posed any moratorium on postal service.

In terms of the Department itself, we have a fusion center set up at Census headquarters here, and that involves a group of people that are on 24/7 to alert senior management to any contingencies that develop, such as an outbreak of coronavirus in a particular location, such as a change in health warning from the Federal Government.

So we are very well-equipped to—we have a quick response team. We have already organized the response team, and, therefore, I believe we have done as much as we can to be ready for whatever contingencies come up, whether coronavirus, whether weather, whether whatever.

Mr. SERRANO. In the information and the comments that I am sure the Department gets from the people on the field who are going to conduct the Census, people that have been placed there already to do the work, are they showing any concern about how the virus might affect?

Secretary ROSS. Well, we have only begun the mailing a couple of days ago. I am happy to say we already have gotten some internet responses. So that is the only direct thing that we are able to comment on there.

Everybody is obviously concerned with all the media coverage. I don't think there is anybody who lacks concern about the potential for it. So we will just have to play it by ear. We are ready to make responses, and we will deal with the situation as it evolves.

Mr. SERRANO. I thank you, Mr. Secretary.

Your budget for NOAA proposes to consolidate the National Centers for Environmental Prediction, Climate Prediction, and Weather Prediction in your congressional justification. You know that it will limit some of NOAA's products and services, which have supported national security planning and execution for a number of things, including pandemic health planning.

Do you stand by this proposed decrease in operational capacity in light of the coronavirus?

Secretary ROSS. Well, in terms of the Census, we have a \$2 billion contingency fund available to us. As of the moment, we don't think there is any particular necessity to use it. What we are doing to try to keep the workplace safe is encouraging employees to do four things: one, practice good hygiene, stop handshaking, clean hands at the door, create habits and reminders to avoid touching faces, disinfect surfaces like doorknobs, increase ventilation, be careful with meetings and travel, limit food sharing, strengthen health screening, and stay home if they feel sick or if they have a sick member in their home. So those are the very specific actions that we have already taken within the Census.

Mr. SERRANO. I appreciate that.

But within NOAA, I had asked you just to comment on what your cuts would do for the budget NOAA, which proposes to consolidate the centers. Can you tell us anything about that?

Secretary ROSS. I am sorry. I have a little trouble hearing you, sir.

I believe you were asking about the regional coastal resilience program.

Mr. SERRANO. The consolidation of Climate Prediction Centers, Weather Prediction Center functions at NOAA, as well as pandemic health planning.

Secretary ROSS. Yes. Those were moves initiated by the career staff, and their purpose is to increase the efficiency of the operation. They don't believe that there will be any material adverse consequence from doing so.

Mr. SERRANO. I thank you. We will revisit that, I am sure, during the year.

I am concerned with news reports that the Department of Homeland Security is deploying elite tactical teams to cities, including New York, with little to no justification that would potentially suppress response rates. The Commerce Department has a responsibility to ensure that the Census Bureau meets its constitutional mandate to enumerate all persons.

Did you communicate concerns to the DHS Acting Secretary about the potential impact to the Census operation and, if not, can you commit today that you will ask for a delay in this specific operation until the conclusion of the 2020 Census? Now you know that, in one way or another, we have been very public about the fact that anything that may give people the feeling that they are being chased or looked after or information is being used for other purposes will only hurt the Census count. And so these tactical teams, these elite teams being sent into the cities is concerning a lot of people.

Secretary ROSS. Well, the Census is not an enforcement agency. We do not give the schedule of our enumerators to Homeland Security, to ICE, or to anyone else. So there is no danger that enforcement officials will be following the Census taker into a home. Second, all Census employees take a lifetime oath not to disclose any individual personal information to anybody. It is not permitted to be used for any purpose other than enumeration, and if anyone were to violate, it is punishable by a jail sentence and a very large

fine. We also have done the best we can with cybersecurity. The data are encrypted from the moment it comes into our possession, while it is being transmitted, and when it is at rest in the computers.

Mr. SERRANO. Let me finish this up by asking you do you have any idea as to why these teams are being deployed, especially at this particular time? You see, I can't emphasize enough the need to have the Census count be one that is free of any outside interference. And when you send people in to look for certain things in neighborhoods, it just has a chilling effect on people's ability to allow themselves to be counted.

Secretary ROSS. The Census employees are very clearly identified as such. They have a badge. They have a physical ID. So there should not be any confusion in the part of the public as to whether it is a Census employee or an ICE person on the scene.

Second, I mentioned to you the precautions that we already do take.

And, third, we are running much more in the way of advertising, explaining why the Census is safe, why the data are protected, and why we do—we are not asking the citizenship question and are only asking basically nine very straightforward easy-to-answer questions. So we have spent a lot more on advertising than ever before. We have a lot more partnerships with community institutions and national institutions than ever before. We are doing a lot more ethnic advertising to those segments of the population that might be particularly concerned about enforcement activities. So we are doing the best we can with that.

We also have established on our website a rumors section where we will try to deal with anything we have found that comes out that is a fraudulent rumor that might give people cause for alarm.

And, finally, we have engaged very constructively with Facebook, Twitter, and all the other social media organizations to have them be very scrupulous about taking down misleading ads or blogs that might come in.

Mr. SERRANO. I thank you.

Let me just close by saying that I wish the Commerce Department would at some time ask the Justice Department just why they are coming in at this particular time.

Mr. Aderholt.

Mr. ADERHOLT. I thank you, Mr. Chairman.

Mr. Secretary, I commend the Department for creating a new section 232 exclusion portal that handles the vast amount of 232 exclusion requests, and I know you have received quite a bit of good feedback on that effort there.

However, some users of this new portal are reporting that it is more difficult for users to download a request objection or rebuttal submission. And even with the new portal, we are hearing reports that it is still very difficult to track and to analyze aggregated requests by product, volume, country of origin, alloy, and other relevant factors. Furthermore, users report being unable to assess within the portal whether granted exclusion requests have been utilized and to what extent.

My question that I would ask to you is: Does the Department intend to feature such data, including as a filtering option, and does

Commerce have a timeline for improving the elements of the portal that users are finding frustrating or that are lacking in some ways?

Secretary ROSS. Well, we have been simplifying things, and we have been accelerating the response time. We have achieved a 79-percent decrease in initial posting times and 63-percent decrease in decision times under the portal regime.

On average, the Department now posts requests within 3 days of submission and renders decisions on those cases that have no objections within 59 days of submission. That is about the fastest that we can do, sir, because there is statutory periods for notifications.

Mr. ADERHOLT. But regarding these areas that people are finding that are objectionable, the frustrating, and the lacking, is there—are you-all looking into that to how you-all can improve that?

Secretary ROSS. We are, and we have phone number for people to call and internet place for them to notify if they have questions about terms that they don't understand or other guidance that they may need. And all ex parte communiques are posted on the website. There are no concealed ex parte communications.

Mr. ADERHOLT. Let me ask you about working to mitigate enforcement circumvention, that is, product modification, transshipment. Given the significant costs the Department incurs, investigating these trade remedy cases, how are you working with the enforcement of those things?

Secretary ROSS. Well, we recently—at our suggestion, the President posted another executive order that deals with what we call derivative products. Those are ones that are largely just the raw material with a little tiny modification that have increased in quantity and, therefore, represent a form of circumvention of the original 232. So that has dealt with quite a few of those items. And we keep screening the monthly data, both in steel and aluminum, in search of any more.

Plus, very recently the aluminum industry filed with us a petition covering another 22 items that they feel may be circumventing. We are studying that very carefully, and if warranted, we will self-initiate again on that.

Mr. ADERHOLT. What criteria does the Department use when it is determining whether a case is ripe for self-initiation, as it did in 2017 with the common alloy aluminum sheet from China?

Secretary ROSS. Well, we are data-driven. We are fact-driven. So, to the degree that we can gather together on our own or with help from industry sufficient facts to warrant self-initiation, we do it. We also try especially to consider doing it in cases where the industry is worried about retaliation from a foreign country, where they may have some complaints, but also have some operating facilities. So we are very interested in self-initiation because it speeds up the process, it lowers the cost to the American industry for conducting the process, and we think in general it is a very worthwhile activity.

Mr. ADERHOLT. And can you talk a little bit about how the Department is seeking to make trade remedies accessible to petitioners who are actually small businesses?

Secretary ROSS. We hold seminars around the country. We have offices in many tens of American cities that try to help people un-

derstand both how they can export better and how they can protect themselves from illicit imports. That is probably the best mechanism we have for dealing with the small business community.

Mr. ADERHOLT. I thank you, Mr. Chairman.

Mr. SERRANO. I thank you.

We now welcome the chairwoman of the full committee, Mrs. Lowey.

The CHAIRWOMAN. I thank you.

And welcome. Nice to see you again. I am sorry, but I was dealing with the coronavirus next door. There are many—

Secretary ROSS. Oh, my goodness.

The CHAIRWOMAN. hearings at the same time.

Secretary ROSS. Well, I hope haven't been exposed, Congresswoman.

The CHAIRWOMAN [continuing]. No, I hope not, but we do have multiple hearings and I am glad to see you today.

Mr. Secretary, the Republican National Committee recently sent mailers soliciting campaign donations that were designed to look like the Census form. With existing concerns around disinformation campaigns on social media, these kinds of mailers are dangerous, predatory, and exacerbate concerns with undercounting.

If you could, share with me what the Census Bureau is doing to swiftly, directly, and effectively counter these efforts to ensure a complete count.

Secretary ROSS. I thank you for that question. It is a very relevant one.

As you are probably aware, something like a fifth of all the internet users around the world are indicated to be bots. So it is a real problem to have extraneous material come in. So we have put up a rumors page on our website that counteracts whatever rumors we are aware of. Further, we have made relatively formal arrangements with the major social media entities—Facebook, Twitter, and the others—so that they are very vigilant about taking down bad material that comes up. And Facebook, as you probably are aware, has taken down that Republican National Committee message.

The CHAIRWOMAN. Was there any, frankly, research done to suggest that the Republican National Committee did not do it or are you acknowledging they did do it?

Secretary ROSS. Well, I don't know—

The CHAIRWOMAN. And then I would be interested no know what the administration is doing about that.

Secretary ROSS. Well, I have no idea whether it was a legitimate thing by the RNC or not. What I do know is that we have made a point of emphasizing in our ads and in our communications that we don't ask for money. We don't ask for people's Social Security number. We don't ask for anything like that, and Facebook has already taken that ad down.

The CHAIRWOMAN. Do you have the—does the Census Bureau or the Department have any authority to penalize those who falsely present documents as a Census form?

Secretary ROSS. Last—well, present documents. If you are talking about social media communiques or advertisements, I don't think we have any legal authority to deal with them. We are not—

The CHAIRWOMAN. I just want to make it clear. These were mailers from the Republican National Committee going directly to people's home.

Secretary ROSS. Right. No, I understand what the situation appears to be. I don't believe we have any authority over it. If you are aware of any statutory authority, I would love to hear about it.

The CHAIRWOMAN. Well, I would like to suggest that this is outrageous. No one, to my knowledge, refuted the fact that the Republican National Committee sent these forms in. It was deceptive, and I would like to know what the Government of the United States that interfaces with the Republican National Committee is going to do about it because it is outrageous.

Secretary ROSS. I hear your observation.

The CHAIRWOMAN. OK. Let me on to the next one. I am really concerned about the data-sharing agreements the Census Bureau has with multiple Federal agencies, including the Department of Homeland Security and the State Department. Many of these agreements were signed months ago. My staff has been asking for copies of these since at least October. My staff were only recently notified these agreements were posted at the end of February.

Secretary ROSS. Most of those agreements were not even entered into until February. We had to negotiate agreements with the various agencies, and that took quite a while to do. To my knowledge, we posted them as soon as we had definitive agreement.

As to the nature of the sharing arrangement, it is a one-way sharing. We get access to their data. We have no obligation to provide any data to them, and, indeed, we are prohibited from doing so. So it is a one-way arrangement that we have with them.

The CHAIRWOMAN. Well, I would like more information on that, Mr. Secretary, because you know there would be real concern among those who were asked for information for the Census if, in fact, that information was transferred to the Department of Homeland Security. And I am very concerned that your department has delayed to get this information to my staff and only after it was publicly available because I personally was very concerned about that.

Look, we all want to get an accurate Census, but we know there are concerns.

Secretary ROSS. Well, I am not aware that anyone within our department did anything deliberately to delay posting on the website the information. If they didn't respond to a direct request, I apologize for that. They should have. But in any event, as soon as we had definitive agreements, it is my understanding we put them on the website.

The CHAIRWOMAN. If I can just take one more—can I ask one more question?

Mr. SERRANO. Sure.

The CHAIRWOMAN. OK. Now just to pursue this issue, I understand the Census Bureau is producing citizenship data at the block level. Now this data is supposed to be anonymized to ensure privacy, but the data you plan to release will effectively show where pockets of citizens and noncitizens reside. Is that correct?

Secretary ROSS. That is the request that was made in the executive order by the President, yes, ma'am.

The CHAIRWOMAN. Well, I thank you for that information.

I think it is entirely inappropriate, and we will follow up, and I would like to have some explanations about who directed it. And if the President himself did, I would like a response. I don't expect him to come here before this committee at any time, but I thank you for your honesty and your straightforward response, and we will certainly pursue it.

Again, the data you plan to release will show where pockets of citizens and noncitizens reside, and it is the President who has requested that data?

Secretary ROSS. Well, what we have—what we are doing is the following: We have not received all of the raw data from the Federal agencies. The passport data from the State Department has not yet been forthcoming. It will be within the next few days. The data we have received, the career personnel at Census are analyzing, trying to figure out what steps they can take with it. So we don't have a final decision yet.

What we do feel very strongly about is we will mask the data that we put out, the so-called differential privacy activity, which essentially consists of introducing static into the material so that individual data would be exceedingly difficult, if not impossible, to track from comparing the Census data to other public data.

The CHAIRWOMAN. You have been very generous, Mr. Chairman, with your time.

And I would suggest that this is such a critical issue because the amount of money we have in New York is dependent on—and in other States—accurate Census data. So, if there is monkey business around here and if this Census data is being used by the Department of Homeland Security or other departments, this is a big problem for me and for all of us in the Congress. So I look forward to pursuing this and getting additional information.

I thank you for your generosity.

Secretary ROSS. It will also be a big problem for anyone who leaks it because it is a criminal offense. It is punishable by multiple years in prison and by a large fine. And as I mentioned to Chairman Serrano before, every Census taker and me and everybody relative to it takes a lifetime oath not to divulge to anybody other than in the context of the Census enumeration.

The CHAIRWOMAN. Wait a minute. Not to divulge but what to divulge? So it is illegal to divulge to another agency?

Secretary ROSS. We cannot divulge—

The CHAIRWOMAN. That is what is happening.

Secretary ROSS. I said we cannot divulge individual personal data to anybody.

The CHAIRWOMAN. Look, let me repeat this again, and then you have been very generous. I understand that this data is supposed to be anonymized to ensure privacy.

Secretary ROSS. Right.

The CHAIRWOMAN. But the data you plan to release will effectively show where pockets of citizens and noncitizens reside. We can follow up when we have more time, unless you want to give

the generosity of the chair, but that is information that should not be released with the data collection.

Secretary ROSS. I would be happy to have the Census professionals doing the work on differential privacy to explain in great detail what they are doing to try to shield individual data.

The CHAIRWOMAN. I thank you very much.

I thank you for your generosity.

Mr. SERRANO. I thank you.

Mrs. Roby.

Mrs. ROBY. I thank you, Chairman Serrano and Ranking Member Aderholt.

Mr. Secretary, I appreciate your willingness to come before our committee today.

Every day emergency managers work to keep our communities alerted to and safe from potential threats, including severe weather. Many Department of Commerce programs, including National Weather Service websites and NWSChat are utilized by local and state emergency managers and television meteorologists to collect and distribute real-time lifesaving information.

Just last week, I had the opportunity to meet and discuss ongoing issues with emergency managers from Alabama, and one of their concerns is that these programs have failed to perform when they are needed most because of outdated and overloaded information technology systems.

And so I understand in my meeting with them that there is a plan for a National Weather Service integrated dissemination program that outlines these necessary updates that is currently under review by the Department of Commerce.

So I know this is a very nuanced question, and if you don't have an answer for me here today, that is fine, but I wanted to present it here publicly to ask you if you could share more information with us about the Department's plan for improvements and if Congress can expect to see a report on this issue.

Secretary ROSS. Well, we are trying to deal with the problem of outdated and overloaded technology throughout the Department and, in fact, I believe throughout the Federal Government. The Federal Government has not been as quick as private sector to update technology. We have, within Commerce, something like 70 different systems of different vintages. So you can appreciate the problem of having them interact with each other. If there are more specific concerns you have relating to Census or NOAA or the others, be glad to schedule a briefing for you.

Mrs. ROBY. That would be great. I appreciate it.

Online shopping has become an everyday occurrence for millions of Americans, myself included. No matter what type of product you are buying, the safety and reliability of that product is important. As online shopping has become more prominent in today's culture, the sale of counterfeit goods has become a growing issue around the world, and I am grateful to serve as the cochair of the Congressional Trademark Caucus. I have dedicated my efforts during my time in Congress to propose solutions to this pressing issue. As you know, I am an appropriator. I am here today. But I also wear a hat on Judiciary as well, and I recently joined my colleagues in introducing a bipartisan piece of legislation called the Stopping

Harmful Offers on Platforms by Screening Against Fakes in E-Commerce Act, or the SHOP SAFE Act. The SHOP SAFE Act protects consumers and brands for the sale of counterfeit goods online and incentivizes e-commerce platforms to adopt best practices in order to decrease the sale of these goods.

So my question for you, sir, is, what is the Department of Commerce doing to protect our communities from the sale of counterfeit goods online and to maintain consumers' confidence in e-commerce?

Secretary ROSS. Well, first of all, the USPTO, the Patent and Trademark Office, engages with the officials here and abroad to improve our domestic and foreign IP laws and regulation. And, in fact, we recently participated in a very large campaign to make sure that the new head of the WIPO, the global organization that deals with intellectual property, is someone who is appropriately sensitive to it.

Second, the USPTO works with both domestic partners and countries around the world building their capacity in regulating intellectual property, dealing with counterfeit goods.

Third, we have public outreach and education. For example, we actually had a video contest on the topic of consumers combat counterfeits with six winners ranging from age groups across the country. In addition, last June, we had a public forum with the McCarthy Institute to discuss challenges that brands, owners, and how public and private organizations can help in the fight.

PTO has a team dedicated to China issues, which is where a lot of this comes from. That includes IP attaches stationed in three cities in China at the U.S. Embassies and at two consulates there. So that is another very effective activity.

In terms of more specific things overall, in January, the White House released a memo on combating trafficking and counterfeited and pirated goods. That memo contained a number of recommendations for action to educate the public and combat the sale and proliferation of counterfeit and pirated goods.

With respect to Commerce, we are taking action to implement the recommendations of this memo, and those include the USPTO has entered into an agreement with the National Crime Prevention Council to partner in a multiyear public awareness campaign aimed at educating the public about the dangers of counterfeit goods. The focus of the campaign is on educating teenagers, tweens, and their parents about the dangers of buying fake products. And on March 19th, USPTO plans to conduct an event launching this initiative where it will release another anti-counterfeiting video to join in this effort.

Finally, we will play a leading role in examining the state of current law with regard to secondary liability for online platforms for trademark infringement. The goal is to assess the state of current laws through secondary trademark liability and to hear from stakeholders regarding the potential need to enhance the laws in this area.

Mrs. ROBY. I thank you, Mr. Secretary.

I thank you, Mr. Secretary.

Mr. SERRANO. Mr. Cartwright.

Mr. CARTWRIGHT. I thank you, Mr. Chairman.

And I thank you, Mr. Secretary, for deciding to come this year.

Look, protecting the safety and the health of the American public I see as one of our highest duties. Don't you?

Secretary ROSS. Yes, sir.

Mr. CARTWRIGHT. In your testimony, you spoke of the need to support the National Weather Service and its forecasting capabilities and of the vital importance of accurate forecasts of hurricanes and other extreme weather events, and I agree with that. It is vital to protect human American lives and also to safeguard our economy by accurate forecasting.

But today you are here proposing nearly three quarters of a billion dollar cut to NOAA's overall budget. That is the National Oceanic and Atmospheric Administration. Is that approximately correct, about three quarters of a billion dollar cut to NOAA?

Secretary ROSS. Well, we are terminating certain parts and shrinking certain parts, but the regional climate services are critical to providing climate services tailored to the specific needs of the region that they serve.

Mr. CARTWRIGHT. But overall it is about a three quarters of a billion dollar cut to NOAA's overall budget, correct?

Secretary ROSS. I believe a good part of that, sir, is due to difference in acquisition of hardware, but that sort of a number seems about right to me.

Mr. CARTWRIGHT. OK. And Chairman Serrano was correct, wasn't he, when he said 24 programs are eliminated from NOAA under your proposed budget?

Secretary ROSS. The 24 programs have been merged into were superseded by other programs. It is not that none of those functions will be provided any longer.

Mr. CARTWRIGHT. Is the answer "yes," sir?

Secretary ROSS. Well, that is my answer, sir.

Mr. CARTWRIGHT. The budget also proposes a 40 percent cut to oceanic and atmospheric research and a \$15 million cut to the National Weather Service workforce.

Mr. Secretary, it is important not only for the Government to have the resources accurately to forecast the weather but also for Americans to be able to trust the Government's forecast and warnings during a disaster. Last fall, this administration created unnecessary fear by grossly exaggerating the probability that Hurricane Dorian was going to go into Alabama, despite scientific evidence telling us otherwise. Rather than helping stop public panic, your office directed NOAA to refute its own scientists and issue a statement pushing this false narrative. NOAA's chief scientist called this response, quote, political, unquote and a, quote, danger to public health and safety. NOAA's chief scientist said that, and your department's inspector general opened an investigation into the politicization of the forecast.

Government employees are now fearful that their careers are at risk if they support sound science and if they tell the truth. Our government has to inspire confidence and trust in times of crisis. It is not a game. This goes beyond politics. Real lives are at stake.

And here is what I am afraid of. I am afraid that your actions, which sowed distrust in our government, are going to have ramifications as we go forward battling this coronavirus. And I fear the administration in which you serve has not learned a lesson about

the importance of truth in science and transparency. Your administration said that anybody that wants to test for a virus can get one, and scientists say: We don't have enough tests to do that.

Your administration said the virus has already peaked. Scientists disagree.

Your administration has made it clear that it wants to suppress the number of reported cases. Scientists want to understand the scope of the problem and take action to contain the virus.

Americans need to be able to trust the government and especially in these life-threatening situations. Whether they be extreme weather events or pandemic outbreaks, when the health and safety of American families is at stake, we have to stick to facts and support the science, even if scientific evidence lead to conclusions that are not politically advantageous.

Mr. Ross, I hope you understand the role you have played in sowing distrust in our Federal Government. Will you pledge today before all of us to do everything in your power to help restore trust in our government and only disseminate information that is accurate?

Secretary ROSS. Well, first of all, sir, I dispute many of the characterizations that you put forward. I did not order anyone to change a scientific opinion. As I said in my original confirmation hearings and have said repeatedly since, I am not a technologist. I believe scientists should be the ones who issue scientific judgments. I have never directed any scientist at NOAA to change one word of—or anywhere else—change one word of any research report nor have I ever threatened anyone with loss of job if they fail to do so. So those are inaccurate characterizations.

I think there are probably other inaccuracies, but it was so many statements you made, I, frankly, don't remember all of the content, but I would be happy to address individual ones if you wish.

Mr. CARTWRIGHT. I yield back, Mr. Chairman.

Mr. SERRANO. Mr. Case.

Mr. CASE. I thank you, Mr. Secretary.

First of all, I want to associate myself fully with the remarks of Chair Serrano and Mr. Cartwright as to the Department's slashing of the National Oceanic and Atmospheric Administration's budget proposed slashing, a quarter of a billion dollars, 14 percent. This is the second year at least that, as I have been on this committee, subcommittee, where you have done that.

And I don't understand what appears to be an institutional antipathy toward research and development on our oceans and atmosphere. It doesn't make any sense to me. These are critical parts of our natural world that influence us and impact us in some ways, whether they be scientific, economic, right across the board, and I am going to leave it at that. I don't support them. I hope that this Congress again restores and increases that funding. That is critical, and I don't get the policy judgments that are going into that.

Let me move to another subject.

Secretary ROSS. Is there a question, sir?

Mr. CASE. No, it is just a statement.

Secretary ROSS. OK.

Mr. CASE. I would like to discuss our country's U.S. travel and tourism industry with you, which is critical, of course, to our coun-

try. This is an industry that is a multitrillion dollar industry for our country. Estimates it is somewhere in the range of 3 percent plus of GDP, millions of jobs, critical export industry, 10 percent of all exports, I think 30, 40 percent, as I recall, of service exports in an industry that is obviously on the ropes because of the coronavirus crisis.

And the impact is especially severe in States such as my Hawaii, where it is the No. 1 industry, accounting for one quarter-plus of our economy directly and indirectly a lot more, many, many jobs, and that is true of many, many other States.

You are the chair of the Tourism Policy Council, which is our premier Federal organization that is intended to coordinate U.S. travel and tourism policy across nine departments, as well as the leaders of the travel and tourism industry. So you are at the epicenter of what the response is from our government to address the disproportionate impact of coronavirus on the travel and tourism industry.

And I have got two questions for you. First of all, what can you tell us that you are doing about the travel and tourism industry at this dire time for the industry, number one? Number two, I did note that the Department of Commerce's budget request proposed a substantial reduction of the International Trade Administration, which is where the National Travel and Tourism Office is housed. And my question is: Would you reconsider that budget reduction as to the ITA in the context of the coronavirus, especially as it impacts the travel and tourism?

And I am going to add a third question, which is relevant. Sorry about that. What specific appropriations do you believe you need to address this crisis from the perspective of the travel and tourism industry? What is not in your budget that, now that we know where we are and where we appear to be going on travel and tourism in this country, do you need to help this major industry?

Secretary ROSS. Well, you are certainly correct that we are very involved with the travel and tourism industry and are very active with helping to promote it. We meet quite regularly with the advisory council, which has among its members most of the major and many of the minor people in that industry.

As to the coronavirus itself, the first obligation of the administration is to protect the American public. Once that has been done, then we can deal with the differential impact on individual industries. The President gave at least some indications, I think it was last night, about some measures he was considering to try to mitigate the effects. Let's see what he comes up with. But we are very, very concerned to try to protect the economy as much as we can within the confines of not wanting to spread the disease.

Mr. CASE. I agree very much with you, Mr. Secretary, that all of our first and foremost obligation is to protect our citizens and others, and I understand that that protection is going to inherently impact the travel and tourism industry. However, I would also say to you, sir, that I don't believe that this should be a sequential process because the travel and tourism industry is being impacted right now as a result of the responses that we need to be taking. So I would suggest to you that the council should focus with a laser sharp attention to what can be done to address the needs of this

industry from an economic dislocation perspective now rather than down the road.

Secretary ROSS. Surely. Well, the best thing for travel and tourism, in fact, the best thing for the whole country, will be as quickly as possible finding a vaccine, as quickly as possible testing everybody, and as quickly as possible getting rid of this problem. I think the actions the President took already have helped prevent this from becoming an Italy type situation where, for all practical purposes, the whole country has been quarantined. So I don't think it is quite correct, sir, to say that it is been sequential. I think the administration has tried very hard to be on top of the problem. As you know, they give daily briefings, and they try to put into perspective the magnitude of the problem relative to the hysteria that has been generated around it. So we are trying our best to be responsible, give people accurate information, but not unduly alarm them so that they take remedies that are not necessary and are not warranted.

Mr. CASE. Thank you.

Mr. SERRANO. Ms. Meng.

Ms. MENG. Thank you, Mr. Chairman.

And thank you, Secretary Ross, for being here today.

I wanted to follow up on Chairwoman Lowey's questions and comments about the false ads, whether it is from Facebook or the RNC, that had been mailed out. In regards to the Facebook ads that were removed that claimed to be part of the Census, did the Bureau take any further steps to dispel this information?

Secretary ROSS. Well, the Bureau has not been able to find any statutory authority to take any kind of enforcement action against anybody who has done misleading ads. We just don't have the authority to do anything.

Ms. MENG. Did the Bureau post anything on its own rumors page that could help dispel the rumors?

Secretary ROSS. I know that it has posted information, such as the Census never asks for money. If I am not mistaken, that ad asks for money. They also—we posted that we never ask for Social Security number. So we tried to correct things and make clear what we do do and what we don't do.

Ms. MENG. So, if an ad didn't request money or Social Security numbers or personal—

Secretary ROSS. I am sorry?

Ms. MENG. So, if there was a similar ad, but it didn't request Social Security or private information, nor did it request money, would that be OK?

Secretary ROSS. No, I didn't suggest that. But you are asking what did we do in response to that specific ad. And those were specific features, as I recall it, in that ad.

Ms. MENG. Was any information released, a statement perhaps by you or the Census Bureau, dispelling it?

Secretary ROSS. If we put out a statement every time that there was something that was erroneous, we would be putting out probably hundreds of statements a day. So it is really not practical for us to do that.

Ms. MENG. And in terms of the mailers by the RNC, has that been posted on the web rumors web page or any public statements made about that?

Secretary ROSS. Well, the ad is down. The ad has been pulled down.

Ms. MENG. Oh, I was talking about the mailers that Chairwoman Lowey was referring to, the RNC mailers.

Secretary ROSS. Yeah, I don't know the exact status of those. I would be glad to get back to you.

Ms. MENG. Thank you. I appreciate that.

Have you spoken with the President or anyone on his team on the government's side or the political side to request that they stop these look-alike mailers?

Secretary ROSS. I don't have any influence or control over the RNC and whatever ads they run. I had no idea that they were running that. They just did it.

Ms. MENG. Will you work with any other agencies, maybe even the Justice Department, to make sure that the look-alike mailers are not being sent out by mail or by social media outlets, via social media?

Secretary ROSS. As I said, we have been researching but have yet to find where we have the statutory authority to take action to block them.

Ms. MENG. I understand, and I appreciate that. I don't know, if you could get back to us with any further actions that your bureau or you might take, I think it would be really helpful and really influential if you or the Bureau could make any public statements dispelling this type of information that is being sent out.

I wanted to ask another question, similar topic, about the Census. And as you know and as you have mentioned, it is imperative that everyone, regardless of citizenship, participates. We are trying to think of creative and cost-effective ways for people to participate and to increase involvement. As you may know, in many States, including my home State of New York, when people participate in elections, when they go vote, they get a cute voting sticker that says "I voted," and they pass it out to voters at polling stations, and people of all parties, you know, wear this as a point of pride and wear it all day and all week even. And this hopefully motivates others to vote as well.

I was wondering if there was a similar idea that could be applied, such as a sticker, for example, for the purposes of the 2020 Census for people who are filling out the Census to encourage others.

Secretary ROSS. Well, we have done—one of the most undercounted and hard to count groups, are infants that are born during the calendar year prior to the Census date. So we have started a program of little hats to go to the babies about the Census. So that has been one way we have been trying to deal quite specifically with a severely undercounted part of the population.

Ms. MENG. Thank you. I would love to work with you on potential ideas after that as well.

Secretary ROSS. Thank you.

Ms. MENG. Thank you.

I yield back.

Mr. SERRANO. Mrs. Lawrence.

Mrs. LAWRENCE. Yes. Secretary, I just want to continue on that line of questioning about the flier that was circulated, and the last time I talked about some, they talked about rumors. I have a copy of it, and I just want to read what is said. It says, "2020 Congressional District Census," and it says: "Your participation is urgently needed as a key facet of our overall strategy to ensure President Trump and Republican candidates are re-elected. The Republican Party is conducting a Census of key members and supporters in congressional districts across the countries. The opinions registered in this document will be used to build and expand our national grassroots operation that will show that President Trump has the support of the American people to continue to move forward and act on critical issues facing our country."

I find it very challenging that, in your position as the Secretary that you have no communication or authority to have a conversation, I do believe you have staff meetings, to say that the party that you are affiliated with allegedly—it asks things like: How do you identify yourself? Do you think that President Trump is leading our country?

And it says: You have been selected to represent voters and respond by a certain date, and please answer these questions to the best of your ability.

This to me is horrible when we are all nonpartisan committed to an accurate count. And I campaign as well as anyone else, but this is unacceptable. And for you to say as the Secretary of Commerce that you really don't have any influence and you haven't taken steps to stop this is very troubling.

I have a question for you. The development of 5G technology, U.S. leadership in 5G is very important. And I am concerned that the Chinese are playing a big role in global standard setting process for these new technologies. However, I have also been told that U.S. companies are actually scaling back their participation at global meetings, apparently due to the Commerce Department export control rules that say that our companies cannot participate in technology meetings if Huawei is attending. It seems to be defeating the purpose of maintaining our leadership.

Can you please address that? And is that true?

Secretary ROSS. Yes. We issued quite a while ago a directive, a policy directive, clarifying that people can participate in international standard organization conferences. We are putting out a further one very shortly because some people apparently did not quite understand the original directive.

Mrs. LAWRENCE. OK.

Secretary ROSS. But we are actually encouraging people to participate, but as to Huawei, I think my views on Huawei are pretty well known. So I am certainly not a co-conspirator of Huawei.

Mrs. LAWRENCE. I understand that but we have to have a seat at the table, and I hope that you clarify that.

My last question for you, sir, is last year I introduced H.R. 153. That is the resolution supporting the guidelines for ethical development of artificial intelligence. While I commend the administration's request of a total of \$1.1 billion in nondefense AI research, that number is far lower than what needs to be done. For context,

the Chinese government has spent over \$8 billion in 2018. We need to ensure that the President's focus on AI does not come at the detriment of other research. This technology is going to be transformational in how we do business. How can we expect the United States to remain competitive with countries like China when we don't take a holistic approach to investment and R&D?

Secretary ROSS. Well, I think the administration is very keenly interested in promoting artificial intelligence as a research activity and NIST, the National Institute of Standards and Technology, which is part of commerce, has long been—had AI as a very big strategic priority. Our purpose is to develop the foundation for confidence and trust in AI that results in expanded commercial marketplace and new research outcomes. The President's budget provides an increase of \$25 million for measurement tools and test beds to accelerate the development and adoption of interoperable secure and reliable AI—

Mrs. LAWRENCE. Is that enough to make us competitive with China, who is spending \$8 billion?

Secretary ROSS. Well, we are doing what we can do. There also are initiatives at the White House Office of Science and Technology. There are other administration-wide initiatives. But at the end of the day, the vast bulk of this work is, in fact, being done by the private sector.

Mrs. LAWRENCE. Thank you.

I yield back.

Mr. SERRANO. Thank you.

Mr. Secretary, later this week individuals across the U.S. will start receiving invitations to respond to the Census, using its first ever online option, on My2020census.gov. We will obviously be watching this closely in the upcoming months, especially in the light of the recent change from an external to internal system to ensure it can handle a very large number of online responses at any one time. While I am hopeful that everything goes smoothly, I want to make sure I understand the plans for if things don't. Can you explain what the contingency plan is if both online systems fail? Will we need to rush and hire more enumerators, increase the number of mailings? What is the plan?

Secretary ROSS. Well, first of all, Chairman, we have two online systems. So they both would have to fail, and they both have redundancy built in because they are cloud-based systems. So the probability of all of that collapsing and staying down for an extended period is hopefully very, very low.

Second, as I believe I mentioned earlier, we have a fusion center and a crisis management committee. The fusion center operates 24/7, monitors weather events, monitors all sorts of news events at every single location in the country that we have any relevance to, and it makes recommendations at least daily to the crisis management team. So we have a structural situation that seems as well equipped as we can to deal with it.

In terms of fallback position, we deliberately overprinted the questionnaires, the Census questionnaires, by quite a lot of millions of units so that if we were in some particular region or elsewhere and need for more forms to go out, that at least we have the forms. So we have been trying to be, within the normal bounds,

equipped to deal with crises. It is not practical to reprint the whole—all of the Census forms. As you can appreciate, that is hundreds of millions of documents. It is the world's largest printing job. So we do not have 100 percent coverage, but we have very substantial coverage.

Mr. SERRANO. So you are confident that there are fallback positions and that, as you said, it would have to have two systems to fail, but we have seen where hacking and other things or just malfunctions can create havoc. So it is very important for this committee to know, at the minimum, that you feel confident that it is not going to happen or if it happens it can be taken care of.

Secretary ROSS. I do, and the reason I could do is that we have worked with all of the relevant cyber security agencies within Federal Government, and we have also used outside contractors to try to penetrate the system, and whatever flaws they found, we have corrected. So we are doing the best we can. In today's world, nobody can give a 100 percent assurance that we won't be hacked, but I believe we have at least as effective a protective system as anyone. The data are coded from the moment we get it, while it is in transit, and while it is at risk. There are multiple layers that people need to get through to access the data, and the access of individuals is extremely limited and those individuals who do have any access are part of the group that has taken a lifetime oath not to let anything be revealed on individual data.

So we have done everything that we can think of to deal with that problem and, to the degree that there are incursions that are successful, we will deal with those on the spot, and we are prepared to deal with them 24/7.

Mr. SERRANO. Thank you.

Mr. Secretary, I would like to ask about the Office of Space Commerce. My understanding is that this office is currently reporting directly to your office. Is that correct?

Secretary ROSS. Yes, that is correct, sir.

Mr. SERRANO. Mr. Secretary, your request to make this operational realignment last year was blocked by language which was carried in both the House and Senate appropriations reports. So can you explain to me why you have contravened explicit congressional direction? I mean, it was clear that that is not what we wanted.

Secretary ROSS. We have complied with the congressional direction. The specific direction was that we retain NAPA, an outside agency, to conduct a survey as to where the Office of Space Commerce should be located. The Congress appropriated \$1.1 million for that purpose. I am happy to report we were able to negotiate the contract down to about \$880,000. The contract has been signed, and NAPA is at work.

Mr. SERRANO. My understanding is that you are correct in what you say, except we have put language in saying: Do not move. Do not make these moves until the report is in.

Secretary ROSS. We have not moved it yet, sir. That has not been moved.

Mr. SERRANO. They should be reporting to the NOAA administrator.

Secretary ROSS. I am sorry?

Mr. SERRANO. They should be reporting to the NOAA administrator. You are saying they are reporting to you.

Secretary ROSS. I think we have reported, have we not? Yeah.

Mr. SERRANO. Well, that is not what we are hearing from NOAA. So maybe you can talk to NOAA and find out why we are getting conflicting information because—

Secretary ROSS. What is the information you are getting from NOAA, sir?

Mr. SERRANO. That they are reporting directly to you.

Secretary ROSS. No. I interact with them, but we have not moved them, nor have we raised the budget, and we look forward to continuing to work with the authorizers and appropriations in hope that we will achieve our goal of moving the office and elevating it to the secretarial level.

Mr. SERRANO. Well, then, in that case, I would hope that you can reach out to them and find out why we are getting this contradictory information.

Secretary ROSS. We will talk again with NOAA today, but whoever has told you that it has been moved is incorrect.

Mr. SERRANO. All right. Thank you.

Mr. Aderholt.

Mr. ADERHOLT. Thank you, Mr. Chairman.

Mr. Secretary, in my opening statement, I mentioned the devastating affect that tornadoes have had on the Southeast, and in truth I mentioned Alabama and Tennessee. This budget proposes a \$3.2 million increase to establish a tornado warning improvement and extension program to improve the accuracy and timelines of tornado forecasts, predictions, and warnings. However, I am concerned that this increase is more than offset by a \$5 million termination of the Vortex Southeast Program and the \$1 million reduction of the tornado severe storm research line.

My question to you is, has Vortex Southeast Program accomplished what it set out to do, or is there more still to be done?

Secretary ROSS. Well, the Vortex Southeast Program has been a success. We are very happy with it. The physical science work of former past Vortex SE field campaigns will feed into NOAA's new tornado program, which is called Tornado Warning Improvement and Extension Program, TWIEP, and that is codified in the bipartisan Weather Act. TWIEP and Vortex Southeast are distinct but complementary programs. TWIEP evaluates model improvements, probabilistic guidance products, and the changes in the warning process and in the technologies to get the information out to the public. Vortex SE studies the characteristics of tornadoes that typically occur in the southeastern United States and the public response issues that they encounter with the significant rural and vulnerable population.

Mr. ADERHOLT. If Congress were to restore the Vortex Southeast Program for fiscal year 2021, would it still, as you mentioned, complement this new Tornado Warning Improvement and Extension Program, or are the two programs in conflict and we would have to choose one or the other?

Secretary ROSS. I think we have learned the lessons that we need to learn from the vortex program, but at the end of the day,

it is you fellows who decide where we spend the monies. So we would obviously follow your guidance.

Mr. ADERHOLT. NEXRAD is a primary tool that is used by NOAA's meteorologists for issuing warnings for flash floods, for tornadoes, and for severe thunderstorms. Though the system is nearing the end of its life. According to NOAA's budget request, the Federal Government is still 20 years away from full deployment of the next generation of weather radar design, and yet this budget proposes to reduce maintenance by \$1 million and the Service Life Extension Program by \$550,000, which will reduce NEXRAD's operational building from 96 percent down to 81 percent by 2025.

What is the rationale for cutting back on this critical radar network when we are still 20 years away from fully deploying its replacement.

Secretary ROSS. Yes, sir. The \$550,000 decrease for the Service Life Extension program, SLEP, is a plan decrease that reflects the award of major contracts on the pedestal and shelter refurbishments and the generator replacement projects that are now in deployment. NEXRAD SLEP is a multiyear effort that began in 2015 and will be completed in 2024. The SLEP will extend the useful life of the NEXRAD array by approximately 15 years.

At the same time, NOAA continues to pursue research into its next-generation weather radar systems, including the phased array Radar Program. The million dollar maintenance decrease will result in deferring some routine maintenance and repair of certain components of NOAA's NEXRAD radars; namely, the radome and tower maintenance service. But in 2021, the operational ability will remain at 93 percent. So it is at a pretty high level of effectiveness.

Mr. ADERHOLT. Yeah. And what we are concerned, I guess, with is if you look toward 2025, that there would be a decrease down to 81 percent.

Let me go, continue on. We have come certainly a long way with weather forecasting, but we all know there is significant room for improvement. Currently, the United States is not the world leader in weather forecasting, but I understand that, with recent procurement of additional super computers and with the EPIC, which is the Earth Prediction Innovation Center, that with the EPIC initiative, we are positioned to significantly increase our capabilities in the coming years.

Can you talk to us about where the U.S. is headed with its weather forecasting capabilities and how this fiscal 2021 budget is critical to helping us get there?

Secretary ROSS. Surely, sir. The bipartisan Weather Act provides NOAA with the path forward on how to reclaim international leadership in weather forecasting. I thank you for supporting that legislation because implementing the Weather Act is a top priority for NOAA. The fiscal 2021 budget provides funding for a number of Weather Act mandates, including the Earth Prediction Innovation Center at \$15 million. That is the EPIC to which you referred. And that will transform how NOAA collaborates with the weather enterprise on forecast improvements. The fiscal 2021 budget request also supports a new Tornado Warning Improvement and Extension Program, TWIEP, which will advance NOAA's tornado observing

systems, thunderstorm scale computer models, and risk communication approaches.

Finally, the fiscal year 2021 budget expands NOAA's Commercial Weather Data Pilot Project and Commercial Data Purchase Program. These programs will allow NOAA to test cutting-edge technologies from the private sector and, if suitable, purchase them to further improve our weather forecast accuracy.

Mr. ADERHOLT. Thank you.

My time has run out. Thank you, Mr. Chairman.

Secretary ROSS. Mr. Chairman, we have been going now for an hour and a half. May we take a short break?

Mr. SERRANO. Yes.

Secretary ROSS. Unless it is just a little bit more to go.

Mr. CARTWRIGHT. I only have a few minutes.

Secretary ROSS. Let's just go.

Mr. SERRANO. We have only a few members, and they claim they only have a few, and I accept that so—

Secretary ROSS. All right. Well, then I will try my best to hold out.

Mr. SERRANO. They state—I am sorry. Not they claim, they state.

Mr. Cartwright.

Mr. CARTWRIGHT. Thank you, Mr. Chairman.

Secretary Ross, you were asked by my colleague, Congresswoman Meng about this 2020 congressional district Census that turned out to be a survey sent out by the Republican National Committee.

Do you recall those questions Ms. Meng had for you.

Secretary ROSS. Yes, sir.

Mr. CARTWRIGHT. I would like unanimous consent to enter this misleading survey into the record.

Mr. SERRANO. Without objection.

Mr. CARTWRIGHT. OK. Now, there is a difference though, Mr. Secretary, between this survey, which is printed out on copy paper so it is a white. The one that was sent to people was on blue paper. Were you aware of that?

Secretary ROSS. I have not seen the one that was sent.

Mr. CARTWRIGHT. The Census itself is on blue paper. Am I correct in that?

Secretary ROSS. Yes, yes.

Mr. CARTWRIGHT. So this was something that was made, deliberately made, to look like the Census. In fact, it says "2020 Congressional District Census" on the paper. So the idea is this is deliberately made to look like the Census and make people think it is the Census, and the idea is that it will mislead people. And you understand that, Secretary Ross, it will mislead elderly and/or infirm people into thinking that they have already received the Census and responded to it and so mislead them into declining to respond to the actual Census when it comes later.

You understand all of that, right?

Secretary ROSS. To the degree that were proven to be the case, we would then go the nonresponse followup; namely, a person coming around door to door to explain, and preceding that, there would be additional mailings from us to the people.

Mr. CARTWRIGHT. Well, you are the head of the Census, Secretary Ross. Is that correct?

Secretary ROSS. Well, I am the head of Commerce to which Census is a part.

Mr. CARTWRIGHT. And you are absolutely committed, are you not, to the accuracy of this Census count?

Secretary ROSS. Yes, sir, yes, sir.

Mr. CARTWRIGHT. So you would be highly atoned to any kind of scams or falsehoods or misleading mailers of this nature, wouldn't you?

Secretary ROSS. Well, as I mentioned to the Senate last week when asked a similar question, I have directed the staff at Census to review the information and provide their recommendations. And once that review has been completed, I will be happy to report back to the committee.

Mr. CARTWRIGHT. You found out about this, this Census survey, from the RNC before today, didn't you?

Secretary ROSS. Yes. I learned about it a little bit ago.

Mr. CARTWRIGHT. OK. How did you find out about it?

Secretary ROSS. Someone raised it with me. I don't recall who.

Mr. CARTWRIGHT. There was an article on the whole thing in the Los Angeles Times dated February 20 of this year. Did you see that article?

Secretary ROSS. No. I am not a normal reader of the L.A. Times, sir.

Mr. CARTWRIGHT. But you are a reader of everything that has to do with the Census, aren't you?

Secretary ROSS. I try to be, but you would be amazed how much written material there is about it nowadays.

Mr. CARTWRIGHT. Your testimony today was you haven't done anything about this mailer because you are lacking statutory authority to do that. Is that what you said?

Secretary ROSS. No. What I said was, as I mentioned to the Senate last week, I have directed the career staff at Census to see what, if anything, there is we can do about it.

Mr. CARTWRIGHT. Earlier today you said you couldn't find any statutory authority to follow up. What did you mean?

Secretary ROSS. That is correct. We have not found it as yet.

Mr. CARTWRIGHT. Well, when you mislead somebody with a mailer, that is called mail fraud. Isn't it?

Secretary ROSS. That is a legal judgment, sir, I am not qualified to make.

Mr. CARTWRIGHT. No, but lawyers are. And have you made a referral of this matter to the Justice Department for their review?

Secretary ROSS. No, I have not. I have asked the Census staff to figure out what, if anything, we can or should do about it.

Mr. CARTWRIGHT. When did you ask them that?

Secretary ROSS. Some days ago.

Mr. CARTWRIGHT. This isn't the first time the RNC did this kind of thing. After the last Decennial Census in 2010, they did the same sort of thing, and our colleague, Carolyn Maloney from New York filed a bill to make that illegal, and that bill passed. That is the law. And the question is—and it passed on a bipartisan basis, Secretary Ross. So my question is, have you done anything to see if that law applies to this mailer?

Secretary ROSS. As I said, I have asked the staff to review the question. I am not intimately familiar with that law myself.

Mr. CARTWRIGHT. I yield back, Mr. Chair.

Mr. SERRANO. Ms. Meng.

Ms. MENG. Thank you.

I wanted to ask about a different topic. A new rule shifts responsibility from the State Department to your department for making decisions about whether or not a company will get a license to post the computer code that enables the 3-D printing of firearms on the internet. Your department will now soon be responsible for deciding whether downloadable 3-D printed guns could become widely available.

The first question, do you believe that allowing the blueprints of 3-D printed guns to be available on the internet is in our Nation's best safety and security interests?

Secretary ROSS. The commerce rules were not enjoined by the litigation in the court. The BIS has posted guidance to license applications on its website, and I would direct you there. I am afraid I can't comment further due to the fact this is in continuing litigation.

Ms. MENG. You can't answer any questions about your department?

Secretary ROSS. About the litigation, no, ma'am.

Ms. MENG. OK. Do you recognize the danger of 3-D printed guns in general? It doesn't have to be in relation to your department.

Secretary ROSS. Yes, as I mentioned, we have provided advice, and the advice is that licenses would have to be applied for. As I understand it, that has not been enjoined by the court.

Ms. MENG. Do you know that 30 percent of all guns that have been retrieved in California, for example, are ghost guns?

Secretary ROSS. I am sorry, I couldn't hear.

Ms. MENG. 30 percent of all guns that are retrieved in the state of California are ghost guns. Do you know that?

Secretary ROSS. That could well be. Is there a question in that, ma'am?

Ms. MENG. No. I just asked you yes or no.

Secretary ROSS. Oh.

Ms. MENG. Do you know that the State Department has previously said that downloadable guns off of the internet could be a national security risk?

Secretary ROSS. Yes, I am aware of that.

Ms. MENG. Do you know that certain 3-D printed guns could easily pass through metal detectors without any alarms?

Secretary ROSS. Well, 3-D gun publication plans has not been relieved of an obligation to license. There has been no deregulation of it. The licensing requirement stands, as it has been.

Ms. MENG. Correct. I am just asking if you realize that 3-D guns could—because they are made of plastic could easily pass through metal detectors without setting off any alarms.

Secretary ROSS. Sure?

Ms. MENG. And do you agree—do you know that no background checks could be detected because of the needed parts to make 3-D guns?

Secretary ROSS. As I said, there is no change in the licensing procedures from what had been before.

Ms. MENG. So I wanted to, in line with that, there was a man named Cody Wilson who was at the forefront of the downloadable gun movement. He is a self-described anarchist looking to make 3-D guns available to anyone with an internet connection. Last September, he was sentenced to 7 years of probation after he pled guilty to injuring a child following accusations that he sexually assaulted a 16-year-old girl. He was required to register as a sex offender.

Do you support allowing sexual offenders to have gun licenses?

Secretary ROSS. I think that we have to consider all behavior patterns in deciding whether or not to give a license, and that would certainly be something that one would view with great severity.

Ms. MENG. Would I be able to get you and the Commerce Department to commit to not issuing a license to this sex offender or anyone else seeking to post downloadable gun computer codes online?

Secretary ROSS. Well, we, as I say, are not changing anything to do with the licensing procedure. We have no intention—assuming that the litigation is resolved, we have no intention of weakening any of the provisions.

Ms. MENG. OK. Thank you.

I yield back.

Mr. SERRANO. Mrs. Lawrence.

Mrs. LAWRENCE. Yes, Mr. Secretary, and I hope this will be the last question. But I wanted to give you some information. The RNC attempted to do the same mailer in 2010. Congress passed, on a bipartisan basis—as a matter of fact, it was 416 to zero—The Prevent Deceptive Census Look Alike Mailing Act to prohibit mailers that could cause Americans to believe that they had already filled out the Census. Again, the DNC modified the mailer to bypass the law and the action again drew bipartisan rebuke. Former Representative Jason Chaffetz, a chairman of the Oversight Committee, sent a letter to the chairman of the RNC urging, and I quote: I write today to ask you to seriously reconsider the use of such deceptive and misleading tactics. Simply put, the RNC should not invoke the Official U.S. Census as a means to confuse and deceive recipients of the mailer and to opening it, thinking that they are complying with their civic duty.

Then the Ranking Member, Darrell Issa introduced legislation to clarify the emphasis in which the term “Census” can apply on mailers. Just as before, this legislation passed unanimously through both Chambers and was signed into law.

So, again, I am challenged with how you have this disconnection and you are just looking at it when we have laws on the books and the Republican Party itself has led the legislation to stop this behavior, yet again, 10 years later, here we are using the same tactics.

So, Secretary Ross, there are some things that, if you are challenged and don't know what to do with it. There is the Postal Inspection Service, who can investigate based on law. And it is also the Department of Justice because we have law to regulate this.

And for you as the Secretary to just kind of like “I don’t know what to do; we are looking into it,” have your department research law.

Thank you.

Secretary ROSS. Well, we do not believe we have the statutory authority. If it is the case that the Postal Service does or DOJ does, then they are the appropriate parties to enforce. We don’t have, as far as we can tell, the unilateral enforcement authority.

Mrs. LAWRENCE. So, Mr. Ross, if another group just makes up a Census form, starts knocking on doors, going door to door, you would say, “I have no jurisdiction over that, yes, I know other groups are out there, it is not my responsibility,” is what I am hearing?

Secretary ROSS. We lack the authority.

Mrs. LAWRENCE. But you have law on the books.

Secretary ROSS. Well, if there is a law on the books, then those people who are charged with enforcing it are the ones who should enforce it.

Mr. CARTWRIGHT. Have you recommended that they enforce the law?

Secretary ROSS. We do not have the enforcement—

Mr. CARTWRIGHT. Did you recommend to those who have the authority to enforce the law?

Secretary ROSS. I think they should do what their legal counsel tells them they are obliged to do under the law.

Mrs. LAWRENCE. Mr. Secretary, I just want you to know that I just find those answers to be confusing and unacceptable because the Census we have allocated over and for 2020 \$6.7 billion to conduct the Census. That is our taxpayer dollars and, you know, you have given your answers, but I find them unacceptable.

Thank you.

Secretary ROSS. I am sorry, but we don’t have the authority to do some of the things that you might like us to do.

Mr. SERRANO. Thank you.

Mr. Secretary, before we close, let me just tell you that this committee, as you can see, is very much interested in how we conduct the Census, and it is very hard around here, almost impossible to get a bipartisan bill passed with no opposition. And that bill was clear that these kind of behaviors were not to be accepted. So who enforces it, I think it behooves you and other people in the administration to find out from each other who enforces it so it doesn’t happen again, we can deal with what is happening right now, please.

And I thank you for your testimony today. There will be more questions for the record. In a friendly way, I ask you to please consider answering those questions much sooner than last year’s questions we just got answered 4 days ago because we are cutting the hearing at this point, but the questions are still important to us and we need the answers.

Secretary ROSS. Thank you, sir.

Mr. SERRANO. Thank you. And thank you and the subcommittee is adjourned.